

THE UNIVERSAL PERIODIC REVIEW – AND ITS RELEVANCE FOR SDC



The Universal Periodic Review (UPR) is a fairly new and innovative multilateral human rights mechanism. It is attached to the United Nations Human Rights Council and seeks to improve the human rights situation in every UN member state. Switzerland has been a driving force behind the creation of this mechanism. How does the Universal Periodic Review work? How can SDC contribute to this mechanism and how can the UPR be used to monitor policy outcomes? What have been SDC's experiences and challenges to date? This factsheet explains key facts about the UPR and how SDC can make use of this mechanism for its work.

What is the Universal Periodic Review?

The UPR process comprises four key stages:

- 1) **Preparation of Information:** This stage entails the preparation of information for the review. Three reports form the basis for the review:
 - a) The national report – prepared by the Government;
 - b) Compilation of UN information - prepared by the Office of the High Commissioner for Human Rights (OHCHR),

- c) The stakeholders report – a summary of information provided by human rights defenders, national human rights institutions, academic institutions, non-government organizations, etc.

2) **Review:** The actual review takes place in Geneva and lasts for 3.5 hours. The state under review presents its national report and responds voluntarily to written questions submitted ahead of the review. An interactive dialogue follows during which all other UN member states may express their views. They may commend a state for progress in a given field, express concern over certain developments and issue concrete recommendations on how to improve the human rights situation in the country under review. During the interactive dialogue the country under review may respond to statements as well as recommendations.

3) **Outcome Report:** The outcome of the review is reflected in the outcome report. The report summarizes the discussion as well as all recommendations made during the review. The state under review may then be given time (until after the next human rights council session) before it pronounces its final views (acceptance or rejection) on each recommendation. By accepting recommendations, the country under review makes a political commitment vis-à-vis its peers and pledges to address identified shortcomings.

4) **Implementation of Recommendations:** Following the outcome, the country under review then uses the period (4.5 years) in-between reviews to implement its commitments with concrete actions at the national level. At the next review, the country will account for progress made and particular attention is paid to achievements since the last review.

Recommendations emanating from the UPR review are not legally binding on States. Nevertheless, they can be a powerful political tool to hold countries to account with regards to their human rights record. Also, the UPR is applicable to every UN Member State, irrespective of whether a country has ratified

a given human rights treaty. That also means that all human rights issues can be raised during the review process (civil and political rights; economic, social, cultural rights; rights of specific groups, etc.) In that respect, the UPR is separate from but complements other monitoring and reporting mechanisms, such as the UN treaty bodies, as well as the special procedures set up by the UN Human Rights Council.

At the country level, the Government becomes accountable towards its people. The UPR process gives civil society, national human rights institutions and academia a formal role in the review. Through the stakeholder report they formulate their key positions and priorities they want to see addressed by the government. On the basis of their report and through targeted advocacy, they are able to influence positions and recommendations of countries conducting the peer review. The process thus contributes to increased checks and balances at the country-level and is designed to keep pressure on Governments to deliver on their commitments before the next review is due.

Last but not least, the UPR mechanism is a public mechanism. All three reports that form the basis for the review are published. The same goes for recommendations issued by peer countries as well as responses and commitments made by countries under review. Additionally, the inter-active dialogue is broadcast live on web TV. The public nature of the process thus fosters transparency and accountability and promotes access to relevant information for all stakeholders, which in turn are enabled to advocate for tangible progress.



Why is the UPR relevant for SDC?

Foreign Policy Coherence

SDC Programs are part of Switzerland's foreign policy and engagement abroad and SDC's views are relevant for the formulation of Switzerland's positions in multilateral processes such as the UPR. This is particularly the case in partner countries where SDC is the only entity representing Switzerland and/or strongly engaged in human rights through its bilateral programs. SDC programs, for example, may directly contribute to the furthering of human rights in a partner country, or conversely, the human rights situation in a given country may positively or negatively impact on SDC programs or those of its partners. SDC thus has an important role in shaping Switzerland's positions, priorities, and recommendations vis-à-vis countries under review. It also has an important role in promoting respect for human rights at the national level, including through policy dialogues, and through bilateral programs. The UPR process presents a unique opportunity for creating synergies with these core activities.

Strengthening Accountability

The UPR is essentially an accountability mechanism. On the one hand it strengthens accountability of a country vis-à-vis the international community and on the other hand vis-à-vis its people. At the international level, the country under review makes a political commitment vis-à-vis its peers, the international community. It becomes accountable to deliver on its promises to improve the human rights situation and is measured against these through the review mechanisms.

Creating Synergies with SDC programming

The UPR process does not only lead to the identification of human rights shortcomings, but also of possible support and technical assistance a country might require. It therefore outlines opportunities for SDC to engage on human rights with a partner country. Recommendations accepted by countries are obvious entry points for SDC programming, as they represent national commitments and priorities.

SDC may furthermore use the mechanism as a policy tool for its work in partner countries. By engaging with the UPR process, SDC contributes to Switzerland's position vis-à-vis the country under review, including with regards to concerns and ways forward for dealing with human rights challenges. This engagement permits the creation of synergies with policy dialogues that SDC conducts with partner countries, which should build on recommendations made during the UPR as well as commitments made by countries under review.

Enhancing Context and Program Monitoring

The UPR is a suitable instrument for monitoring both programs and context in a partner country. The recurring review process (which in some countries include a mid-term progress report in-between two UPR reviews), the accessibility of national reports, stakeholder reports, as well as Government responses to concrete recommendations allow for the identification of improvements and/or worsening of the human rights context. For SDC, thus, the UPR process should be considered as an important source for the MERV assessment.

Additionally, the UPR process may be used for monitoring program outcomes. The SDC Afghanistan cooperation strategy (2015-2018), for example, includes in its domain of intervention (Governance and Human Rights) the implementation of key recommendations from the UPR as an outcome indicator.

As below examples show, SDC to date has engaged extensively with the UPR mechanism, both by shaping Switzerland's positions and recommendations, as well as by strengthening the in-country mechanisms.

How can SDC engage with the UPR process?

SDC to date has made use of the UPR process as a means to enhance accountability at the national level, as a process to support Government reform agendas, as a tool to create synergies with SDC programs, and as a basis for policy influencing. SDC furthermore has contributed to the formulation of Switzerland's position in the UPR review process, drawing on its programmatic experiences and priorities. Below examples provide an overview of SDC's engagement with the UPR process to date.

In **Pakistan**, SDC organized an in-country training session for eight journalists about the UPR process and subsequently supported their attendance at Pakistan's UPR review in Geneva. As a result, 25 articles, one special edition, one radio program, as well as multiple press releases were published in Pakistani media. These covered the UPR process as well as Pakistan's responses and commitments with regards to the human rights situation. SDC support thus enhanced in-country accountability and strengthened media's role in the process.

The SDC office in **Afghanistan** coordinated Switzerland's recommendations ahead of the review with other key donor countries. Among others, the Swiss recommendation on transitional justice was accepted by the Government of Afghanistan, which SDC then took up again in its policy dialogue with the Government. SDC Afghanistan further supports the Government in preparing the national report and in tracking the implementation of UPR recommendations, and it supported an Afghan non-governmental organization in contributing to the stakeholder report.

SDC in **Bolivia** supported a civil society led process aimed at ensuring the implementation of Bolivia's first cycle UPR commitments, and at consolidating civil society's position for the country's second cycle review. SDC's support resulted in large-scale capacity-building and consultation processes that involved a total of 542 civil society organizations country-wide as well as the national human rights institution and the Government of Bolivia. The support led to concerted civil society advocacy, nationally as well as internationally, which in turn shaped the position

and recommendations of countries participating in Bolivia's review. SDC itself actively contributed to the formulation of Switzerland's recommendations to Bolivia and seeks to create synergies between these and programs within its human rights and justice portfolio.

The Human Security Division, in close collaboration with SDC **Tajikistan's** Rule of Law / Access to Justice program, supported the Government's implementation of UPR recommendations emanating from the first review. Specifically, Switzerland facilitated the elaboration of a national implementation plan with the participation of governmental counterparts, as well as civil society actors, which was subsequently endorsed by the Government.

SDC in **Honduras** uses the UPR process as an entry point for its bilateral human rights program. The program explicitly seeks to support the implementation of UPR recommendations as an important contribution towards the improvement of the human rights situation in the country. SDC and the Swiss embassy were engaged in a dialogue and consultation process with Swiss and Honduran civil society organizations, both in Honduras and in Switzerland. These exchanges provided the Swiss Government with important feedbacks and appraisals on the human rights situation in Honduras and were seminal to the formulation of the Swiss statement during the review. Workshops organized in that context were equally useful for civil society actors as they enhanced their knowledge about the UPR process and provided an opportunity for coalition building and networking.

Challenges and good practices

Contributing to the formulation of Switzerland's positions and recommendations

Switzerland's positions and recommendations to other countries are circulated and consulted among relevant entities within the administration via ch@world and the formulation and consultation process of these is subject to tight timelines. The FD-FA's Human Security Division typically circulates the first draft statement and invites comments from interested services within one week. SDC might use this time window to contribute to the formulation of statements. In countries where it has a strong human rights profile through its programs, SDC may consider circulating its key points ahead of the first draft's circulation or may provide its inputs to the Human Security Division directly in advance.

The Global Program on Migration and Development has chosen that approach and pro-actively shaped Switzerland's position and recommendations on Kuwait during the second cycle review. It circulated its priority recommendations before a first draft statement was formulated and in this way successfully

influenced Switzerland's position and recommendations, which centered on the treatment of foreign workers.

Countries that participate in the review have a maximum of two minutes to read their statements, most of the times even less. Switzerland therefore limits its recommendations to a maximum of three. Recommendations proposed by SDC need to be succinct and concise and possibly be bolstered by arguments why these should be taken up. It must be kept in mind that the recommendations are a reflection of Switzerland's foreign policy priorities in the area of human rights, and are subject to internal consultation with all relevant offices. SDC staff are also advised to consult the compendium that lists Switzerland's previous statements as well as country responses to Swiss recommendations (see link below).

In addition to or instead of formulating recommendations, SDC may consider proposing written questions to the state under review. Although states voluntarily respond to questions, the formulation of advance questions enables SDC to prioritize its key concerns and ensure that all of these points can be raised despite the limited number of recommendations. Advance questions need to be submitted approximately 2–3 weeks ahead of the actual review, and are equally consulted via ch@world. SDC staff are encouraged to follow the entire consultation process. SDC's CHR team coordinates the UPR process within SDC and is available to provide support including advice with regards to the formulation of statements.

Supporting the UPR process in-country

Supporting the UPR process in-country requires planning ahead of time. UPR schedules are set several years ahead of the review with important deadlines that need to be taken into account. National or stakeholder reports that form the basis for the review are due several months ahead of the actual review in Geneva. It is therefore important to consult the timeline early on in order to plan support accordingly.

Civil society organizations that enter country-wide coalitions, reach beyond "elite" NGOs located in capitals, and agree on key positions and recommendations tend to be more effective in shaping UPR recommendations than a scattered array of a variety of civil society actors expressing competing and widely differing views. In supporting civil society organizations, SDC should therefore consider support for coalition-building processes, including consultation and validation processes outside capitals – an approach showcased by SDC in Bolivia.

SDC's in-country engagement is typically directed at civil society organizations as well as governmental counterparts and national human rights institutions. The UPR process not only enhances Government accountability at the national level but also

offers opportunities for dialogue and constructive engagement between civil society and Government counterparts. SDC should consider supporting such dialogue and cooperation platforms between Government, national human rights institutions and civil society with a view of enhancing cooperation during the review process as well as in the implementation of recommendations.

In countries with important aid portfolios, SDC is advised to consult its messages ahead of time with other like-minded donors. Raising key human rights issues in a consistent and coordinated manner among several countries lowers the risks of exposure for any given country, and coordinated messages are given additional weight. Also, certain countries may be in a better position (due to historical, political, or economic ties with the country under review) to raise particularly sensitive issues, and a close coordination among like-minded countries will ensure that key messages are brought up during the review.

Links to additional resources

- Official Documentation by Country: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>
- OHCHR Information about the implementation of UPR Recommendations: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>
- UPR Schedules: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- UPR Webcasts: <http://webtv.un.org/>
- NGO information on the UPR: <http://www.upr-info.org/en>
- FDFA Publication: "The Human Rights Council – a practical guide," https://www.eda.admin.ch/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en
- Link zu UPR auf ch@world: <https://www.chatworld.eda.admin.ch/Pages/Folder.aspx?fldid=140878>
- Link zu Compendium der CH Statements auf ch@world: <https://www.chatworld.eda.admin.ch/Pages/Record.aspx?recid=140879&tab=Documents>

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Fotos: Human Rights Council
Photo of a Bolivian Human Rights Defender and SDC partner during national UPR consultations

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