

21Wilberforce / University of Stirling

Optimizing Civil Society Engagement for Implementing UPR FoRB Recommendations

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Introduction

Since 2008, the United Nations Human Rights Council (HRC) has utilized its Universal Periodic Review (UPR) process and peer-reviewed mechanism to evaluate the human rights records of all UN Member States and make recommendations for improving the records of the reviewed States. From the beginning, Civil Society Organizations (CSOs) have played a role in influencing the outcome of reviews. CSOs have sought to engage in the process to achieve their stakeholder objectives and influence the human rights behavior of States. However, despite various studies and anecdotal correlations offered as evidence, many questions remain unanswered as to the efficacy and effectiveness of CSO engagement in the UPR process and whether or to what degree their strategies/actions influence States to accept and implement UPR recommendations they receive. Furthermore, even if CSO efforts do make a difference, there have been few studies conducted related to whether the engagement strategies and efforts of CSOs have been effectively designed and implemented for maximum impact.

This report examines how CSOs can best engage in the UPR process to effectively encourage and influence countries to improve their Freedom of Religion, Belief, and Conscience (commonly referred to by the acronym "FoRB") human rights records. The study hypothesizes that by intentionally engaging in specific practices at strategic points in the HRC's UPR process, CSOs have the potential to help influence the narrative content and recommendations in review outcome reports for States under Review (SuRs), encourage SuRs to accept and adopt ("Support") those recommendations, and help then encourage those SuRs to take measurable steps to implement the recommendations they have agreed to support. This hypothesis is predicated upon several core assumptions of CSO agency that will be examined and integrated into the findings of this research.

- 1) CSO engagement can influence the narrative and content of the review's outcome report and the substance of what is included in the respective report's recommendations.
- 2) Actions taken by CSOs can potentially influence whether States accept and adopt ("Support") or reject ("Note") those recommendations.
- 3) Actions taken by CSOs can help hold accountable and/or influence whether and to what degree States implement the recommendations they have agreed to support.

This report sets out to examine and evaluate these assumptions and then both identify and highlight insights and best practices for CSOs to influence the formation of recommendations made in UPR reports and to monitor and facilitate the implementation of those recommendations. Specifically, this research focuses on:

- 1) Identifying and analyzing impact drivers and optimal engagement of CSOs in forming UPR FoRB recommendations and in supporting and advocating for these recommendations during the three-year implementation phase (following publication of the country reports) for facilitating the implementation of FoRB-related recommendations; and
- 2) Key strategies and tactics used by civil society organizations that can be modeled and adopted by others.

This report is organized as follows.

- The first chapter examines the HRC's UPR process and the role of CSOs in the UPR's various stages.
- The second chapter looks at FoRB recommendations and the UPR process. Using UPR-Info's searchable database of all UPR recommendations and related records, the chapter analyzes all FoRB recommendations made during the first three UPR cycles and looks at correlations between characteristics of submitted recommendations and the degrees to which they are supported and implemented. The chapter also covers a review of research studies and literature related to the effectiveness of the UPR on State human rights behavior, CSO engagement in the UPR process, and FoRB and UPR recommendations.
- The third chapter focused specifically on CSO strategies and actions in the UPR process related to FoRB. This section covers input and insights of CSOs who were interviewed by the research team or who provided information in surveys.
- The next section covers project conclusions and offers suggestions for future research.
- Background and reference annexes.

Human Rights Council and the Universal Periodic Review (UPR)

The protection of human rights has been integral to the United Nations since its founding and ratification of its Charter in October 1945. Within the United Nations' six main organs (General Assembly, Security Council, Economic and Social Council, Secretariat, International Court of Justice, and Trusteeship Committee), and among the hundreds of sub-organs, commissions, funds, courts, departments, agencies, programs, offices, etc, there are bodies specifically formed by the UN to promote and monitor human rights. These include the Commission on Human Rights (CHR), the Human Rights Council (HRC, subsidiary organ of the General Assembly)—created in 2006 to replace the CHR; the Office of the High Commissioner for Human Rights (OHCHR, an office of the UN Secretariat); human rights treaty bodies; and the Social, Humanitarian & Cultural Issues Committee (SOCHUM, one of six main committees of the General Assembly). In addition to these main bodies, this report will also look at the function and role of the United Nations NGO Committee on Freedom of Religion and Belief, a subcommittee of the Economic and Social Council (ECOSOC)'s UN Committee on Non-Governmental Organizations.

Each of these bodies plays important roles, but this study focuses on the Human Rights Council's review mechanism and the role that CSOs can play. Descriptions of other related UN bodies and key mechanisms and terms are defined and described in the Annexes at the end of this report.

The Human Rights Council (HRC)

Established in 2006, the Human Rights Council (HRC), a subsidiary body of the UN General Assembly, is the primary intergovernmental body within the United Nations system created with the mandate to "promote and protect all human rights for all".

The HRC meets at the United Nations Office in Geneva, Switzerland, and is a multilateral forum for addressing human rights situations and violations in UN Member States, responding to human rights emergencies, peer-reviewing Member States human rights records, and making recommendations for improving human rights in the countries being reviewed. The Office of the High Commissioner for Human Rights (OHCHR), a department of the UN Secretariat, provides substantive, technical, and secretariat support to the HRC.

The Council is made up of 47 Member States, which are elected individually in staggered elections by the General Assembly for three-year terms, with one-third (14–18) of the 47 members elected each year. The Human Rights Council starts its yearly membership cycle on January 1.¹ The members are elected by a majority vote in a direct and secret ballot, with seats equitably distributed among the five UN regional

¹ In accordance with General Assembly resolutions 60/251 and 65/281 and decision 75/402 from "United Nations, Main Body, Main Organs, General Assembly." United Nations. Accessed November 1, 2023. <https://www.un.org/en/ga/77/meetings/elections/hrc.shtml>

groups. The members serve for three years and are not eligible for immediate re-election after two consecutive terms.²

The Council began its work during its first session from 19-30 June 2006. A year later, on 18 June 2007, the Council adopted its 'Institution-building package' ([A/HRC/RES/5/1](#)), which details procedures, mechanisms, and structures that form the basis of its work. The package established four subsidiary mechanisms, including the Advisory Committee, the Complaint Procedure, and the Universal Periodic Review (UPR) mechanism. "The mechanism was further refined during the review process through resolution 16/21 and decision 17/119. These two documents provided the necessary modifications of modalities for the review in the second and subsequent cycles."³

- **The Human Rights Council's Special Procedures** -- The UNHRC works with the Office of the High Commissioner for Human Rights (OHCHR) and the UN's special procedures. The Human Rights Council's Special Procedures are independent human rights experts appointed by the Council who report and advise on human rights issues and make recommendations for the implementation of those rights.⁴ The Special Procedures are non-paid and elected for 3-year mandates that can be renewed for another three years. Many titles, including Special Rapporteurs, Special Representatives, Working Groups, and Independent Experts refer to them. The Special Procedures monitor human rights violations in specific countries or examine global human rights issues. They produce reports after their country visits. These reports provide detailed information on the country's human rights situation, including specific challenges and areas of concern.
- The **Human Rights Council Advisory Committee (HRCAC)** is a group of 18 experts who provide advice to the Human Rights Council on thematic human rights issues. The HRCAC was established in 2007 and replaced the UN Sub-Commission on Human Rights. It is made up of independent experts from different professional backgrounds and regions of the world. The HRCAC's studies and reports have led to the drafting of international instruments.
- The **Human Rights Council Complaint Procedure** is a confidential procedure for addressing consistent patterns of human rights violations. The procedure was established in 2007 by the United Nations Human Rights Council. The procedure is not suitable for individual cases unless they are representative of a pattern of violations.⁵ Complaints should include
 - A description of the facts, including the identification of victims and suspects
 - A detailed description of the events when the violation took place
 - A description that reveals the existence of a consistent pattern of violations

² Human Rights Council: Council membership and elections. United Nations. Accessed November 3, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/about-council>

³ HRC Resolution 5/1. Institution-building of the United Nations Human Rights Council from OHCHR. Accessed November 1, 2023. http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc

⁴ Welcome to the Human Rights Council | OHCHR. Accessed November 1, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/about-council>.

⁵ Welcome to the Human Rights Council | OHCHR. Accessed November 1, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/about-council>.

- **Universal Periodic Review (UPR)**—an evaluation of all UN members’ human rights records with optional recommendations for improvement.^{[343] [344] [345] [346] [347] [348] [349]} The UPR is discussed in more detail in the following sections.

The UN summarizes the functions of the HRC today as follows:⁶

- *Serves as an international forum for dialogue on human rights issues with UN officials and mandated experts, states, civil society, and other participants;*
- *Adopts resolutions or decisions during regular sessions that express the will of the international community on given human rights issues or situations. Adopting a resolution sends a strong political signal which can prompt governments to take action to remedy those situations;*
- *Holds crisis meetings known as special sessions to respond to urgent human rights situations, 36 of which have been held to date;*
- *Reviews the human rights records of all United Nations Member States via the Universal Periodic Review;*
- *Appoints the Special Procedures, independent human rights experts who serve as the eyes and ears of the Council by monitoring situations in specific countries or by looking at specific themes; and*
- *Authorizes commissions of inquiry and fact-finding missions, which produce hard-hitting evidence on war crimes and crimes against humanity.*

The UPR Mechanism

The Universal Periodic Review (UPR) is a unique process of the HRC that involves a periodic peer-review of the human rights records of all UN Member States every 4.5 years (i.e., UPR Cycle). Based on equal treatment for all countries, the UPR is designed to measure the performance of Member States against their human rights obligations set out in

- the UN Charter, the Universal Declaration of Human Rights,
- the relevant human rights treaties to which each state is a party,
- voluntary pledges and commitments made by the State (e.g. national human rights policies and/or programs implemented), and
- applicable international humanitarian law.

The UPR mechanism was established on 15 March 2006 by the UN General Assembly in resolution 60/251⁷. This resolution mandated the Council to "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and

⁶ Human Rights Council: Council membership and elections. United Nations. Accessed November 3, 2023.

<https://www.ohchr.org/en/hr-bodies/hrc/about-council>

⁷ Resolution adopted by the General Assembly on 15 March 2006 - 60/251. Human Rights Council. United Nations. Accessed November 1, 2023. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/RES/60/251&Lang=E>

commitments in a manner which ensures universality of coverage and equal treatment with respect to all States". The UPR process was further defined in HRC resolution [5/1](#) and would be conducted in an objective, constructive, non-confrontational, and non-politicized manner. The role of civil society within the UPR was also set out, as the HRC agreed to ensure the participation of all relevant stakeholders, including non-governmental organizations (NGOs) and national human rights institutions (NHRIs).⁸

The nature of the review of each Member State by its UN peers is intended to encourage constructive dialogue and cooperation to prompt, support, and expand the promotion and protection of human rights around the globe. Each Member State is given the opportunity to declare actions or progress made to improve human rights standards within their state since previous reviews. As well as addressing any human rights violations that may occur, the UPR provides a unique opportunity for Member States to offer advice and assistance to overcome challenges facing international human rights standards. States under review receive recommendations – informed by multi-stakeholder input and pre-session reports – from UN Member States for continuous improvement.

When are the reviews?

During each 4.5-year UPR cycle, a set number of Member States are reviewed each year in three two-week review sessions convened in January/February, April/May, and October/November. Up to 14 countries are reviewed each session, with 42 countries reviewed each year and all 193 State members of the General Assembly reviewed over the course of each UPR cycle.⁹

Since the first periodic review in 2008, all UN Member States have been reviewed three times. Each UPR Cycle begins with the first session. The first UPR cycle was four years (2008–2012), the second was extended to four and a half years (2012–2016), and the third lasted five years (2017–2022). The fourth cycle of review began in November 2022 at the 41st session of the UPR Working Group and will end in January 2027.

Order of Review

All Member States of the Council are reviewed during their term of membership with the initial member States of the Council, especially those elected to one or two-year terms, reviewed first. Following these member reviews, a number of member or observer States of the Council are reviewed that represent an equitable geographical distribution of States being reviewed.¹⁰

The Role of CSOs in the UPR

Non-governmental organizations (NGOs) and other civil society organizations (CSOs) have played an active and influential role within the UN human rights system since the establishment of the UN. The UN defines CSOs and NGOs as non-profit, voluntary citizens' groups that are organized on local, national or

⁸ Universal periodic review | OHCHR. Accessed November 1, 2023.

<https://www.ohchr.org/en/hr-bodies/upr/upr-home>.

⁹ UPR sessions | OHCHR. Accessed November 3, 2023. <https://www.ohchr.org/en/hr-bodies/upr/upr-sessions>.

¹⁰ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 141. | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

international levels.^{11,12} While the term 'NGO' is sometimes used interchangeably with 'CSO', NGOs are generally defined as a subset of CSOs.¹³ Tomlinson highlights that "Constituency-based organizations, such as trade unions or professional associations, for example, often do not self-identify as NGOs, but rather as CSOs."¹⁴ When the United Nations was created in 1945, its Charter under Article 71 of Chapter 10 addressed NGO participation and created the Economic and Social Council (ECOSOC), which was tasked with consulting with NGOs on relevant matters. As of 2023, there are 3,287 NGOs in consultative status with ECOSOC.¹⁵ From the outset, there have been barriers and solutions to NGO/CSO participation at the UN.¹⁶

NGOs/CSOs participate in the UPR process in various ways including providing factual information to the human rights monitoring process, lobbying for new treaties, submitting individual complaints to human rights treaty bodies, and influencing state recommendations. Fiona McGaughey undertakes an extensive analysis of the historical role played by NGOs within the UN human rights system in her book [Non-Governmental Organizations and the United Nations Human Rights System](#).

In the context of the UPR, NGOs can make written submissions to the process but only NGOs in consultative status with the United Nations Economic and Social Council (ECOSOC) can participate in the Human Rights Council's sessions as Observers. Although the role of NGOs was originally envisaged to submit written statements and make oral interventions in the preliminary session of the HRC, they are now participating in the process in the following ways:

- Participate in national consultation processes
- Submission of information for the UPR Stakeholders' report
- Attend regular sessions of the UPR (NGOs in consultative relationship with ECOSOC);
- Attend sessions of the Working Group on the UPR (ECOSOC accredited NGOs);
- Make oral interventions at the Plenary Session of the Human Rights Council (ECOSOC accredited NGOs); and
- Organize "parallel events" on issues relevant to the work of the Human Rights Council;
- Disseminate the outcome of the UPR at the national level;
- Submission of UPR mid-term reports.

Resolution 5/1 stipulates the involvement of various pertinent actors throughout the process. This includes the engagement of regional intergovernmental organizations, national human rights institutions

¹¹ <https://www.un.org/en/get-involved/un-and-civil-society>

¹² <https://www.un.org/en/civil-society/page/about-us>

¹³ Brian Tomlinson, Working With Civil Society in Foreign Aid, September 2013, <https://www.undp.org/publications/undp-working-civil-society-foreign-aid>.

¹⁴ Ibid.

¹⁵ <https://ecosoc.un.org/en/ngo/research/united-nations-and-ngo>

¹⁶

<https://ecosoc.un.org/sites/default/files/NGO%20Page%20Files/Research%20Pages/United%20Nations%20and%20NGOs/BarriersSolutions.pdf>

(NHRIs), and representatives from civil society, encompassing ‘non-governmental organizations (NGOs), human rights defenders, academic institutions, and research institutes’ at appropriate phases.¹⁷

Attendance at sessions of the Working Group on the Universal Periodic Review (UPR) and Human Rights Council mandates consultative status with the United Nations Economic and Social Council (ECOSOC). Nonetheless, civil society entities can actively engage with the UPR by:¹⁸

- Engaging in consultations conducted by Governments during the preparation of their national reports on the human rights situation in their respective countries.
- Formulating submissions addressing the human rights conditions in States under review, with the potential for inclusion in the OHCHR-prepared summary of stakeholders' submissions. The Working Group takes this summary into consideration during its review of States.
- Participating in the monitoring and follow-up of the outcomes of reviews.

Phases of the UPR Process

The UPR process is often categorized as having three main stages: Pre-Review; Review; and Post-Review. This report further splits the process into five key phases, during which key actors and stakeholders perform different roles. Although the UPR emphasizes peer-review dialogue as the driving force behind state cooperation, there are numerous opportunities for civil society and other stakeholders to engage with the process and promote and address key human rights issues.

Phase 1 – Before the Review: Preparation of Pre-session Documents

Phase 2 – The Review: UPR WG Review and Report

Phase 3 – Between WG and HRC Plenary Session

Phase 4 – HRC Adoption and Report

Phase 5 – National Implementation and Follow-up Midterm Report

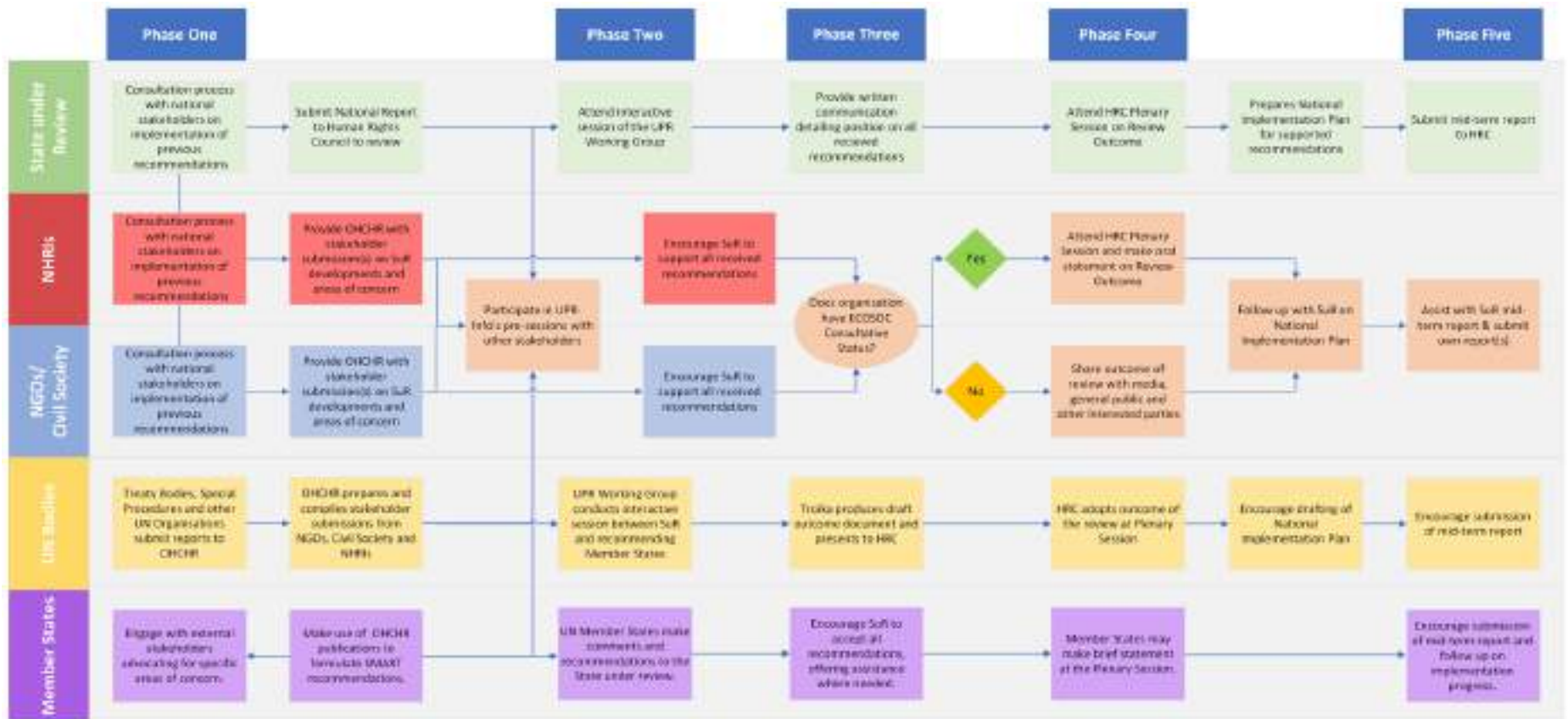
¹⁷ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 138. | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

¹⁸ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 138. | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

UPR Phases and Actor Roles



Phase 1- Prior to the Review: Preparation of Pre-Review Session Documentation

The body within the Council that conducts the review of each State is the Working Group on the UPR, whose membership includes all 47 State members of the Council. Each year the Working Group selects and schedules 42 States for review over that year's three two-week sessions. The Working Group conducts 14 scheduled reviews during each session. The order of reviews remains the same as in the first cycle.

The first phase of the UPR involves the drafting of reports that identify progress made in the implementation of recommendations made during the previous cycle, and any new areas of concern that are to be addressed during the Working Group's interactive dialogue. Once States are scheduled for review, pre-review preparations begin and are largely related to the preparation, submission, and publication of documentation that serves as the foundation of the peer review by the Working Group.

Guidelines for Compiling Information for Reviews¹⁹

- In decision 6/102, the Human Rights Council established the General Guidelines for compiling information in the Universal Periodic Review (UPR). These guidelines are applicable to States, other stakeholders, and the Office of the High Commissioner for Human Rights (OHCHR) responsible for document preparation. They specify that the information submitted for reviews should comprise of: An Overview of the methodology and the extensive consultation process employed in preparing the provided information.
- The foundational structure and context, with a specific emphasis on normative and institutional aspects, governing the advancement and safeguarding of human rights within the State. These include the 'constitution, legislation, policy measures, national jurisprudence, human rights infrastructure (such as National Human Rights Institutions - NHRIs)', and the extent of international obligations specified in the "basis of review."; Examination of the practical promotion and protection of human rights, covering the execution of international human rights obligations mentioned in the "basis of review," national laws, voluntary responsibilities, NHRI activities, public awareness initiatives, and collaboration with human rights systems; and
- The recognition of accomplishments, exemplary approaches, obstacles, and limitations.

HRC's decision 6/102 established the General Guidelines for the preparation of the three types of documentation upon which country reviews are based: 1) SuR's National Report; 2) OHRCHR's

¹⁹ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 142-43. | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Compilation of UN Information; and 3) OHCHR's Summary of Stakeholder Information.^{20,21} The OHCHR is responsible for collecting this information, which it makes available on the UPR section of its website at least six weeks before the review.

Documentation

National Report/SuR Presentation (20 page)

The SuR presents to the OHCHR the information it has prepared for its review by the HRC. This information may take the form of an oral or written national report. The information/report must be submitted to the OHCHR about 12-13 weeks before the review date.

States under review prepare their national reports according to HRC guidelines adopted by the Council at its sixth session on 27 September 2007.²² If written, the report must not exceed 20 pages (10,700 words) and should include, inter alia, key human rights developments since the previous review, progress made on the implementation of supported recommendations and any challenges that have arisen, and any requests for technical assistance. Because this is an extensive report, the HRC encourages the State to engage in a broad and meaningful consultation process with a range of stakeholders, including representatives from civil society, local/national NGOs, and National Human Rights Institutions ([HRC Resolution 5/1, Article 15 \(a\)](#)). The drafting process should begin well before the submission deadline, as many areas of concern are to be thoroughly addressed.

While consultation between SuR and CSOs may occur, the narrative and concerns of CSOs may not be reflected in the National Reports, as illustrated in the case study of Indian nationalism by Chaney (2020)²³. An examination of CSO submissions from India concerning FoRB rights revealed that concerns presented as religious-based violence constituted the majority of submissions (41% of FoRB-related content). However, this aspect was not mirrored in the national report, reflecting the importance of active CSO involvement to address the incomplete portrayal of India's human rights situation.²⁴

Compilation of UN Information (10 pages)

The second of the three key pre-session documents is a summary report prepared by the OHCHR of information submitted by relevant UN human rights treaty bodies, reports from Special Procedures (independent human rights experts and groups)/Special Rapporteurs on thematic

²⁰ <https://www.ohchr.org/en/hr-bodies/upr/documentation>

²¹ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 142-43. | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

<https://www.ohchr.org/sites/default/files/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>

²² <https://www.ohchr.org/en/hr-bodies/upr/documentation>

²³ Paul Chaney, "India at the Crossroads? Civil Society, Human Rights and Religious Freedom: Critical Analysis of Csos' Third Cycle Universal Periodic Review Discourse 2012–2017," *The International Journal of Human Rights* 24, no. 5 (August 29, 2019): 531–62, <https://doi.org/10.1080/13642987.2019.1656610>.

²⁴ *Ibidem*.

areas of interest, other entities of interest, and other relevant official UN documents.²⁵ This final document must not exceed 10 pages (5,350 words), and all submissions must be made around 6-7 months before the scheduled review date. The OHCHR will gather all relevant recommendations, comments, and observations, often grouped together by thematic issue, on the progress of the human rights situation in the SuR since the previous cycle.

[The OHCHR provides technical guidance for UN entities' submissions to the UPR process](#)

CSOs can influence submissions made by UN bodies through submitting their own reports and recommendations to those bodies. There is more flexibility and less likelihood of word limits on NGO reports to treaty bodies, unlike the restricted lengths of NGO reports to the UPR.²⁶

Summary of Stakeholder's Information (10 pages)

OHCHR also prepares a summary document, no longer than 10 pages (5,350 words), of information submitted by other UPR stakeholders.

Stakeholders are encouraged to submit their inputs to the OHCHR, adhering to specified guidelines. These include conformity to the structure outlined in Council decision 6/102, limiting the document length to 5 pages or 10 pages for larger coalitions. The submissions should encapsulate a maximum four-year timeframe and be presented in an official United Nations language, preferably English, French, or Spanish. Entities making submissions are required to provide concise information on their objectives and work. The documents should be formatted in a standard word-processing style, with numbered paragraphs and pages, and feature an introductory paragraph summarizing key points. Keywords related to the submission's content should be indicated, while refraining from reproducing concluding observations and recommendations of human rights treaty bodies or special procedures. Additionally, submissions should abstain from quoting or annexing reports from other organizations. It is important to note that submissions exceeding the specified page limits, those in a language other than the six official UN languages, those submitted after deadlines, or those containing manifestly abusive language are not considered.²⁷

All submissions to the OHCHR for inclusion in this summary document must be made at least 6-7 months before the review. Stakeholders, including non-governmental organizations (NGOs), civil society organizations (CSO), human rights academics/experts, and national human rights institutions (NHRIs) are permitted to submit one individual report (maximum 2,815 words/5 pages) to the OHCHR ([HRC res. 5/1](#)).

²⁵ <https://www.ohchr.org/en/special-procedures-human-rights-council>

²⁶ McGaughey, F. (2017). 'Advancing, Retreating or Stepping on Each Other's Toes? The Role of Non-Governmental Organisations in United Nations Human Rights Treaty Body Reporting and the Universal Periodic Review' (2017) 35 *Australian Yearbook of International Law*, p.201. [[PDF LINK](#)]

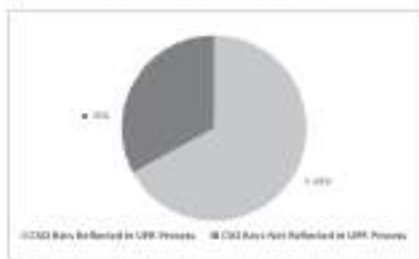
²⁷ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, p 148-149. | OHCHR. Accessed November 4, 2023. https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Stakeholders are also permitted to form coalitions to submit joint reports (maximum 5,630 words/10 pages). Unlike individual stakeholder reports, there is no limit to the number of joint submissions a CSO may be involved in, and OHCHR encourages CSOs to make joint submissions through coalitions to provide stakeholders with an image of reliability as a credible source of information and are therefore more likely to be included in the OHCHR’s final summary report.²⁸

According to Domínguez Redondo (2008), the vital six-week period before the session, during which the three key documents for the review are accessible, becomes crucial for NGOs to engage with governments, particularly those in the troika, in order to push for the incorporation of their priorities in the interactive dialogue.²⁹

Although the OHCHR has not published a clarification on how its Stakeholder Summary is compiled, UPR Info’s CSO guide states that joint submissions are often prioritized.³⁰ Stakeholders are encouraged to include detailed implementation progress and a follow-up on key issues raised during the preceding review, as well as any additional recommendations they wish to make.

Figure 1. Incidence of CSO Recommendations Reflected in State Recommendations



Incidence of CSO Recommendations, Reflected in State Recommendations. 9631 of the 24488 identified CSO recommendations are reflected in state recommendations. Thus two-thirds (67 per cent) of CSO recommendations are represented in either a general or specific fashion in official UPR recommendations. This finding is of central importance as it demonstrates the extent to which CSO perspectives are reflected in the UPR process.

As CSOs are not permitted to engage directly in the Working Group’s interactive dialogue, their submissions to the OHCHR play a major role in ensuring their concerns are raised.

²⁸ The Civil Society Compendium: A comprehensive guide for Civil Society Organizations engaging in the Universal Periodic Review | UPR-Info | https://upr-info.org/sites/default/files/documents/2017-04/upr_info_cso_compendium_en.pdf, p. 22.

²⁹ Domínguez Redondo, E. (2008). ‘The Universal Periodic Review of the UN Human Rights Council: An Assessment of the First Session’ *Chinese Journal of International Law* (7) p.731. [\[PDF LINK\]](#)

³⁰The Civil Society Compendium: A comprehensive guide for Civil Society Organizations engaging in the Universal Periodic Review | UPR-Info | https://upr-info.org/sites/default/files/documents/2017-04/upr_info_cso_compendium_en.pdf, p. 23.

The importance of CSO efforts to submit their own SMART recommendations and influence the formulation and submission of Member State recommendations is reflected in case study research.

Member States can utilize statements and observations provided by NGOs when making their own recommendations. However, if NGOs wish for their recommendations to be utilized by states in a practical manner, they must explicitly propose such actionable recommendations in their submissions.³¹

A study of the 3rd-13th UPR sessions (Dec 2008-May 2012) revealed that state recommendations closely mirrored the language of CSO recommendations by a significant margin (67%). Additionally, a comparative case study explored the correlation between CSO submissions and broader recommendations concerning disability rights (Economic, Social, and Cultural Rights focus) and Freedom of Expression (Civil and Political Rights focus).³² The findings revealed that while States under Review (SuR) generally accept both sets of recommendations, there is a higher rejection rate (23%) for recommendations related to Freedom of Expression, which falls under Civil and Political Rights, compared to the 2% rejection rate for disability rights under Economic, Social, and Cultural Rights. This suggests that states are less receptive to recommendations that are politically charged and challenge state power.³³

An Australian case study conducted by McGaughey revealed that the UN Compilation Report played a significant role as the most impactful source (68%). Following closely were recommendations from NGOs in the stakeholder report (61%), and thirdly, recommendations from NHRI content in the stakeholder report (51%). Additionally, the study highlighted that content exclusive to NGO/NHRI submissions (content not incorporated into the summarized stakeholder report) only corresponded to 11% (NGO submissions) and 6% (NHRI submissions) of the total recommendations made to Australia.³⁴ (McGaughey, 2017a)

The OHCHR provides [technical guidance for stakeholder submissions](#) to the process.³⁵

³¹ Moss, L.C. (2010). Opportunities for nongovernmental organization advocacy in the Universal Periodic Review process at the UN Human Rights Council. *Journal of Human Rights Practice*, 2(1) p.135. [\[PDF LINK\]](#)

³² McMahon, E., Pescatore, M., Hanish, R., and Carr, F. (2013). UPR: Do NGO-Suggested Recommendations Matter? *Friedrich Ebert Stiftung*, Geneva. Pp.7-10. [\[PDF LINK\]](#)

³³ McMahon, E., Pescatore, M., Hanish, R., and Carr, F. (2013). UPR: Do NGO-Suggested Recommendations Matter? *Friedrich Ebert Stiftung*, Geneva. Pp.7-10. [\[PDF LINK\]](#)

³⁴ McGaughey, F. (2017). The role and influence of non-governmental organisations in the Universal Periodic Review—International context and Australian case study. *Human Rights Law Review*, 17(3), 421–450. See p.442. for data table. [\[PDF LINK\]](#)

³⁵ Universal Periodic Review: Information and Guidelines for relevant stakeholders' written submissions, accessed February 20, 2024, <https://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>.

Pre-Session National Consultations

While not mandatory, it is recommended that SuRs host consultations with civil society leaders to receive their input before the review session.³⁶ In HRC Resolution 5/1 SuRs are encouraged to write their national reports “through a broad consultation process at the national level with all relevant stakeholders.”³⁷ These consultations can take various forms in different national contexts. National consultations allow CSOs to advocate for specific human rights priorities and recommendations for government action. Through presentations, reports, and statements, civil society stakeholders can highlight pressing issues, propose policy reforms, and urge governments to address human rights gaps in the SuR national report.

UPR Info Pre-sessions for CSOs, NHRIs, and Permanent Missions

UPR Info Pre-sessions are meetings that focus on the human rights situation in specific UN Member States and are held in Geneva, Switzerland, a month before each of the three yearly UPR Working Group sessions. Started and hosted by UPR-Info in 2012 at the beginning of the 2nd UPR Cycle, the Pre-sessions bring together Civil Society Organizations (CSOs), National Human Rights Institutions (NHRIs), and representatives of permanent missions in an advocacy forum where CSOs and NHRIs:

- Share their assessment of the human rights situation in their country with permanent missions based in Geneva.
- Inform the representatives of the recommending States about the human rights situation in the State under review.
- Promote specific and relevant recommendations
- Meet each other in an informal environment to continue discussions on the human rights issues raised at the Pre-sessions.

Over the years, the Pre-sessions have brought together over 1,500 representatives from NHRIs and CSOs and 163 permanent missions. A case study from 2021 examining recommendations provided to the USA regarding capital punishment provides valuable insights into the influence of the Stakeholder Report and Compilation of UN Information. The study emphasizes the significance of UPR-Info Pre-sessions as an engagement tool for Civil Society Organizations (CSOs) and underscores their crucial role in the implementation phase, given the absence of oversight or scrutiny from the UN and Member States.³⁸

Questions/Issues Submitted to SuRs in Advance of Review

Prior to each review, Member States can submit written questions/issues to States under review. These written questions are submitted to the rapporteurs assigned to the SuR. Every State under

³⁶ Amnesty International. (2022). The Universal Periodic Review (UPR) and its potential to foster freedom of expression, access to information and safety of journalists. Amnesty.org.

<https://www.amnesty.org/en/wp-content/uploads/2022/07/IOR4057342022ENGLISH.pdf>

³⁷ UPR Info. (2017). The Civil Society Compendium.

https://upr-info.org/sites/default/files/documents/2017-04/upr_info_cso_compendium_en.pdf

³⁸ Alice Storey, “Challenges and Opportunities for the United Nations’ Universal Periodic Review: A Case Study on Capital Punishment in the USA,” *UMKC Law Review* 90, no. 1 (November 26, 2021): 129–52, <https://doi.org/ISSN0047-7575>.

Review is assigned three member States (called a "troika") of the Working Group that serve as rapporteurs facilitating the session review for the country to which they are assigned. Troika assignments are made by random drawings of lots from the different regional groups of Working Group members. However, SuRs can make a one-time request that one of the slots be filled by a State from the SuR's regional group and/or be substituted.

The troika is tasked with receiving the written questions/issues and sending them either individually or clustered in groups, if it so chooses, to the secretariat of the UPR. The secretariat then forwards them to the respective State under review at least 10 working days before the State's review and circulates them among the Council's member and observer States.³⁹

³⁹ Working with the United Nations Human Rights Programme: A Handbook for Civil Society | OHCHR. Accessed November 4, 2023. https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Phase One: Preparation and submission of pre-session documents

6-12 months
before review

States are encouraged to engage in a broad, meaningful consultation process to draft their National Report. By inviting representatives from NHRIs, CSO, and other national stakeholders, an accurate and up-to-date depiction of the human rights situation within the state. The OHCHR offers operational assistance to all member states in the drafting process.

CSOs may also at this time begin their advocacy campaigns directed at Permanent Missions, and UN Agencies, and form coalitions with other stakeholders in preparation for the submission deadline.

6-7 months before
review

Stakeholder Submissions must be submitted to the OHCHR before the deadline. NGOs, civil society, and NHRI are each welcome to submit one report, detailing the SuR's progress and any other human rights concerns that they wish to bring attention to.

While only one report may be submitted by each stakeholder, the OHCHR welcomes joint submissions (often on a specific thematic area)-- there is no limit to the number of joint submissions a CSO can partake in. The OHCHR prioritizes coalition submissions in their summary report. UN entities must also meet this deadline. Their report should be based on, inter alia, evidence gathered by country visits and SuR adherence to treaty standards.

12-13 weeks
before review

The National Report from the state under review must be submitted to the OHCHR. This document should focus on the implementation efforts of recommendations from the preceding review cycle, and an overview of their human rights developments.

4 weeks before
review

Once all submissions have been accepted by the OHCHR, the following documents will be translated into the UN's six official languages, before being posted on the OHCHR website:

- National Report, Summary of stakeholders' information, Compilation of UN Information: The recommending states should use this material to understand the human rights situation in the SuR and use the evidence provided to formulate their questions, comments, and recommendations during the Working Group's interactive dialogue.

International NGO UPR-Info holds their informal Pre-sessions in Geneva at this time, allowing CSO to engage with SuR and recommending state representatives, as well as UN officials.

Phase 1 opportunities for CSO engagement

- Prior to the submission of the above documents, CSOs may begin coordinating with one another to formulate well-planned joint submissions.
- CSOs may also, where possible, offer their assistance and human rights expertise to the state when drafting their National Report, as building a mutually respectful and cooperative relationship with the state will complement the non-confrontational nature of the UPR and will serve CSOs well for future cycles of the UPR.
- Between 4-6 weeks prior to the review, the OHCHR will publish the three above documents and circulate them among all Member States who will participate in the review. Around this time, CSOs can engage in crucial advocacy work directed at the Permanent Missions in Geneva to ensure that specific human rights issues of concern are raised during the interactive dialogue by Member States.
- Geneva-based NGO [UPR-Info](#) also holds informal Pre-sessions in the weeks leading up to the review session, during which representatives from UN agencies, CSOs, recommending states and the SuR can openly discuss key issues before the formal review process. ([UPR-Info, 2016](#))

Phase 2 – The Review: UPR Working Group Session and Outcome Report

Chaired by the President of the HRC, the actual review consists of a 3.5-hour (total of 210 minutes) session between each SuR and the UPR Working Group (comprised of the 47 Member States of the Human Rights Council) during the three 2-week sessions held annually.⁴⁰ Following the first UPR cycle, the duration of the reviews was extended from three to three and a half hours.⁴¹ The Working Group conducts 14 scheduled reviews during each session. The reviews are carried out by the Working Group in the Human Rights Council chamber in Geneva. The dialogue itself is open to all UN member states, including those with observer status. Other relevant stakeholders may attend the review but do not participate in the dialogue. These UPR WG sessions are broadcast live on an OHCHR webcast and the documentation is made available on the OHCHR website's UPR page and on the UPR page of HRC's extranet.

Interactive Dialogue between SuR and Member and Observer States

The review start with a two-hour interactive dialogue in which Member or Observer States of the Council, although any UN Member State can question and offer recommendations to the SuR for the improvement of its human rights situation and performance. Per HRC decision 17/119⁴² Member States are each

⁴⁰ Human Rights Council President | OHCHR. Accessed November 4, 2023.

<https://www.ohchr.org/en/hr-bodies/hrc/presidency>

⁴¹ Basic facts about the UPR - <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>

⁴² A/HRC/DEC/17/119 Organizational and procedural matters.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/150/36/PDF/G1115036.pdf>

allocated 3 minutes to speak, while non-members with observer status are given 2 minutes. However, depending on the number of Recommending States, the allocated time may be reduced to 2 minutes for Members and has been reduced to even less than a minute. Member States wishing to speak must register with the OHCHR secretariat in the days leading to the review, as their representative will be allocated a time-constrained slot to deliver their remarks.

SuR Presentation

Following the question and recommendation interaction, an hour is given to the SuR to orally present its report. During this time, the SuR shares information prepared for its review with the Working Group and responds to inquiries and recommendations posed by States both in advance and during the interactive dialogue. Additionally, the SuR has the opportunity to provide concluding comments at the conclusion of the review.⁴³

After all recommendations, comments, and questions have been delivered, the SuR may use its remaining allotted time to offer preliminary responses to recommendations, answer any questions submitted in advance, and deliver its final remarks.

Recommendations

Council members may base their reviews and recommendations on three key documents that are collected or prepared in advance by the OHCHR: the SuR's presentation ("National Report"), the compilation of United Nations information, and the summary of stakeholder submissions. These documents each address the implementation progress of recommendations accepted during the previous cycle, as well as an overview of the development of human rights in the SuR, highlighting any issues or concerns that have arisen.

Member States are encouraged to fully utilize the three documents published by the OHCHR before attending the review session and should use these reports to formulate their recommendations using the S.M.A.R.T criteria ([OHCHR, 2022](#)). SMART criteria (Specific, Measurable, Achievable, Relevant, and Time-bound) are a set of guidelines for writing precise and action-oriented recommendations for the Universal Periodic Review (UPR). It was a method used in the context of management tools and setting goals and criteria, and later it was adopted in the Human Rights world. See Annex __ for a description of key terms and organizations.

The SuR may either support or note each recommendation, with a 'noted' response being considered a de facto rejection. Formal responses are required from the state for each recommendation before the HRC formally adopts the outcome report of its review. SuRs have the opportunity to indicate whether or not they support recommendations:⁴⁴

- During the meeting of the Working Group;

⁴³Human Rights Council, *Modalities and practices for the universal periodic review process Modalities and practices for the universal periodic review process*, OHCHR, A/HCR/PRST/8/1 (9 April 2008).

⁴⁴ Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Pg 144 | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

- Between the Working Group’s session and the Council’s next session; or
- During the meeting of the Council to adopt the Working Group’s outcome document.

Outcome Report Document

At the end of the interactive dialogue on each State, the designated troika facilitates the preparation of an "outcome report" document that summarizes the review proceedings and discussion for the respective SuR. The report is prepared with the full involvement of the SuR and with the assistance of the OHCHR/UPR secretariat. It contains the questions, comments, and recommendations made by States to the country under review, as well as any responses of the reviewed State, including voluntary commitments and whether the State accepts or rejects the report's conclusion and recommendations.⁴⁵

Later in the same session, but not less than 48 hours after the review, the Working Group allocates a maximum of 30 minutes for the consideration and adoption of each of the "outcome reports" for the States reviewed that session.

During this period the reviewed State has the opportunity to comment on the outcome report and indicate whether it either supports (accepts) or notes (does not accept) the recommendations and the conclusions reflected in the document. Both noted and supported (accepted) recommendations are included in the outcome document.

At this point the Working Group country reports (outcome documents) are adopted informally *ad referendum*, leaving two weeks for States to make editorial changes to their own statements. Formal adoption of the outcome report takes place at the Human Rights Council Plenary Session 1-2 weeks after the review.⁴⁶

Phase 2 opportunities for CSO engagement

- NGOs with ECOSOC consultative status are permitted to attend the WG session but are not given the floor to speak at any point.
- Although CSOs are not permitted to engage with the Working Group session, they are encouraged by the UN to hold in-person or virtual side events, either in Geneva or locally, to engage with the media and public to spread awareness of the review process and the recommendations made. Each review process is broadcast live on the official OHCHR website and archived for future reference.

⁴⁵ Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Pg 144 | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

⁴⁶ Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Pg 144 | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Phase 3- Between WG and HRC Plenary Session

The Working Group then submits the final outcome document to the full Council for consideration and adoption, which usually takes place at the Council's next regular plenary session. If it hasn't done so previously, during this time between the Working Group and plenary session the reviewed State is expected to confirm its acceptance or rejection of the recommendations in the outcome report.

Once the Outcome Report has been adopted by the Working Group, all states and stakeholders have approximately 3-6 months to prepare before the Human Rights Council Plenary Session, where the outcome will be formally adopted, and all recommendations and their responses will be finalized. The roles and responsibilities for each party vary during this phase of the UPR cycle:

State under Review

The SuR may use this time before the HRC session to finalize their responses to the recommendations posed to them by their fellow UN member states during the WG interactive dialogue. The OHCHR encourages states to provide a short reasoning alongside each recommendation response, which makes it easier for CSOs and other stakeholders during the implementation phase to track and monitor progress. The SuR is also likely to be approached by members of civil society who will advocate for as many recommendations to be accepted as reasonably possible. The SuR should sincerely engage with civil society at this time and consider partnerships moving forward into the implementation phase. During this time, the SuR may also wish to begin preparations for a National Implementation Plan of all supported recommendations and any voluntary commitments made during the WG session. The OHCHR offers technical assistance to all states during each phase of the UPR, and this should be made use of where needed.

Member States

The initial report adopted by the Working Group is supplemented by an addendum, containing all responses given by the SuR that were not voiced during the interactive dialogue. The Troika and the OHCHR Secretariat will prepare this section of the report, finalizing and checking the accuracy of its contents before submitting it to the HRC. Recommending states may also use this time to engage with civil society, who may approach with concerns over inaccurate/incomplete information provided by the SuR and encourage their assistance moving forward. Recommending states are permitted to address the HRC Plenary Session and should prepare a short statement during this time.

National Human Rights Institutions

Like the other factions of civil society, NHRIs may engage with the SuR to formulate recommendation responses and begin the process of drafting a National Implementation Plan. NHRIs that are aligned with the Paris Principles and have been accredited with the UN's 'A' status are given the floor immediately after the SuR at the HRC Plenary Session, so a brief statement should be prepared.

NHRIs may also begin to prepare their own follow-up plan for implementation that falls within their mandate and scope of responsibilities.

Phase 3 opportunities for CSO engagement

- The short gap between the Working Group and the HRC sessions is one of the most crucial opportunities for civil society to engage in advocacy work. CSOs can lobby the SuR to accept as many recommendations as possible and offer suggestions, guidance, and relevant expertise for their National Implementation Plan. CSOs may also approach Member States and encourage them to assist the SuR when necessary. ([OHCHR, 2020](#))
- If CSOs have received ECOSOC Consultative Status from the UN, they may apply to make a short statement at the end of the HRC Plenary Session. Although this is too late in the process to enact a change in response, this provides CSOs with an opportunity to showcase themselves on the international stage, therefore increasing their legitimacy and credibility in preparation for the next cycle.
- Local and national CSOs may also continue participating in UPR side events during this time. The outcome of the WG session and a list of all recommendations can be distributed among media representatives, local government representatives, and all other interested parties to encourage sustained public pressure on the SuR to implement supported recommendations. If needed, the outcome reports may be translated into local languages and made accessible to all.

Phase 4- HRC Plenary Session and Outcome Report Adoption

As a standing item on the HRC agenda, up to one hour during the Human Rights Council Plenary Session is allocated for consideration and official adoption of each UPR outcome report that had been provisionally adopted by the UPR Working Group and forwarded to the full HRC.

1. The SuR has up to 20 minutes, to be organized as it wants and as appropriate, to briefly summarize its response to the outcome report, present its views on recommendations and/or conclusions, on voluntary pledges and commitments, reply to questions not sufficiently addressed during the WG, and make final comments.
2. NHRIs from the SuR that are in full compliance with the Paris Principles (with accredited 'A' status) are entitled to take the floor immediately after the SuR and are given 2 minutes to deliver their statement.
3. Following the SuR and NHRIs, the floor is opened to Member and Observer States, as well as UN agencies, who have up to 20 minutes to, inter alia, seek clarification on a particular response, express their views on the outcome and perhaps regret that a particular recommendation was not accepted, and perhaps offer to aid the SuR during its implementation efforts over the next 4 years. HRC members are entitled to 4 minutes of speaking time, while 3 minutes is reserved for the remaining UN member states who are observing the HRC session.
4. This is followed up by a 20 minute session divided into 2 minute slots for several stakeholders to make general comments about the outcomes. It is during this session that civil society organizations have their only opportunity to take the floor during the UPR. Before the Human

Rights Council adopts the outcome report, NGOs and other civil society organizations in consultative status with the UN Economic and Social Council (ECOSOC) have the opportunity to take the floor and make "general comments".⁴⁷

Once all speakers have delivered their statements, the final Working Group report is adopted by consensus, without a vote, by the Human Rights Council. Details of the comments made during the Plenary Session are compiled in a separate document, not included in the final UPR outcome report, in the overall summary of the HRC Plenary Session.

After the HRC session, the three key documents of the UPR process are finalized, translated into the official UN languages, and made available on the [OHCHR website](#):

- **Working Group outcome report**
- **Addendum** containing the SuR responses and/or comments
- **The HRC decision** on adopting the outcome

Phase 4 opportunities for CSO engagement

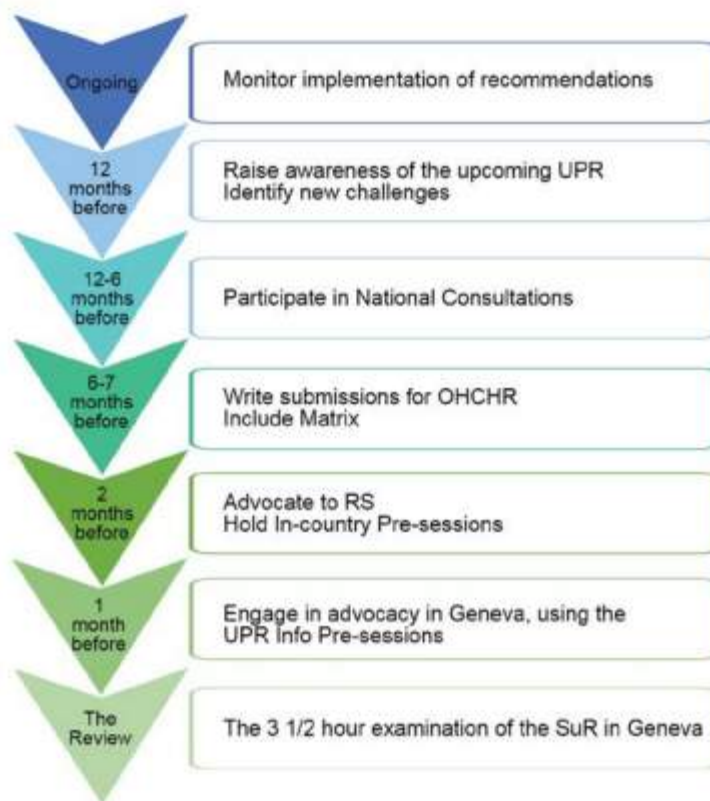
- The final 20 minutes of the HRC Plenary session is reserved for civil society representatives who wish to make a statement. Although such statements will not change the outcome of the report, it is an opportunity for accredited CSOs to engage with the HRC council and the international community and make general comments on their expectations and follow-up plans.
- CSOs can also continue their public engagement efforts from the previous phase, as sustained pressure on the state may increase the likelihood of successful implementation.

Phase 5 - National Implementation Plan and Follow-up

The final phase of the UPR process is the longest and arguably the most critical; the SuR has the next 3 or so years to implement the recommendations it supported during the review and to make meaningful improvements to the general human rights standards. During this time, the conclusions and recommendations in the outcome documents adopted by the HRC serve as a basis for UPR follow-up.

⁴⁷ Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Pg 145 | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf



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The SuR is expected to begin drafting its National Implementation Plan immediately following the formal adoption of the review outcome. This should set out clear objectives with reasonable deadlines, and commit to fully engaging all relevant stakeholders to improve the human rights situation within their state. The State is also encouraged to hold regular consultation sessions with their NHRI and other representatives from civil society.

The OHCHR assists the reviewed State wherever possible/ requested in the implementation of recommendations, including through capacity building with stakeholders. The HRC may also take action against any State it views as not cooperating with the UPR process and has made no meaningful effort to implement the recommendations it pledged to official support. States that submit recommendations who wish to follow up and monitor the implementation of their recommendations are encouraged to participate in bilateral meetings with the State, CSO, and any interested UN agencies to discuss progress, next steps, and any assistance required.

At any stage in the implementation phase, Member States (and the SuR) are entitled to briefly address the HRC under agenda item 6 of the General Debate. This ensures that implementation remains an area of discussion within the international community in the years between the HRC adoption report and the next reporting cycle.

⁴⁸ UPR Info. (2017). The Civil Society Compendium. Pg 17.
https://upr-info.org/sites/default/files/documents/2017-04/upr_info_cso_compendium_en.pdf

Research indicates that CSOs can play a critical role in encouraging SuRs to implement recommendations they have committed to and to hold them accountable. NGOs have a significant role in post-review activities, particularly in advocating for the implementation of accepted recommendations within their respective countries. National NGOs, in particular, are strategically positioned to utilize the UPR outcome as an effective lobbying tool domestically, ensuring the adopted recommendations by the state are put into action.⁴⁹ Gomez and D’Cruz (2017) also highlighted that Singaporean CSOs strategically utilized media advocacy subsequent to the 2nd review session, which countered the government’s assertion that its human rights record was on course and had received international endorsement during the review.⁵⁰

Phase 5 opportunities for CSO engagement

- CSOs can work with and encourage states to implement the recommendations they have supported. NHRIs and networks of specialists/experts can offer assistance in creating an action plan that is attainable and realistic, as it is generally understood that supported recommendations are to be implemented before the SuR faces its next review cycle.
- Local NGOs can encourage participation in human rights development across all factions of society, from the general public, grassroots organizations, local representatives, and the state government. CSOs may use the UPR outcome report as their main advocacy tool during this phase and continue to lobby the state government to meet the expectations of the international community.
- NGOs with extensive financial capabilities and reputations within the international community as credible organizations may engage with smaller, local CSOs in capacity-building workshops and joint advocacy work.

Resolution 5/1 outlines that the primary duty of implementing review outcomes, encompassing conclusions, recommendations, as well as voluntary pledges and commitments, lies with States. Additionally, the resolution underscores the involvement of other pertinent stakeholders, such as civil society actors, in the implementation process.⁵¹ Civil society entities, such as NGOs, academia, the media, trade unions, and professional groups, have several avenues for contributing to the follow-up on UPR outcomes. These include collaborating with national entities, like the Government, parliament, judiciary, and NHRIs, to assist the State in fulfilling its obligations. Civil society often serves as a catalyst for promoting legislative reforms and shaping national policies, utilizing UPR outcomes as a foundation for dialogue with State entities and framing its own action plans.

⁴⁹ Natalie Baird, “The Role of International Non-Governmental Organizations in the Universal Periodic Review of Pacific Island States: Can ‘Doing Good’ Be Done Better?,” *Melbourne Journal of International Law* 16, no. 2 (2015): 560.

⁵⁰ James Gomez and Michelle D’Cruz, “The Universal Periodic Review of Southeast Asia: Civil Society Perspectives,” in *Singapore’s Universal Periodic Review: Civil Society Trends and Themes* (Singapore: Springer Nature Singapore, 2018), 115–36.

⁵¹ Working with the United Nations Human Rights Programme: A Handbook for Civil Society. Pg 150-51 | OHCHR. Accessed November 4, 2023.

https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Additionally, civil society can monitor the local human rights situation and assess the measures taken to implement UPR outcomes. They can raise awareness about the UPR process, the obligations States need to fulfill, and how these outcomes can enhance the enjoyment of human rights nationally. This involves organizing discussions, round tables, seminars, and workshops, translating and publishing UPR outcomes, collaborating with NHRIs and the national media, and spreading awareness among the general public and civil society.

Furthermore, civil society can engage with national entities to contribute to the preparation of information for the next periodic review. Collaborating with other civil society actors, they can also jointly prepare and submit follow-up information on the implementation of UPR outcomes to OHCHR.⁵²

Mid-term Reporting

Around 2 years into the implementation phase, states are encouraged to submit a mid-term report, detailing the progress that has been made and any challenges they have faced so far. Although not a requirement of the UPR process, mid-term reporting is an opportunity for states to showcase their ongoing engagement and commitment to human rights. The drafting of this report should take on a multi-stakeholder approach, including input from state governments, civil society, NHRIs, and any other UN member states who have offered technical assistance. UPR-Info provides SuRs with guidance on how to draft their Mid-term reports ("*UPR Mid-term reporting: Optimising Sustainable Implementation - Good practices for UPR stakeholders*").⁵³

Around the same stage of implementation, civil society can also submit their own **shadow** reports to the HRC, permanent missions in Geneva, and other CSOs or international NGOs who may be willing to form a coalition in preparation for the next review cycle ([UPR-Info, 2018](#)). CSOs with ECOSOC Consultative Status are entitled to present their report to the HRC under agenda item 6 of the General Debate. If a CSO intends to submit a mid-term report, it should notify the state and initiate bilateral consultations. This can build trust between the state (particularly those who hold back from full cooperation with the UPR process) and civil society, to foster collaboration and partnership beyond the implementation phase and into the next cycle. Mid-term reporting also lessens the burden of drafting the National Report and stakeholder submissions for the next cycle, as a large portion of the data will have already been compiled.

Over the first three cycles of the UPR, 87 states submitted mid-term reports to OHCHR with the following breakdown by cycle:

- 55 reports in relation to the first cycle;
- 55 reports in relation to the second cycle;
- 47 reports in relation to the third cycle.⁵⁴

⁵² *ibidem*

⁵³ *UPR Mid-term reporting: Optimising Sustainable Implementation - Good practices for UPR stakeholders.* https://www.upr-info.org/sites/default/files/documents/2018-03/upr_midterm_report_web_v1_high.pdf

⁵⁴ UPR mid-term reports | OHCHR. (n.d.). <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>

The OHCHR also provides a suggested format for states to use during mid-term reporting, though the OHCHR notes that the voluntary nature of the mid-term reports precludes a required uniform format.⁵⁵ The suggested format includes four sections of methodology, executive summary of key developments and UPR implementation, follow up to UPR recommendations received, and needs for capacity building and technical assistance.

⁵⁵ UPR mid-term reports | OHCHR. (n.d.). <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>

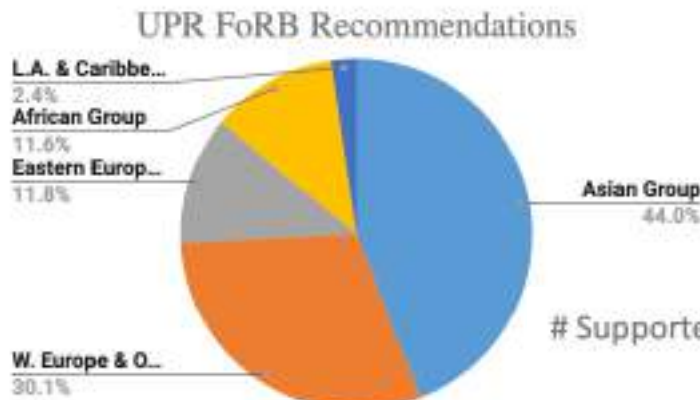
FoRB and the UPR Process

UPR Dataset - Correlations of FoRB Recommendations & Implementation

One of the primary goals of the research for this report was to identify and highlight potential insights for CSO UPR engagement by searching through UPR review documents for correlations between UPR FoRB recommendations and the degree to which those recommendations have been implemented by States that have committed to support them.

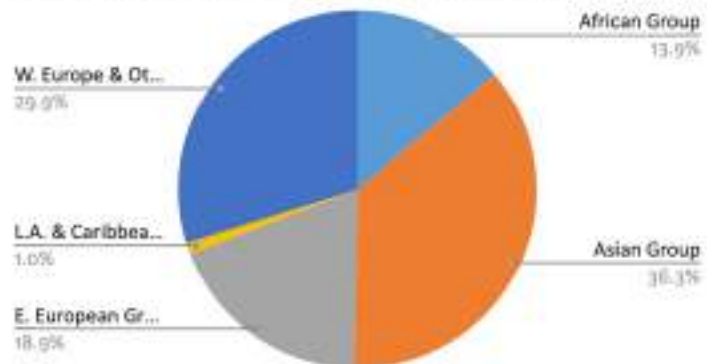
All the recommendations from the first three cycles of the UPR are available through UPR Info. This is a Non-governmental organization (NGO) based in Geneva, Switzerland which was established in 2008 with the aim of advancing human rights through the UPR. Their primary objective is to enhance understanding and offer capacity-building resources to the stakeholders involved in the UPR process. These stakeholders include the United Nations Member States, NGOs, National Human Rights Institutions, Civil Society, Media, and Academics.⁵⁶

The online UPR-Info database lists 90,938 UPR recommendations made during the first three UPR cycles: Cycle 1 (2008–2012) 21,355, Cycle 2 (2012–2016) 36,338, and Cycle 3 (2017–2021) 33,245. The duration of each cycle is roughly 4.5 years, with three two-week sessions held every year (Cycle 1: Sessions 1–12; Cycle 2: Sessions 13–26; and Cycle 3: Sessions 27–37).



Over the first three cycles, 148 States received 2,030 recommendations related

Supported Specific Action FoRB Recs



to FoRB that were submitted by 146 Member States and Observers. Grouped regionally, the breakdown of regionally received recommendations are as follows: Asia (Asian Group) 894; WEOG (Western European & Other States Group) 612; EEG (Eastern European Group) 240; Africa (African Group) 236; and GRULAC (Group of Latin American & Caribbean States) 48.

⁵⁶ UPR Info, November 10, 2023, <https://www.upr-info.org/en>.

Searching/Filtering the UPR Recommendations Dataset

One of the main tools provided by UPR Info is an extensive online public database that contains UPR recommendations and voluntary pledges.⁵⁷ The database uses machine learning to make it easier to curate and maintain the database, as well as provide users with faster, more reliable, and complete access to UPR recommendations. The database includes the text of the recommendation and other metadata associated with the recommendation, including the associated Regional Block and State under Review (SuR) that received the recommendation, and the country and regional block of the Member State or Observer that made the recommendation. The database can be searched and filtered by categories, some of which are exclusive to the database. These categories include UPR Cycles, State under Review, Recommending State, Regional Group, Organization, SuR Response, Thematic Issues, and Type of Action.

Given the huge number of human rights recommendations made during the first three cycles, we used a tiered filtering system based on standard selection criteria to narrow the full set of recommendations down to a small subset of recommendations that we felt were representative of our objectives and were sufficiently relevant to analyze for lessons learned or other insights.

FoRB Recommendations

UPR Info categorizes the recommendations into 69 human rights thematic issue areas. For our research, we limited the scope of our review to the 2,030 recommendations (2% of the approximately 90,000 total) associated with the thematic issue of Freedom of Religion and Belief (FoRB). A small percentage of these FoRB recommendations are also included in other issue areas, since the language of the recommendations may meet the criteria of more than one issue area (e.g., "FoRB" and "Women's Rights"). In our selection, we used all recommendations that met the criteria for inclusion in the FoRB thematic issue area, even if the recommendation was also listed in other areas.

"Supported" FoRB Recommendations

States being reviewed indicate their acceptance or non-acceptance of the recommendations they receive by either choosing to "Support" (accept) or "Note" (not accept) them. Using this data, we chose to focus on the 1,295 recommendations of FoRB Actions that have been accepted ("Supported") by the State under Review. This is because little or no action is usually taken by SuRs (or at least recorded by external monitors) on recommendations SuRs have rejected ("Noted") and because there is limited publicly accessible information regarding the extent to which CSOs have been involved in promoting recommendations that were rejected by SuRs.

FoRB 'Specific Action' Recommendations

The database created by UPR-Info also allows all recommendations to be filtered by 'Action Category'. The categorization uses a unique score that considers the type of action required by the State under

⁵⁷ "UPR Info," Home • UPR Info, accessed October 18, 2023, <https://upr-info-database.uwazi.io/>

Review to successfully implement each recommendation. These action category ratings range from 1-Minimal, 2-Continuing, 3-Considering, 4-General, to 5- Specific.

Based on the S.M.A.R.T. structure (discussed previously in Phase 2 of the UPR process), this study found Specific Action recommendations to be the most measurable in terms of implementation. Applying this filter resulted in a subset of 573 FoRB recommendations that called for Specific Actions (28% of All FoRB recommendations).

Specific Action FoRB Recommendations that SuRs Commit to 'Support'

The study created a further filtered category that contains a more focused subset of 201 FoRB recommendations that both contain specific actions and are supported by the SuRs. See Annex ___ for the full dataset table by individual SuR.

SuRs (Recommendations Received)	FoRB Recs	All Supported FoRB Recs	Supported Recs (% of FoRB Recs)	All Specific Action Recs	Spec Action Recs (% of FoRB Recs)	# Supported Specific Action FoRB Recs	Supported Specific Action Recs (% of FoRB Recs)
Total (148 SuRs)	2,030	1,295	63.8%	573	28.2%	201	9.9%

Sub-categories of FoRB-related special action recommendations

The team decided that the topic of FoRB was too broad to thoroughly compare and analyze all the recommendations related to it. As a result, the FoRB recommendations were organized into the following eleven cluster categories based on similar special actions.

1. Adoption of Legislation - (44 Recs / 22% of FoRB Recs)
2. Investigation/Prosecution of Hate Crimes - (35 Recs / 17.4% of FoRB Recs)
3. Adoption/Changes to Policy - (34 Recs / 16.9% of FoRB Recs)
4. Repeal/Changes of Legislation/Provisions - (32 Recs / 15.9% of FoRB Recs)
5. Educate/Promote Religious Tolerance - (28 Recs / 13.9% of FoRB Recs)
6. Release of Prisoners of Conscience (RPOC) - (9 Recs / 4.5% of FoRB Recs)
7. Amendments to Constitution - (6 Recs / 3% of FoRB Recs)
8. Engagement with International Mechanisms on FoRB - (5 Recs / 2.5 % of FoRB Recs)
9. Protect and Eliminate Restrictions on Places of Worship/Religious Groups - (4 Recs / 2% of FoRB Recs)
10. Registration of Religious Groups - (3 Recs / 1.5% of FoRB Recs)
11. Withdraw of Reservations to Treaties - (1 Rec / 0.5% of FoRB Recs)

The research team decided to focus on the first six sub-issue categories since these Specific Action recommendations were judged to be more easily measured in terms of performance (e.g., an RPOC is either released or not; or a law is either passed or repealed or it isn't).

Limiting the dataset to the recommendations in these sub-issue categories resulted in a smaller dataset of 126 recommendations. However, just because States committed to support recommendations didn't mean any measurable progress was made toward implementing them. The team developed a scoring system to assess (based on public information available to the team and from interviews conducted) the degree to which SuRs had taken measures to implement the recommendations they had committed to support. Each recommendation received a score ranging from 0 to 3.

0. Nothing (no implementation efforts made)
1. Action started, but unsuccessful
2. Action in progress, with a viable chance of implementation
3. Action implemented

Sub-issue (Supported Specific Action FoRB Recommendations)	3 - Full Implementation	2 - Action in Progress	1 - Action Started but Unsuccessful	0 - No Action	NA - Not Measureable	Total
Adoption of Legislation	11	10	6	15	2	44
Adoption/Changes to Policy	8	8	3	14	1	34
Repeal/Changes to Legislation	8	8	3	11	2	32
Amendments to Constitution	3	1	1	1		6
Release of Religious POCs		4	1	4		9
Withdrawal of Reservations to Treaties				1		1
Sub-totals	30	31	14	46	5	126
% of Sub-Categories Recommendations	23.8%	24.6%	11.1%	36.5%	4.0%	100%
% of all FoRB Recommendations	1.5%	1.5%	0.7%	2.3%	0.2%	6.2%
% of Specific Action FoRB Recommendations	5.2%	5.4%	2.4%	8.0%	0.9%	22.0%
% of Supported Specific Action FoRB Recommendations	14.9%	15.4%	7.0%	22.9%	2.5%	60%

The examination of the recommendations showed that the largest plurality score (36.5%) of the subcategory FoRB recommendations fell into the “no action” category, but 48.4% saw either full implementation or action in progress. The smallest category was “action started but unsuccessful” with 11.1% of the sub-category recommendations.

The “adoption of legislation” subcategory contained the most recommendations and the “withdraw reservations to treaties” sub-issue contained the least. The larger focus of recommendations seemed to center on legislative initiatives, especially if the “repeal/changes to legislation” category is considered along with the “adoption of legislation” category.

Having gained some insights into the UPR process and the data on recommendations, it's essential to examine previous research that looks at how UPR recommendations are formulated and put into action, particularly through FoRB lenses.

Previous Studies⁵⁸

The previous section looked at the relationship between a State's stated commitment to implement recommendations and its actual performance in implementing those recommendations. Specifically, the team analyzed UPR-Info's dataset of UPR recommendations to identify potential correlations between countries' commitments to "Support" (accept) and implement specific action FoRB recommendations to improve FoRB in their respective countries (with a focus on those with measurable performance) and the degree to which those countries implemented those actions.

This section explores the findings of previous research that examines issues related to the creation and implementation of FoRB-related UPR recommendations, particularly focusing on studies that analyze the impact of CSOs on the UPR and or especially those referencing FoRB recommendations and their creation/implementation.

The international legal framework on FoRB

It is broadly recognized that the right to freedom of religion and belief (FoRB) is a basic and fundamental human right. Instruments of International Human Rights Law, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, call states to fulfill their responsibility as "impartial guarantors" of FoRB rights for all.⁵⁹ These instruments also require that states 1) protect the religious values of the peoples under their jurisdictions, 2) protect freedom of worship in connection with a religion or belief, 3) protect people from religious discrimination by any party, 4) create a culture of respect for all creeds and beliefs, and 5) reinforce a culture of understanding, tolerance, and interreligious dialogue.⁶⁰

The scope of the right to FoRB encompasses freedom of worship; assembling; writing, acquiring, and disseminating materials relative to a faith; teaching and preaching; proselytizing and observing rituals, holidays, or ceremonies in accordance with one's faith. Although scholars have recognized that respecting the right to FoRB is fundamental to preserving peace among societies,⁶¹ there have been few empirical investigations into the exercise and legal protection of this right, particularly when it comes to the United Nations (UN) and its Universal Periodic Review mechanism (UPR Mechanism). Some exceptions are worth mentioning. For example, in *Who Is Afraid of Religious Freedom*, Silvio Ferrari presents a comprehensible account of the legal framework of the debate on FoRB.⁶² John Witte Jr. and M. Christian Green analyzed how religious freedom, democracy, and international human rights are

⁵⁸ Áquila Mazzinghy - Literature Review - 10/July/2023

⁵⁹ Ahmed Shaheed, Protecting and Promoting the Right to Freedom of Religion and Belief for All, 16 SUR - INT'L J. ON HUM Rts. 41 (2019). p. 43.

⁶⁰ UN Special Rapporteur on freedom of religion or belief. (n.d.-a). International standards | OHCHR <https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/international-standards>

⁶¹ See, for example: Ahmed Shaheed. *Supra* note 1.

⁶² Silvio Ferrari, *Who Is Afraid of Religious Freedom: The Right to Freedom of Religion and Belief and Its Critics*, 11 Religion & Hum. Rts. 224 (2016).

intertwined.⁶³ Peter Danchin et al examined how religious freedom has recently surfaced as a "highly contentious Issue" in the international human rights community.⁶⁴ Marc Limon, Nazila Ghanea, and Hilary Power analyzed how the United Nations has been trying to establish a framework for "combating religious intolerance, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief."⁶⁵

Despite the international legal protection of the right to FoRB, religious persecution and discrimination continue to grow worldwide.⁶⁶ Hostile acts by private individuals, genocide against legally protected religious groups, crimes based on religious extremism committed by terrorist groups, and State policies establishing blasphemy, anti-conversions, anti-proselytizing, and anti-assembly laws negatively affect and impact the lives of millions, particularly minorities, women, and faith dissidents.⁶⁷

Studies on the UN HRC's History, Mandate, and Mechanisms

In recent years, there has been considerable interest in the HRC. Several scholars have already made a historical account of its mandate, mechanisms, and performance. Rosa Freedman,⁶⁸ Felice D. Gaer,⁶⁹ Paul Gordon Lauren,⁷⁰ Jarvia Maitya,⁷¹ and Maximilian Spohr,⁷² for example, examined the evolutionary history of how, when, and why the HRC replaced the UNCHR. In *Building a Universal System for the Protection of Human Rights*, Olivier de Frouville critically analyzed whether the establishment of the HRC really represented a more effective system for avoiding states' impunity for failing to protect human rights within its borders. In the same vein, Adrienne Kmanovics questioned whether the HCR was just another UN public relations exercise like the extinct UNCHR or whether it really advanced human rights standards internationally.⁷³ In *Does the UN Human Rights Council Help or Hurt Religious Repression*, Peter S. Henne analyzed whether the HRC mechanisms encouraged states to respect, protect, and promote FoRB

⁶³ Marc Limon, Nazila Ghanea & Hilary Power, *Fighting Religious Intolerance and Discrimination: The UN Account*, 11 *Religion & Hum. Rts.* 21 (2016).

⁶⁴ Peter Danchin, Winnifred Fallers Sullivan, Saba Mahmood & Elizabeth Shakman Hurd, *Politics of Religious Freedom: Case Studies*, 29 *MD. J. INT'L L.* 293 (2014). p. 294.

⁶⁵ Marc Limon, Nazila Ghanea & Hilary Power. *Supra* note 4.

⁶⁶ Ahmed Shaheed. *Supra* note 1. p. 42.

⁶⁷ *Idem.* p. 44.

⁶⁸ Rosa Freedman, *New Mechanisms of the UN Human Rights Council*, 29 *NETH. Q. HUM. Rts.* 289 (2011).

⁶⁹ Felice D. Gaer, *A Voice Not an Echo: Universal Periodic Review and the UN Treaty Body System*, 7 *HUM. Rts. L. REV.* 109 (2007).

⁷⁰ Paul Gordon Lauren, "To Preserve and Build on Its Achievements and to Redress Its Shortcomings": The Journey from the Commission on Human Rights to the Human Rights Council, 29 *HUM. Rts. Q.* 307 (2007).

⁷¹ Jarvia Maitya, *Repositioning the International Human Rights Protection System: The UN Human Rights Council*, 36 *COMM. L. BULL.* 313 (2010).

⁷² Maximilian Spohr, *United Nations Human Rights Council: Between Institution-Building Phase and Review of Status*, 14 *Max Planck Y.B. U.N. L.* 169 (2010).

⁷³ Adrienne Kmanovics, *Human Rights Council and the Universal Periodic Review: Is it more than a Public Relations Exercise*, 150 *Studia IURIDICA AUCTORITATE Universitatis Pecs PUBLICATA* 119 (2012).

rights.⁷⁴ For Henne, the effects of the HRC operations on FoRB rights are "of crucial importance" in protecting people from "religious repression."⁷⁵

Edward R. McMahon and Elissa Johnson,⁷⁶ ⁷⁷ Elvira Dominguez-Redondo,⁷⁸ and Pilar Elizalde⁷⁹ provided comprehensive accounts of the first years of the HRC activities and mechanisms. Alice Storey,⁸⁰ Ciara Murphy,⁸¹ Philip Alston,⁸² Walter Kalin,⁸³ and Michael Lane⁸⁴ scrutinized the major factors hampering the HRC's effectiveness in the first years of its UPR mechanism. Selectivity and excessive politicization are among the major factors affecting the successful performance of the UPR. Ahmad Usmarwi Kaffah,⁸⁵ Sarah H. Paoletti,⁸⁶ Su Hyen Bae,⁸⁷ Valentina Carraro,⁸⁸ and Sara Bertotti⁸⁹ outlined how this HRC mechanism could be improved to overcome these issues. In an interesting analysis of politicization within the UPR, Kevin Boyle provided a positive account of states acting politically while participating in the mechanism. For Boyle, it is a "paradox" that "while the Human Rights Council has been accused of being

⁷⁴ Peter S. Henne, Does the UN Human Rights Council Help or Hurt Religious Repression, 60 J. CHURCH & St. 705 (2018).

⁷⁵ *Idem.* p. 723-724.

⁷⁶ Edward R. McMahon & Elissa Johnson, *Evolution Not Revolution: The First Two Cycles of the UN Human Rights Council Universal Periodic Review Mechanism*. Berlin: Friedrich-Ebert-Stiftung, 2016.

⁷⁷ Edward R. McMahon, *The Universal Periodic Review: A Work in Progress; An Evaluation of the First Cycle of the New UPR Mechanism of the United Nations Human Rights Council*. Berlin: Friedrich-Ebert-Stiftung, 2012.

⁷⁸ Elvira Dominguez-Redondo, *Universal Periodic Review of the UN Human Rights Council: An Assessment of the First Sessions*, 7 Chinese J. INT'L L. 721 (2008).

⁷⁹ Pilar Elizalde, *A Horizontal Pathway to Impact? An Assessment of the Universal Periodic Review at 10* (A. Brysk & M. Stohl ed., Edward Elgar Publishing) (2019), <https://www.elgaronline.com/view/edcoll/9781788972857/9781788972857.xml>

⁸⁰ Alice Storey, *Challenges and Opportunities for the United Nations' Universal Periodic Review: A Case Study on Capital Punishment in the United States*, 90 UMKC L. REV. 129 (2021).

⁸¹ Ciara Murphy, *What Are the Major Factors Hampering the Effectiveness of the Human Rights Council?*, 13 Amsterdam L.F. [22] (2021).

⁸² Philip Alston, *Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council*, 7 MELB. J. INT'L L. 185 (2006).

⁸³ Walter Kalin, *Human Rights Treaties within the UPR Process: Opportunities and Limits of Inter-Governmental Monitoring of Human Rights*, 60 Japanese Y.B. INT'L L. 243 (2017).

⁸⁴ Michael Lane, *The Universal Periodic Review: A Catalyst for Domestic Mobilisation*, Nordic Journal of Human Rights 507-528 (2022).

⁸⁵ Ahmad Usmarwi Kaffah, *The United Nations Human Rights Council's Performance: Achievements and Challenges*, 10 ABERDEEN Student L. REV. 116 (2020). ALWD 7th ed.

⁸⁶ Sarah H. Paoletti, *Using the Universal Periodic Review to Advance Human Rights: What Happens in Geneva Must Not Stay in Geneva*, 45 Clearinghouse REV. 268 (2011).

⁸⁷ Su Hyen Bae, *Power, Politicization, and Network Positions : Explaining State Participation in the UPR*, 16 The Korean Journal of International Studies 335–365 (2018).

⁸⁸ Valentina Carraro, *The United Nations Treaty Bodies and Universal Periodic Review: Advancing Human Rights by Preventing Politicization?*, 39 HUM. RTS. Q. 943 (2017).

⁸⁹ Sara Bertotti, *Separate or Inseparable? How Discourse Interpreting Law and Politics as Separable Categories Shaped the Formation of the UN Human Rights Council's Universal Periodic Review*, 23 International Journal of Human Rights 1140–1165 (2019).

as politicized as its predecessor [the UNCHR]," "the potential of UPR rests directly on the political pressure which states can exert on one another in a public forum to take their human rights commitments seriously."⁹⁰

The UPR Mechanism: Its Operation, Impacts, and Limitations

The UPR mechanism is a peer review system because states themselves monitor each other. It is a self-reporting system because SuRs themselves present to the international community the situation of human rights practices in their territories.⁹¹

One of the most significant current discussions in the UPR literature is whether the UPR self-reporting and the peer review systems effectively keep UN member states adherent to international human rights norms. In this sense, Valentina Carraro and Hortense Jongen analyzed whether these systems are transparent and democratic.⁹² Cosette D. Creamer and Beth A. Simmons provided an extensive historical account of how self-reporting has been employed in the UPR system and, more broadly, in International Human Rights law treaties.⁹³ In *International Organizations and Peer Review*, Edward R. McMahon assesses the self-reporting mechanism of the United Nations Human Rights Council. For McMahon, peer review systems are still "at an early stage of development and implementation"⁹⁴ and, consequently, it is difficult to assess. For him, whether the UPR self-reporting system effectively "contributes to the HRC's mandate to promote worldwide human rights" is a question that remains yet unproven.⁹⁵ The lack of studies on the (in)effectiveness of self-reporting and the peer review systems indicates a need for more empirical studies in the field.

Within the UPR, SuRs can either "accept/support" recommendations, meaning that states are willing to put them in practice domestically, or "note" them, meaning SuRs acknowledge the recommendations but reject them – de facto rejection. The question of the legal status of Universal Periodic Review recommendations is intrinsically connected to the possibility of SuRs accepting or rejecting them. The question of why states comply with the UPR mechanism constitutes a crucial discussion. This question can also be translated as how states perceive extraterritorial human rights obligations. To date, there have been very few quantitative and qualitative studies in this regard.

However, as the UPR mechanism completes more cycles, the issue of why states comply with HRC

⁹⁰ Kevin Boyle, *The United Nations Human Rights Council: Politics, Power and Human Rights*, 60 N. IR. LEGAL Q. 121 (2009). p. 133.

⁹¹ HRC Bodies" United Nations Human Rights Council, accessed October 19, 2023, <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>

⁹² Valentina Carraro & Hortense Jongen, *Leaving the Doors Open Or Keeping Them Closed: The Impact of Transparency on the Authority of Peer Reviews in International Organizations*, 24 GLOBAL GOVERNANCE 615 (2018).

⁹³ Cosette D. Creamer & Beth A. Simmons, *The Proof Is in the Process: Self-Reporting under International Human Rights Treaties*, 114 AM. J. INT'L L. 1 (2020).

⁹⁴ Edward R. McMahon, *International Organizations and Peer Review: Assessing the Universal Periodic Review Mechanism of the United Nations Human Rights Council*, 17 Afr. Y.B. Int'l L. 355 (2009). p. 356.

⁹⁵ *Ibidem*.

recommendations has grown in importance. Ciara Murphy,⁹⁶ Kazuo Fukuda,⁹⁷ Eric Cox,⁹⁸ Sara Bertotti,⁹⁹ Frederick Cowell,¹⁰⁰ Monika Heupel,¹⁰¹ Walter Kalin,¹⁰² Ahmad Usmarwi Kaffah,¹⁰³ Patrick J. Flood,¹⁰⁴ Ehsaneddin Asgari and Ali Sanaei,¹⁰⁵ Sarah H. Paoletti,¹⁰⁶ and Valentina Carraro,¹⁰⁷ for example, provided extensive accounts on why states, in general, comply with UPR recommendations. Damian Etone,¹⁰⁸ Allehone Mulugeta Abebe,¹⁰⁹ and Rhona Smith¹¹⁰ analyzed African states' compliance with the mechanism, and Amna Nazir, engagement within Muslim states.¹¹¹ In another interesting article from Rhona Smith, the author considered how the five UN Security Council permanent members engaged with UPR recommendations.¹¹² Kathryn McNeilly examined how time spent by states to fulfill a recommendation matters in terms of compliance with international human rights norms.¹¹³

For Ciara Murphy, although "the recommendations themselves are not legally binding, they are rooted in a legal framework that adds weight and influence" and "encourage states to change."¹¹⁴ Kazuo Fukuda,

⁹⁶ Ciara Murphy. *Supra* note 22.

⁹⁷ Kazuo Fukuda, Human Rights Council's Universal Periodic Review as a Forum of Fighting for Borderline Recommendations? Lessons Learned from the Ground, 20 NW. U. J. INT'L HUM. RTS. 63 (2022).

⁹⁸ Eric Cox, State Human Rights Performance and Recommendations Under the Universal Periodic Review. *All Azimuth: A Journal of Foreign Policy and Peace*, 9(1), 5-21.

⁹⁹ Sara Bertotti. *Supra* note 30.

¹⁰⁰ Frederick Cowell, Understanding the Legal Status of Universal Periodic Review Recommendations, 7 CAMBRIDGE INT'L L.J. 164 (2018).

¹⁰¹ Monika Heupel, How Do States Perceive Extraterritorial Human Rights Obligations? Insights from the Universal Periodic Review, 40 HUM. RTS. Q. 521 (2018).

¹⁰² Walter Kalin. *Supra* note 24.

¹⁰³ Ahmad Usmarwi Kaffah. *Supra* note 26.

¹⁰⁴ Patrick J. Flood, The U.N. Human Rights Council: Is Its Mandate Well-Designed?, 15 ILSA J. INT'L & COMP. L. 471 (2009).

¹⁰⁵ Ehsaneddin Asgari & Ali Sanaei, Measuring Countries' Human Rights Positions in UN Universal Periodic Review. American Political Science Association (APSA) Annual Meeting, San Francisco, 2017.

¹⁰⁶ Sarah H. Paoletti. *Supra* note 27.

¹⁰⁷ Valentina Carraro, Promoting Compliance with Human Rights: The Performance of the United Nations' Universal Periodic Review and Treaty Bodies, 63 *International Studies Quarterly* 1079–1093 (2019).

¹⁰⁸ Damian Etone, Nigeria's engagement with the Human Rights Council's Universal Periodic Review: Potential for acculturation or risk of regression? *African Journal of International and Comparative Law*, 28(2), 267-29.

¹⁰⁹ Allehone Mulugeta Abebe, Of Shaming and Bargaining: African States and the Universal Periodic Review of the United Nations Human Rights Council, 9 HUM. RTS. L. REV. 1 (2009).

¹¹⁰ Rhona Smith, A Review of African States in the First Cycle of the UN Human Rights Council's Universal Periodic Review, 14 AFR. HUM. RTS. L.J. 346 (2014).

¹¹¹ Amna Nazir, The Universal Periodic Review and Muslim States' Engagement, 15 J. INT'L L. ISLAMIC L. 1 (2019).

¹¹² Rhona Smith, "To See Themselves as Others See Them": The Five Permanent Members of the Security Council and the Human Rights Council's Universal Periodic Review, 35 HUM. RTS. Q. 1 (2013).

¹¹³ Kathryn McNeilly, How time matters in the UN Human Rights Council's Universal Periodic Review: Humans, objects, and time Creation, 34 *Leiden Journal of International Law* 607–627 (2021).

¹¹⁴ Ciara Murphy. *Supra* note 22. p. 1.

acknowledging that several studies indicated that "SuRs indeed take accepted recommendations seriously,"¹¹⁵ concluded that UPR recommendations serve multiple purposes: "They are not only genuinely geared towards actual improvements of human rights situations but also symbolic, diplomatic, and political."¹¹⁶ For Fukuda, the "power of peer pressure and acculturation creates cognitive and social pressures" on SuRs. For Sara Bertotti, recommendations are a "powerful political tool to hold countries to account with regards to their human rights record."¹¹⁷ For Frederick Cowell, recommendations constitute more than only a political tool. For the author, they may constitute evidence of *opinio juris*, that is, recommendations constitute a subjective obligation to which states perceive themselves as legally bound.¹¹⁸

While there is a considerable amount of work published concerning UPR recommendations on several human rights issues, scholars/researchers, to-date, have been unable to draw on any systematic research into FoRB recommendations. Those who incidentally touched on the issue simply acknowledged the existence of recommendations that address freedom of religion concerns. Therefore, FoRB recommendations within the UPR mechanism are poorly understood. Although an extensive search for scholarship in this field has been carried out, the team was unable to find articles describing how FoRB recommendations were created, which states were the most active in making these recommendations, or what were the most common issues that generate FoRB recommendations in the UPR. Also, scholarship on religious freedom has not treated the legal and practical challenges concerning FoRB recommendations in much detail. Therefore, empirical research and quantitative and qualitative studies in this regard are crucial.

The Impact of CSOs on UPR Recommendations

Several authors acknowledged the critical importance of the NGOs' participation during the Review phase of the UPR mechanism.¹¹⁹ For instance, Fiona McGaughey,¹²⁰ 121 122 Gareth Sweeney and Yuri Saito,¹²³

¹¹⁵ Kazuo Fukuda. *Supra* note 38. p. 77.

¹¹⁶ *Idem*. p. 68-69.

¹¹⁷ Sara Bertotti. *Supra* note 30. p. 1145.

¹¹⁸ Frederick Cowell. *Supra* note 41. p. 174-179.

¹¹⁹ Generally speaking, CSO is a broad umbrella term that "includes all non-market and non state organizations," while NGO is a subset category with distinct legal features. In other words, NGO is one of many types of CSOs. Please check this entry for more detailed information:
<https://www.undp.org/sites/g/files/zskgke326/files/migration/cn/UNDP-CH03-Annexes.pdf>

¹²⁰ Fiona McGaughey, Advancing, Retreating or Stepping on Each Other's Toes? The Role of Non-Governmental Organisations in United Nations Human Rights Treaty Body Reporting and the Universal Periodic Review, 35 *Aust. YBIL* 187 (2017).

¹²¹ Fiona McGaughey, From Gatekeepers to GONGOs: A Taxonomy of Non-Governmental Organisations Engaging with United Nations Human Rights Mechanisms, 36 *NETH. Q. HUM. Rts.* 111 (2018).

¹²² Fiona McGaughey, The Role and Influence of Non-Governmental Organisations in the Universal Periodic Review - International Context and Australian Case Study, 17 *HUM. Rts. L. REV.* 421 (2017).

¹²³ Gareth Sweeney & Yuri Saito, An NGO Assessment of the New Mechanisms of the UN Human Rights Council, 9 *HUM. Rts. L. REV.* 203 (2009).

Lucia Nader,¹²⁴ Marianne Lilliebjerg,¹²⁵ Lawrence C. Moss,¹²⁶ Natalie Baird,¹²⁷ and Edward R. McMahon.¹²⁸ For Moss, NGOs are decisive in seeking "commitments from states to comply with their human rights obligations."¹²⁹ Moss believes this process enables national NGOs and CSOs "to bring their human rights concerns to the attention of their own governments, to the media and the public in their own societies, and to the international community."¹³⁰

For Olivier de Frouville, NGOs' participation enhances the efficiency of the UN machinery to protect human rights.¹³¹ For McMahon, without "CSOs input into the recommendation process, (as well as overseeing state compliance with accepted recommendations), the UPR would be a more isolated, weaker and less legitimate mechanism."¹³² The author indicated two vital reasons as to why he believes NGOs' and CSOs' participation in the review is critical: 1) CSOs "can publicly criticize and call for policy change on matters that national governments might be inclined to avoid;"¹³³ 2) The peer-to-peer nature of the UPR "may influence states to soften their recommendations to avoid risking strains in bilateral political, economic and security relationships with the states undergoing these reviews (SuRs)."¹³⁴ McMahon reasoned that because "CSOs are not bound by this [political] concern, [...] [CSOs] may be more likely to seek stronger and more controversial recommendations."¹³⁵

Recently, researchers have shown an increased interest in the modalities of participation of NGOs in all the stages of the UPR mechanism. Following this significance, different handbooks and practical guides have been written to aid NGOs and CSOs as they issue recommendations to SuRs. For instance, the Dajana Čelebić's Handbook for Civil Society Organisations,¹³⁶ the Office of the High Commissioner for Human Rights' Tips for Engagement at Country Level for National Human Rights Institutions and Civil

¹²⁴ Lucia Nader, The Role of NGOs in the UN Human Rights Council, 4 SUR - INT'L J. ON HUM Rts. 7 (2007).

¹²⁵ Marianne Lilliebjerg, The Universal Periodic Review of the UN Human Rights Council - An NGO Perspective on Opportunities and Shortcomings, 26 NETH. Q. HUM. Rts. 311 (2008).

¹²⁶ Lawrence C. Moss, Opportunities for Nongovernmental Organization Advocacy in the Universal Periodic Review Process at the UN Human Rights Council. Journal of Human Rights Practice. Journal of Human Rights Practice Vol 2 | Number 1 | 2010 | pp. 122–150.

¹²⁷ Natalie Baird, The Role of International Non-Governmental Organisations in the Universal Periodic Review of Pacific Island States: Can Doing Good Be Done Better, 16 MELB. J. INT'L L. 550 (2015).

¹²⁸ Edward R. McMahon. *Supra* note 18.

¹²⁹ Lawrence C. Moss. *Supra* note 67. p. 123.

¹³⁰ *Ibidem*.

¹³¹ Olivier de Frouville, Building a Universal System for the Protection of Human Rights: The Way Forward in New Challenges for the UN Human Rights Machinery: What Future for the UN Treaty Body System and the Human Rights Council Procedures? 241-266 (M. Cherif Bassiouni & William A. Schabas eds. Cambridge: Intersentia, 2011. p. 259-260.

¹³² Edward R. McMahon. *Supra* note 18. p. 3.

¹³³ *Ibidem*.

¹³⁴ *Ibidem*.

¹³⁵ *Ibidem*.

¹³⁶ Dajana Čelebić, Universal Periodic Review (UPR) Handbook for Civil Society Organisations (CSO) in Bosnia and Herzegovina (BiH) BiH Civil Society Initiative for UPR, Sarajevo Open Centre, Paper 56, 33 551–552 (2021).

Society,¹³⁷ Tatiana Bejar's Practical Guide to the United Nations Universal Periodic Review,¹³⁸ the UPR INFO's Comprehensive Guide for Civil Society Organisations engaging in the Universal Periodic Review¹³⁹ and the Civil Society Written Submissions Factsheet 2.¹⁴⁰ These practical guides have given great consideration to various human rights issues worldwide. Still, our team found very few resources that focused on assisting NGOs and CSOs working with FoRB recommendations. It is hard to find a single guide or factsheet that can aid NGOs and CSOs in this specific regard. Therefore, there is little understanding of how these stakeholders can effectively engage with states to reduce religious persecution, religious extremism, genocide, and policies curtailing the religious freedom of entire communities and minority groups.

¹³⁷ Office of the High Commissioner for Human Rights, Universal Periodic Review: Tips for Engagement at Country Level for National Human Rights Institutions and Civil Society (2020).

¹³⁸ Tatiana Bejar, A Practical Guide to the United Nations Universal Periodic Review (UPR). New York: Human Rights Project, Urban Justice Center (Jan, 2010).

¹³⁹ UPR INFO, The Civil Society Compendium: A Comprehensive Guide for Civil Society Organisations Engaging in the Universal Periodic Review. Geneva, 2017.

¹⁴⁰ UPR Info, Civil society Written Submissions Factsheet 2: Civil Society Written Submissions, https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_guide_for_recommending_states_2015.pdf

CSO FoRB Engagement

Civil Society Organizations engage in the UPR process for a variety of reasons related to the objectives of their organizations and their stakeholders. Generally, these objectives fall within five main goal areas:

1. **Raising Awareness/Influencing Perceptions**
2. **Influencing Stakeholder Assessments and Published Reports**
3. **Advocating for Specific Recommendations to be Submitted by States**
4. **Encouraging the State Under Review to Accept Recommendations**
5. **Encouraging the State Under Review to Implement Recommendations**

The following section identifies, analyzes, and highlights insights from relevant examples and case studies of best practices of CSO engagement in the formation and potential implementation of FoRB-related recommendations in UPR Country Outcome Reports.

CSO Engagement Strategies

Civil Society Organizations engage in various strategies in the UPR process to achieve these five goals. In the research interviews, civil society members, United Nations officials, and national government workers highlighted key strategies that are utilized by CSOs to encourage and increase levels of implementation of FoRB recommendations. The sections below highlight these strategies, along with any insights related to their particular weaknesses or effectiveness in reaching their goals. Organizations also shared case studies of how they practically implemented these strategies or have seen them implemented by others.

Raising Awareness/Influencing Perceptions

These strategies target the general public or specific audiences to promote awareness or attempt to influence action related to human rights issues of concern.

Civil society organizations often utilize the following strategies to utilize the UPR process as a global platform to consolidate and share information about FoRB challenges. This goal of raising awareness and influencing perceptions can be directed towards many different types of audiences. The UPR can be used to consolidate other CSOs' focus around key issues, mobilize a broader coalition of actors, raise public awareness, and create a detailed record that documents the human rights situation of the country.

Raising Awareness through CSO Coalitions

Working in Coalitions: Working in coalitions was one of the top strategies that almost every interviewed organization highlighted as necessary for CSOs to be effective in the UPR process. CSOs work in coalitions to raise awareness by collaborating on joint UPR reports, sharing and verifying information, connecting with shared contacts, creating grassroots reporting networks, and amplifying

reports in multiple constituent networks. Several organizations also emphasized the importance of multi-faith engagement for advocacy around pertinent UPR FoRB issues.

Mutual Support: Coalitions multiply the expertise, personal connections, resources, and credibility that CSOs can bring to the UPR process to advance common goals. They also increase the effective allocation of resources, as one organization might not have the time or money to visit Geneva or with pertinent officials in a specific country, but in a coalition, partner groups can represent your points. NGOs can also learn from each other as they exchange best practices.¹⁴¹

Challenges: There were several warnings, however, about being strategic regarding which organizations are included in a coalition. While partnering with other groups can boost an organization's reputation, it also can tie them to controversial or uncredible actors that will harm their message or close access to certain states or officials.¹⁴²

Glean Solutions from Outside the CSO Sector

Widening the Horizons: Several CSOs emphasized the need for actors to learn to look outside of their own civil society organization sector and mobilize a broad range of actors if they hope to bring widespread awareness to society. They encouraged CSOs to think about how they can make the UPR more accessible to the broader public so that real constituents are involved.

Supportive Interest Groups: CSOs have found ways to engage with journalists, parliamentarians, trade unions, other interest groups, and individuals who aim to help avoid an overly CSO-focused process that will only achieve limited public support. They work to make these groups aware of and engaged with the UPR process so they can eventually provide a groundswell of support for recommendation implementation.

Mobilize Media Awareness of UPR Commitments

Engaging the Media: Educating and mobilizing journalists and members of the media is a strategy utilized to enhance the coverage of the Universal Periodic Review (UPR) mechanism. By engaging media professionals, organizations aim to create awareness about the UPR commitments and their significance. UPR Info focuses on simplifying information to resonate with the general public, while other organizations emphasize collaboration with local leaders in their media campaigns.

Public Attention: By engaging journalists and media outlets, there is an increased likelihood of UPR-related issues gaining public attention. This heightened awareness puts pressure on states to uphold their UPR commitments, fostering accountability among policymakers. Some CSOs tie their advocacy for the implementation of recommendations with the top issues of the day that the SuR prioritizes.¹⁴³

¹⁴¹ Zappile, Nicoletta (Programme Manager, UPR Info), interview with Aquila Mazzinghy and Trent Martin. August 30, 2023.

¹⁴² Markus Stefan Hofer (UN Communication and Outreach Officer), interview with Trent Martin. June 9, 2023.

¹⁴³ Jonas Fiebrantz and Bettina Roska (Advocacy Officer and United Nations Advocacy Fellow, Alliance Defending Freedom), Interview with Trent Martin. May 25, 2023.

Challenges: Some organizations face challenges in gaining media attention for UPR reports. These reports are often perceived as not newsworthy by the media. Additionally, these organizations lack the necessary communication personnel and resources to conduct comprehensive media campaigns.^{144 145}

Training

Training Programs: Developing training programs is another strategy used by CSOs to inform and empower local and international partners to be aware of how they can effectively engage with the UPR process. These training methods range from online learning platforms to one-time training workshops to ongoing support systems for states to learn how to track their implementation progress.

Learning Platforms: UPR Info is launching an e-learning platform with modules designed for CSOs, academics, and national human rights institutions.¹⁴⁶ The Office of the High Commissioner for Human Rights (OHCHR) is also developing national tracking databases. States can request assistance in implementing the UPR recommendations through these databases. This approach facilitates the tracking of progress at the national level, ensuring that states receive the necessary support to fulfill their UPR commitments.¹⁴⁷

Challenges: Some trainings were perceived by interviewees as too Global North-centric and not adequately attuned to local needs.¹⁴⁸ There was also some criticism for training that was limited to a select niche of CSO actors. They felt that some of those training sessions would have been more effective if they also empowered allies and advocates from other relevant sectors.

Participate in National Consultations and Pre-sessions

To influence the outcome of the National Report in the Universal Periodic Review (UPR) process, CSOs undertake several initiatives around the national consultations and pre-sessions that happen leading up to the UPR review sessions.

Advocating for Broad and Effective National Consultations: CSOs can encourage governments to conduct comprehensive national consultations involving various stakeholders, including ministries, different levels of government, parliamentarians, and civil society. Emphasizing the importance of a transparent and inclusive process, CSOs can push for well-defined timelines and the utilization of written and online tools for feedback.¹⁴⁹

¹⁴⁴ Kiern Wurts (Researcher, European Baptist Federation) Interview with Trent Martin. August 15, 2023.

¹⁴⁵ Jaspreet Singh (Advocacy Strategist, International Center for Advocates Against Discrimination) Interview with Aquila Mazzinghy. August 2, 2023.

¹⁴⁶ "UPR Info's e-Hub: The New e-Learning Platform to Empower UPR Stakeholders," UPR info, May 9, 2023, <https://www.upr-info.org/en/news/upr-infos-e-hub-new-e-learning-platform-empower-upr-stakeholders>.

¹⁴⁷ "The National Recommendations Tracking Database," OHCHR, accessed January 5, 2024, <https://nrt.dhchr.org/en/>

¹⁴⁸ Anonymous Interview #1, Interview with Trent Martin. October 13, 2023.

¹⁴⁹ UPR Info. (2017). The Civil Society Compendium.

https://upr-info.org/sites/default/files/documents/2017-04/upr_info_cso_compendium_en.pdf

Active Participation in National Consultations: CSOs can actively engage in government-hosted meetings or web-based consultations related to the UPR. By attending these consultations, CSOs can contribute their insights, recommendations, and concerns regarding human rights issues in the country.

Utilizing National Human Rights Institutions (NHRIs): NHRIs can serve as crucial intermediaries between the government and civil society. CSOs can leverage the unique mandate of NHRIs to stimulate dialogue, ensure representation of marginalized groups, and advocate for their inclusion in the UPR process.

United Gathering Space: The pre-session brings together many of the various Human Rights Council member States into a single room where information can be relayed to them at once. The states can also dialogue with the CSOs during this process. Participating in in-country and UPR-Info Pre-sessions provides a unique platform for CSOs to inform a largely Geneva-based audience of mission representatives and other CSOs also working in a specific country. Many CSOs also take advantage of the gathering of other CSOs and state representatives to host joint events and collaborate with other CSOs working on similar issues for the same state. It is an opportunity to bring FoRB rights issues to the international community's attention and gather support for recommendations in this field.

Create a Public Record of CSO Recommendations

Creating a Central Record: Another way CSOs utilize the UPR process as a platform for raising awareness involves harnessing UPR recommendations and CSO reports to consolidate a public record of key human rights issues. CSOs play a role in providing comprehensive and unfiltered perspectives, often offering a more complete human rights narrative than official state reports. Some organizations use their UPR reports as a central repository of information that can be referred to by any actors engaging in these issues. The UPR is used to mobilize local member bodies to gather and share information and as a springboard for advocacy in multiple other forums.

Challenges: However, resource-intensive information gathering and reporting processes strain organizational resources, diverting attention from other crucial activities. Under-resourced research teams often lack the necessary support and coordination. Also, the drawn-out nature of the UPR process can stall organizational momentum.

Influencing Stakeholder Assessments and Published Reports

The section examines strategies influencing the assessments and narratives of reports submitted by Human Rights Council UPR stakeholders to the general public and to the OHCHR and the HRC UPR Working Group (for inclusion in the WG's Outcome Report).

Another major goal of civil society organizations is to influence the reports submitted by Human Rights Council UPR stakeholders to the general public and the UPR Working Group for inclusion in the WG's Outcome Report. These reports play a role in framing the overall picture of the human rights situation in the UPR process. The various stakeholders include the state under review, civil society organizations,

human rights academics/experts, national human rights institutions (NHRIs), and the final summary Stakeholder Report of the OHCHR. CSOs work with these stakeholders to amplify their own views and reports through the following strategies.

Participate in Pre-Sessions

Pre-Session Engagement Opportunity: One of the real values of the pre-session is that it brings together many of the various Human Rights Council member States into a single room. It is a great opportunity for bringing FoRB rights issues to the international community's attention and gathering support for the inclusion of CSOs' perspectives in the stakeholder reports.

Challenges: However, the timing of the pre-sessions prevents most stakeholders from including it in their reports because their reports are due well before the pre-session meetings. That is why some organizations use these pre-sessions as the capstones for their ongoing engagement with embassies and other stakeholders.

Case Study

One organization, the Sudan Human Rights Institute, and several other organizations interviewed found UPR Info's Pre-sessions helpful because they provided a facilitated space for their organization, which may not have had the capacity to set up this event on its own. They felt that these sessions, when paired with other events, helped to highlight the issues on the ground that embassy staff in Geneva might not know about. Before the UPR sessions, the organization engaged with the various country embassies in Sudan as they shared their reports and perspectives on the country. They mostly engaged with the European embassies and the American embassy. They shared their recommendations and asked them to make sure their recommendations were included in the countries' UPR recommendations.

They then also followed up with the EU and American representatives in Geneva, which was greatly aided by the UPR pre-session. During the event, they had a panel discussion with one of their representatives there. After the event, there was a question and answer session where they were able to highlight their perspectives. They also had a chance to network with embassy staff afterward.

While the UPR Info hosted event was viewed as helpful, some of the other side events hosted by other CSOs were potentially even more useful as they could be focused on particular issues of concern and be more flexible in their structure. The pre-session event was good in terms of bringing all the embassies on stage, but they highlighted that it was just a one-off event that needed to be viewed as a piece of a broader strategy of engagement in Geneva and Sudan.

National CSO Consultations

Gaining Input from CSOs: National consultations are hosted by the government and provide a platform for CSOs, usually local organizations, to provide feedback on the human rights record of the state. Sometimes these consultations are more informal or are initiated by CSOs.

While states under review are encouraged to seek the input of a wide range of stakeholders, in practice only some of them actually hold formal CSO consultations. While it is an unfortunate reality that most countries do not engage on these recommendations except when the review deadlines come around, it does mean that the time before the deadlines is often an opportune time for engagement when the governments are trying to highlight their progress. They may be more willing to consult with CSOs and care more about international shaming for failing to fulfill their UPR commitments.¹⁵⁰

Advocating for Specific Recommendations Made by States

CSOs use these strategies to encourage Member States in the HRC Working Group to submit official recommendations for SuR human rights record improvement that also reflect the recommended actions advocated by the CSOs themselves. The recommendations that the SuR accepts are often the focal point of further efforts to ensure practical change results from the UPR process.

By employing the following strategic approaches, CSOs work to influence the recommendations given by states in the Human Rights Council to states under review in the UPR process. The formation and submission of these recommendations are pivotal to ensuring a tangible and lasting impact on human rights situations in the states under review. Leveraging diplomatic channels, making SMART recommendations, and fostering strategic alliances are pivotal in shaping these recommendations.

Utilize Diplomatic Channels to Advocate for the Submission of Recommendations

Developing Diplomatic Connections: One key approach involves engaging with permanent missions, embassies, and diplomats to encourage them to make FoRB-related recommendations during UPR sessions. CSOs collect and submit accurate information about FoRB situations, urging diplomats to incorporate their suggestions into the recommendations. The timing of outreach is tailored to the specific drafting processes of each country, and strategic alliances are built with smaller states where CSOs can have a significant impact. CSOs vary their outreach timeline based on individual country processes, with the start of advocacy efforts varying between 6-12 weeks before UPR sessions. The timing of engagements are often customized to fit each state's unique bureaucratic structures and decision-making processes.^{151 152}

Framing the Recommendation: CSOs often work to present the issues in the “frame” of issues and language that reflects the priorities of particular countries that can make the recommendations. This requires that CSOs study the priorities of potential recommending states through past statements, government policies, and personal relationships with officials. Even countries that might not typically

¹⁵⁰ Elshareef Ali Mohammed (Founder & Human Rights Lawyer, Sudanese Human Rights Initiative) Interview with Temitope Adeyemi-Taiye, Aquila Mazzinghy, and Trent Martin. August 25, 2023.

¹⁵¹ Karl Hoberg (Program Director, Freedom Now) Interview with Temitope Adeyemi-Taiye and Trent Martin. August 03, 2023.

¹⁵² Lisa Majumdar (Advocate and Representative to the UN, Amnesty International) Interview with Trent Martin. October 18, 2023.

be actively engaged on FoRB issues might be amenable to support FoRB recommendations that also drive forward other policy priorities.¹⁵³

Leveraging Alliances: Advocacy efforts extend to countries within international alliances and regions to garner wider support for FoRB recommendations, and CSOs advocate for previously rejected or noted recommendations to be reconsidered in the next UPR cycle. The International Religious Freedom or Belief Alliance is one group of countries that are publicly committed to supporting FoRB that can be considered when crafting advocacy strategies.¹⁵⁴

Challenges: Challenges for this strategy include facing overly bureaucratic structures in larger states and limited communication channels with embassies.

Case Study:

During the 3rd UPR cycle review of Spain, churches in the Catalonia region were being shut down. One organization was able to get the state of Pakistan to make a recommendation to reopen the churches that was accepted and implemented by Spain. Spain's diplomatic actions were connected to their home capital's political process, but the Pakistan diplomat's action was potentially more based on the personal relationship with the organization than Pakistan's top priorities. The organization worked off the assumption that Pakistan wanted to highlight some of the flaws in a region where many countries criticize its own human rights record. The way they saw tangible results in the process was mostly through relationships with the Pakistani diplomats. Though, of course, CSOs cannot get countries to undermine their national agenda, they can help them see why these issues are helpful for them.¹⁵⁵

Make S.M.A.R.T. Recommendations

Specific, Measurable, Achievable, Relevant, and Time-bound Recommendations: One method CSOs sometimes use to enhance the effectiveness of their recommendations within the Universal Periodic Review (UPR) is by adopting a SMART approach, ensuring that suggestions are Specific, Measurable, Achievable, Relevant, and Time-bound. Framing recommendations in specific and action-oriented language is crucial, reflecting the political priorities of the state being addressed. While challenges such as lack of technical expertise and broad mandates exist, successful CSOs focus on specific issues or work in coalitions with area experts to provide targeted and implementable recommendations. The concept of S.M.A.R.T. recommendations are explored further in the annex to this report.

Encouraging the State Under Review to Accept Recommendations

¹⁵³ Jonas Fiebrantz and Bettina Roska (Advocacy Officer and United Nations Advocacy Fellow, Alliance Defending Freedom) Interview with John Gongwer and Trent Martin. May 25, 2023.

¹⁵⁴ U.S. State Department. (n.d.-c). International Religious Freedom or Belief Alliance - United States Department of State. <https://www.state.gov/international-religious-freedom-or-belief-alliance/>

¹⁵⁵ Jonas Fiebrantz and Bettina Roska (Advocacy Officer and United Nations Advocacy Fellow, Alliance Defending Freedom) Interview with John Gongwer and Trent Martin. May 25, 2023.

The purpose of these strategies is to either directly or indirectly (e.g., through other Member States) encourage SuRs to accept key recommendations and begin to prepare for the implementation of these recommendations.

Another goal of some CSOs is to advocate for states under review to accept key recommendations and support them as they begin to prepare for the implementation of these recommendations.

Build Relationships with Local Authorities

Civil Society Organizations (CSOs) can play a role in facilitating the Universal Periodic Review (UPR) process by assisting local authorities in calling for the creation of human rights action plans and building long-term support for recommendations. These strategies involve cultivating relationships with local officials and parliamentarians. CSO can guide them through the complex UPR procedures, aiming for the acceptance and effective implementation of recommendations.

Challenges: Challenges for this strategy include restricted access for CSOs, limited bandwidth for engagement, and potential retribution for speaking out against state actions.

Make General Comments in the HRC Plenary Session

The last official chance for CSOs to make public comments is during the Human Rights Council's Plenary Session. It is during this session that civil society organizations have their only opportunity to take the floor during the UPR. Before the Human Rights Council adopts the outcome report, NGOs and other civil society organizations in consultative status with the UN Economic and Social Council (ECOSOC) have the opportunity to take the floor and make 'general comments'.

Funding to Increase SuR Capacity

Civil Society Organizations (CSOs) can contribute to the realization of accepted Universal Periodic Review (UPR) recommendations by guiding states to utilize funding opportunities provided by organizations like the Voluntary Fund for Financial and Technical Assistance.¹⁵⁶ CSOs can serve as intermediaries, informing states about these funds, assisting in the application process, and providing support for successful project implementation.

CSOs proactively inform states, particularly least developed countries (LDCs) and small island developing States (SIDS), about funding opportunities like the Voluntary Fund for Financial and Technical Assistance.¹⁵⁷ They provide guidance and assistance throughout the application process, ensuring states understand eligibility criteria and funding requirements. The fund has disbursed over

¹⁵⁶ "The Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review," United Nations Human Rights Council, accessed January 10, 2024, <https://www.ohchr.org/en/hr-bodies/upr/trust-fund-implementation>

¹⁵⁷ "The Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review," United Nations Human Rights Council, accessed January 10, 2024, <https://www.ohchr.org/en/hr-bodies/upr/trust-fund-implementation>

\$6,000,000 in seed funding towards projects in 87 countries and for 8 regional workshops.¹⁵⁸ The funding is designated towards the focus areas of:

- “Creating synergies between the implementation of key universal periodic review recommendations...”
- “Strengthening of governments’ institutional capacity to ensure a comprehensive follow up and reporting on the progress achieved...”
- “Enhancement of the role of parliaments...”
- “Strengthening of the United Nations country teams to support national efforts to implement human rights mechanisms recommendations and integrate them with initiatives to achieve the Sustainable Development Goals (SDGs).”¹⁵⁹

CASE STUDIES

In Moldova, the Permanent Human Rights Secretariat, with OHCHR support, created a guide on national mechanisms for monitoring human rights implementation and developed a roadmap linking the National Human Rights Action Plan with Sustainable Development Goals, aided by the Voluntary Fund's support.¹⁶⁰

A regional consultation in Panama, facilitated by the Voluntary Fund, UNDP, and UN Resident Coordinator's office, explored good practices, follow-up mechanisms, and synergies between the universal periodic review and the 2030 Agenda. The consultation aimed to enhance human rights and Sustainable Development Goals alignment at the national level.¹⁶¹

Encouraging the State Under Review to Implement Recommendations

This final section examines the strategies CSOs use to hold SuRs accountable and to support the successful fulfillment of its commitments made in the acceptance of recommendations and to the broader human rights concerns highlighted during its review.

Numerous interviewed organizations perceive implementation as the ultimate objective that the Universal Periodic Review (UPR) process should aim towards. Civil Society Organizations (CSOs) play a crucial role in ensuring that the state under review fulfills its commitments to implement accepted recommendations and address the broader human rights concerns spotlighted during the state’s review.

However, it has become evident that the implementation phase poses significant challenges, primarily in terms of time and resources, for nearly all CSOs. Many organizations lack the necessary capacity to actively participate in the implementation process. Some have expressed frustration, characterizing the

¹⁵⁸ Ibidem.

¹⁵⁹ Ibidem.

¹⁶⁰ Ibidem.

¹⁶¹ Ibidem.

recommendations as being trapped within a "Geneva vacuum."¹⁶² Furthermore, several CSOs have observed that numerous states defer engagement with the recommendations until the subsequent review cycle, effectively bypassing the implementation stage. States face minimal repercussions if they choose not to engage, apart from the potential for international scrutiny and condemnation. Consequently, states often defer implementation activities until the last minute, resorting to superficial actions just before the review.¹⁶³

Despite its complexity, successful engagement in the implementation of recommendations is seen by CSOs as indispensable for the UPR process to exert a lasting impact on driving transformative changes within states. CSOs have devised strategies aimed at advancing the goal of implementation, some of which are explored in the subsequent discussion. Several of these strategies, proposed by organizations, represent innovative ideas that have yet to be tested but hold potential promise for enhancing the efficacy of the UPR process.

CSO Coalitions

Civil Society Organizations (CSOs) can optimize resources and enhance effectiveness by forming coalitions that focus on specific human rights issues, such as freedom of religion or belief (FoRB). These coalitions enable shared monitoring costs, exchange of expertise, and joint advocacy efforts. Working in multi-faith and multi-perspective coalitions expands the reach of FoRB advocacy, builds credibility, and fosters collaboration with diverse stakeholders, facilitating the implementation of FoRB recommendations.

Advocating in multi-faith and multi-perspective coalitions enhances credibility. Collaborative efforts demonstrate a commitment to inclusivity and respect for diverse perspectives, fostering trust among state and CSO actors.¹⁶⁴

Coalitions may face various challenges, including, managing diverse interests and perspectives within a coalition and sustaining long-term collaboration.

Case Study

The Austrian League for Human Rights developed a dynamic coalition of civil society partners that they empowered to engage in the implementation of Austria's UPR recommendations. The Austrian League serves as a catalyst for change by working with hundreds of other organizations to coordinate reporting and action for Austria's UPR process. They have coordinated joint

¹⁶² Lisa Majumdar (Advocate and Representative to the UN, Amnesty International) Interview with Trent Martin. October 18, 2023.

¹⁶³ Anonymous Interview #1, Interview with Trent Martin. October 13, 2023.

¹⁶⁴ Claire Denman (Press & Public Affairs Deputy Team Leader and UN Officer, CSW) Interview with Trent Martin and Aquila Mazinghy. August 17, 2023.

statements to the UPR process with over 250 Austrian civil society partners.¹⁶⁵ The League mostly works on a high level to coordinate partners who provide expertise on particular issues.¹⁶⁶

The League found that the involvement of CSOs usually came at too late of a stage in legislative efforts to change the outcomes. In Austria, the Executive ministries prepare laws before sending them to parliament. Because the government has an absolute majority they can bring almost anything they want through the parliament. Because of this, there is usually a lot of work on the legislation before it even comes to parliament and this pre-process is largely secretive. The parties that are trying to make a final draft between each other do not usually want to bring in other outside (CSO) parties that might complicate the deal. By law, the government's proposal should be published publicly, and after comments, they should redraft it with the inputs, but that is not how it is working. The published ones usually are the final versions. The coalition monitors the full range of UPR recommendations made to Austria, including FoRB issues such as combating anti-semitism and hate crimes against Muslim refugees.¹⁶⁷ The organization maintains a database that monitors the progress of each recommendation and lists which of their coalition CSO members are working to support that recommendation. They are also working to improve relations with government officials by holding regular consultations where officials and CSOs can dialogue with each other about human rights situations.

Mid-Term Engagement

Civil Society Organizations (CSOs) can play a proactive role by assisting state authorities in preparing mid-term reports and by submitting their own mid-term assessments. Despite challenges such as the lack of formal review, this strategy can create accountability and transparency, enhancing the UPR process. By encouraging mid-term reporting, CSOs provide an additional accountability piece that prevents States from simply ignoring their UPR commitments.

However, the absence of a formal review mechanism for mid-term reports diminishes their impact. The reports might not receive the same level of attention and scrutiny as the full UPR, leading to a perception of reduced importance. Mid-term reports also often lack visibility and might not receive the necessary attention from stakeholders. Some CSOs felt that states are more likely to engage on a one-on-one basis with the organization, encouraging follow-ups on UPR recommendations and fostering constructive conversations.¹⁶⁸

Track Accepted Recommendations

CSOs (Civil Society Organizations) and coalitions of CSOs develop online data collection systems with indicators that enable linking specific FoRB (Freedom of Religion or Belief) recommendations received by

¹⁶⁵ Horn, F. (2020). Austrian League for Human Rights Statement. UPR Info.

https://www.upr-info.org/sites/default/files/documents/2020-12/6._austrian_league_for_human_rights_stmt.pdf

¹⁶⁶ Florian Horn (Board Member; Coordinator of the UPR Process, Austrian League for Human Rights) Interview with Trent Martin and Aquila Mazzinghy. August 16, 2023.

¹⁶⁷ *Universal Periodic Review*. Liga für Menschenrechte. (2023, November 6). <https://liga.or.at/upr/>

¹⁶⁸ Claire Denman (Press & Public Affairs Deputy Team Leader and UN Officer, CSW) Interview with Trent Martin and Aquila Mazzinghy. August 17, 2023.

a state at the UPR (Universal Periodic Review) with consequent human rights progress on the ground. Additionally, CSOs engage with various stakeholders, including local partners, academia, civil society representatives, legal professionals, judiciary members, human rights institutions, and government officials at different levels. Subsequently, CSOs compile the obtained information to write and disseminate reports on the progress made by the state on FoRB issues.

The Austrian League for Human Rights also created a new online tool to serve as an independent monitoring system for the Austrian government's implementation progress for UPR recommendations. The tool keeps the government accountable by transparently highlighting the implementation status of the recommendations, which government agencies are responsible for the implementation, which NGOs are supporting the implementation, and which country made the recommendation.¹⁶⁹

National Action Plans

To enhance the effectiveness of national action plans concerning human rights, collaboration with Civil Society Organizations (CSOs) is crucial. Engaging CSO feedback on these plans, creating suggested action plans by NGOs, utilizing UPR process reports, and advocating for consultative meetings with government officials responsible for drafting the action plan are key strategies. These actions aim to integrate UPR recommendations and broader human rights mechanisms into a cohesive, target-driven national action plan. Several CSOs said that organizations need to map out their long-term theories of change for the target country and not just do one-off reports. They shared that CSOs should be strategic about implementation and what levers of influence should be engaged in each part of the process.¹⁷⁰

Seek Funding to Increase CSO Capacity

Many of the organizations highlighted the challenge of finding funding to be able to devote enough resources to follow through on advocating for the implementation of UPR recommendations. If small and even mid-sized CSOs are engaged in the UPR process, they most often focus most of their efforts around crafting submissions and engaging in the Geneva mechanisms. While there might be a desire from these organizations to work more thoroughly on implementation, resource limitations often prevent them from fully engaging.

CSOs can seek out funding opportunities from various different groups to increase their capacity to work on implementation. One example organization, CIVICUS, aims to leverage its networks, knowledge, and visibility within funding communities to secure more resources for CSOs in the Global South. They seek to enhance access to resources for smaller or spontaneous organizations by serving as a connecting platform for various groups to share their "models of practice" and resources.¹⁷¹

¹⁶⁹ "Universal Periodic Review," Liga für Menschenrechte, November 6, 2023, <https://liga.or.at/upr/?assignee=UPR-Empfehlungen&cycle=3>.

¹⁷⁰ Lisa Majumdar (Advocate and Representative to the UN, Amnesty International) Interview with Trent Martin. October 18, 2023.

¹⁷¹ "Civil Society Resourcing," CIVICUS Global Alliance, September 27, 2018, <https://www.civicus.org/index.php/what-we-do/strengthen/civil-society-resourcing>.

Find Synergies with Other Reporting Procedures

CSOs highlighted several human rights bodies that could be utilized to support the implementation of UPR recommendations. They emphasized active engagement with UN special rapporteurs and working groups, involving collaborations on human rights assessments and facilitating their visits. Additionally, they advocated for the use of international platforms like International Freedom of Religion or Belief Alliance to share NGO recommendations globally. This strategy might involve engagement with treaty bodies such as ICCPR and CEDAW. Moreover, the approach involves linking UPR recommendations with Sustainable Development Goals (SDGs).^{172, 173}

Case Study

The International Center for Advocates Against Discrimination (ICAAD) has deployed a cutting-edge machine learning program designed to enhance the precision of recommendations by cross-comparison with Sustainable Development Goals (SDGs).¹⁷⁴ Through this program, ICAAD systematically evaluates risks and opportunities across various countries. This approach enables the identification of discriminatory laws and policies that obstruct the realization of SDGs. Collaborating with Datakind, a team of accomplished data science experts, ICAAD conducted a rigorous analysis of Universal Periodic Review (UPR) data within the framework of the SDGs. This comprehensive analysis provides invaluable insights, illuminating the specific areas where governments ought to allocate resources to promote human rights and advance their sustainable development agendas.

This tool assists these stakeholders in identifying human rights areas that need priority attention and resource allocation.

Encourage Recommending States to Tie Recommendations to Broader Diplomatic Engagement

Various CSOs also highlighted their work to advocate that recommending states incorporate their UPR recommendations in their broader bilateral relations with the state under review. If there is no follow-up from the recommending state, the state under review will often not prioritize the issue. Some organizations are advocating for states to utilize trade incentives to push for UPR implementation. The EU's GSP Plus Status is an example of a special incentive arrangement for sustainable development and good governance. One of the CSO practitioners emphasized the potential for Civil Society Organizations (CSOs) to engage with the GSP Plus process. They believed that engagement in this process helped

¹⁷² Jaspreet Singh (Advocacy Strategist, International Center for Advocates Against Discrimination - ICAAD) Interview with John Gongwer, Trent Martin, and Aquila Mazzinghy. August 02, 2023,

¹⁷³ Nicoletta Zappile (Programme Manager, UPR Info) John Gongwer, Trent Martin, and Aquila Mazzinghy. August 30, 2023.

¹⁷⁴ "Exploring Artificial Intelligence," ICAAD, October 22, 2019, <https://icaad.ngo/exploring-artificial-intelligence/>.

create incentives for the Pakistani government to release Asia Bibi, who was sentenced to death for blasphemy.¹⁷⁵

Partner with Legal and Judicial Networks

Some CSOs partner with lawyers and judicial networks to advocate for UPR recommendations through strategic litigation and use in judicial reasoning. They provide local lawyers with up-to-date research on strategic litigation, enabling them to impart effective strategies for instigating positive change. They also remind states about their legal commitments in treaties that may support UPR recommendations.

They did highlight the importance of recognizing that certain countries may not adhere to common international legal standards. For example, while the United States domestic courts do not usually cite international standards in their decisions, it can play a higher role in some other countries around the world.

CSO Engagement Effectiveness - SuR, UN Officials, and Recommending Member State Perspectives

The previous section looked at the effectiveness of UPR engagement strategies from the perspective of CSOs. This section examines these strategies from the alternative perspective of the counterpart decision-makers that CSOs are trying to influence through these engagement strategies. The research team undertook a comprehensive examination to ensure that the perspectives of Civil Society Organizations (CSOs) were balanced by the perspectives of their counterparts in the United Nations, government officials in States Under Review or Member States, and national human rights institutions. This involved presenting the alternative viewpoint of CSO counterparts by interviewing a specified number of experts who represented various key intervention points throughout each stage of the Universal Periodic Review (UPR) process.

These experts used a 1-5 Likert scale to rate CSO actions, indicating the perceived influence of these actions on the UPR process. Subsequently, the experts were asked to rank these actions in order of effectiveness and their impact on behavior. The research team conducted qualitative follow-up interviews and scrutinized case studies provided by the interviewees for additional insights. Analyzing this data, along with feedback from participating interviewees and other UPR experts, the team generated valuable insight and guidance for the future engagement of CSOs.

However, it's important to acknowledge certain limitations. While the survey included a diverse sample of actors, it did not encompass the full spectrum of perspectives and actors involved in the UPR process. Some perspectives were derived from individuals with limited engagement on Freedom of Religion or Belief (FoRB) issues, basing their insights on involvement with other human rights recommendations.

¹⁷⁵Anonymous Interview #1, Interview with Trent Martin. October 13, 2023.

Discussion & Conclusions

Research Objective

In conclusion, this study sought to both validate the assumptions of the efficacy of CSO involvement in the UPR to affect the freedom of religion or belief/human rights records of SuRs as well as identify optimal strategies of engagement. Through the analysis of CSO strategies, the study aimed to elucidate how CSOs can enhance their effectiveness in promoting FoRB rights and contribute to a deeper understanding of their role in the UPR framework.

The study explored how civil society can bring awareness to the UPR report recommendations, increase the transparency and accountability of state actors, coordinate with national and international legislative bodies, and ultimately increase the prospect that the target countries will effectively implement the UPR report recommendations and address the underlying issues.

Discussion Analysis and Conclusion

Drawing on the project's surveys and interviews the report's findings highlight many pieces of anecdotal evidence from the outlined strategies that were observed by CSO and official actors to drive the implementation of recommendations. While this project did not utilize empirical evidence to establish the causal links between CSO action and SuR implementation, the research and CSOs interviews uncovered strategies and potential ideas to help sharpen the UPR process to effectively drive implementation.

The research findings highlight the various objectives that drive CSOs engagement in the UPR process. These objectives include 1) raising awareness about human rights issues, 2) influencing the assessments and reports of stakeholders involved, 3) advocating for specific recommendations submitted by states, 4) offering support to the states under review, and 5) fostering the implementation of UPR recommendations. CSOs employ various strategies to achieve these goals, such as, coalition-building, leveraging media platforms for awareness campaigns, providing training and support to empower local and international partners, active participation in pre-sessions, utilizing diplomatic channels for advocacy, and monitoring progress through data collection.

The interviews conducted in this project revealed that the UPR system and CSO involvement in that system is still in an adolescent stage with a wide range of options to develop to increase its impact on advancing freedom of religion or belief. The key insights from these interviews and guidelines are discussed and analyzed in this section to provide an overview of the dynamics and strategies CSOs should consider in their UPR engagement.

Identify Strategic Points and Timing of Interventions

CSOs possess significant opportunities to advocate for FoRB rights across all five phases of the UPR. Prior to the review, CSOs can shape submissions and recommendations made by the working group by contributing to the OHCHR stakeholder's report. Furthermore, their involvement in UPR Info Pre-session

meetings enables them to share valuable insights on human rights issues in the SuR with other CSOs and NHRIs, facilitating the promotion of relevant and SMART recommendations to recommending states. While CSOs may not directly participate in working group sessions, those with ECOSOC consultative status can attend to observe, while others can raise awareness of human rights issues through events and media outreach. The period between working group sessions and the HRC plenary session presents a crucial window for CSOs to advocate for the acceptance of recommendations by SuRs, providing suggestions and expertise on National Implementation Plans. Although participation in the plenary session's phase may not directly impact recommendations' responses, CSOs can engage with the HRC council and international community to articulate expectations for implementation follow-up. During the implementation and follow-up phase, CSOs also can play an important role in lobbying for national implementation of accepted recommendations, utilizing the UPR outcome report as a primary advocacy tool to hold state governments accountable to their commitments and international expectations.

While many CSO groups are aware of some of the main points of engagement with the UPR process, CSO engagement often underutilizes several key areas or fails to engage in certain process at the time where they can achieve the most impact. CSOs can help maximize their impact by considering the following often overlooked points of engagement:

Mid-term reports: The mid-term between two cycles of review provides a natural point for an evaluation of the process the SuR has made on its commitments. While the SuR is supposed to make a midterm report of its own, many states fail to make this submission. Even if the state does not make a submission, CSOs can give their own reviews to the OHCHR. Alternatively, CSOs could consider releasing a review of the SuRs progress at other strategic points such as national elections, dedicated human rights days, or around key legislative sessions. This also updates the material around the recommendations to be used internationally by the media, other UN mechanisms, and foreign governments.

In-country consultations: In-country consultations are another pivotal area of engagement that is often overlooked or engaged with too late. Especially for states with larger bureaucracies, there are long-term processes that can go into the creation of national reports and recommendations for other states. The recommendations and reports are most often not formed in Geneva, but are instead gleaned by a state from an amalgamation of its embassies and foreign affairs ministry/department in the capital. That is why many organizations viewed long-term relational engagement with government contacts in embassies and capitals around the world as key to planting the seeds of recommendation and engagement on FoRB issues. Some SuRs also conduct official consultations with civil society members that CSOs should engage with. Even if there is not an official consultation, CSOs can encourage the SuR to start one or provide alternative methods of receiving input from CSOs. Despite the potential benefits of national CSO consultations, many states engage with their CSOs primarily for optics, often disregarding their input. That is part of the reason that some CSOs focus on increasing the public pressure and transparency of the State commitments and CSO recommendations.

Develop Key Partnerships

The need to develop partnerships and coalitions was another topic that the research and interviews highlighted. These partnerships are utilized by CSOs to increase their credibility, resources, and sphere of influence.

CSO Coalitions: Many interviewees highlighted the importance of working in a coalition and with partners in the SuR to increase the credibility of CSO engagements. Working in coalitions was especially emphasized by several FoRB-focused CSOs that said that these coalitions were integral to how they functioned. The coalitions gave more legitimacy to smaller organizations and the use of multi-faith coalitions helped to avoid the appearance of sectarianism in reporting on FoRB. The inclusion of local partners in CSO reporting and implementation was also shown to be key to driving implementation. Local partnerships helped to gather information from the ground, aid with avoiding the perception of being “outside interlopers”, and provide a grassroots network to aid with implementation.

However, some CSOs cautioned that choosing partnerships with certain organizations could close certain routes of advocacy. If an organization in the coalition has developed a reputation for being vigorously outspoken in attacking a certain country’s record, it might be difficult to utilize a more relational approach with that country. Sometimes this might be necessary, but CSOs need to weigh their affiliations and strategies for each engagement.

Identify Ideal State Partners: CSOs in the project identified that they worked with a wide range of state actors depending on the issue and strategy they were employing. They highlighted that various Nordic, EU, FoRB Alliance member, and Small Island states were especially helpful in engaging on FoRB issues. Smaller states were often easier to engage with in Geneva largely because their smaller staff size led them to rely more heavily on CSO information to create their recommendations. Some CSOs also highlighted that efforts should be focused on engaging recommending states that have points of influence with the SuR. They also said that relationships with the states needed to extend beyond Geneva to local embassies and capitals to be more effective. They also recommended that CSOs find the points where FoRBs issues align with the priorities of recommending countries.

Break Out of the UPR Bubble

In the discussion with organizations, interviewees noted that the UPR and broader human rights CSO field has sometimes become its own self-perpetuating ecosystem that is not attuned to actors and needs on the ground or focused on tangible impacts. Just sending reports to the UPR process or only engaging with Geneva embassies is often not enough to drive implementation of policy changes. They encouraged CSOs to expand their sphere of engagement to connect local and international systems and involve more stakeholders in the UPR process.

Connecting Local and International Networks: Advocacy efforts on the Geneva-level can pull from connections on the ground such as faith networks or local CSOs. These local constituencies in the SuR can sometimes amplify advocacy efforts in Geneva with a stronger voice to hold their own government accountable. Proposed recommendations should be coordinated with local groups to make sure that they

reflect the needs and reality of the situations on the ground. Instead of simply moralizing to the SuR by proposing vague recommendations for improvement, actionable recommendations can be made that accurately reflect the local situation. Local involvement also makes it harder for SuRs to dismiss the recommendations as foreign meddling in their internal policies.

Meaningful Solutions: “Naming and shaming” human rights advocacy can have its place in holding SuRs accountable, but some CSOs saw some use of these techniques as shouting into an echo chamber without driving real change on the ground. Also, providing recommendations with unspecific language or unrealistic policy changes mostly fail to drive change. They highlighted that recommendations are often stronger when they are developed with a broad range of stakeholders and provide SMART (Specific, Measurable, Actionable, Realistic, Time-Bound) details that give SuRs a clear path to implementation. To advocate for the acceptance of recommendations, CSOs can engage local authorities by aiding in human rights action plan development. Yet, a challenge is the restricted access CSOs face and concerns over repercussions for criticizing the government. Nonetheless, CSOs can assist in implementing accepted recommendations by advising states on accessing international funding like the Voluntary Fund for Financial and Technical Assistance and acting as liaisons between them and the state.

Include a Broader Range of Actors: The need for a broader range of actors to be involved in the process was often mentioned in the interviews. The following are some of the stakeholders that can be considered when CSOs are forming their engagement strategies to drive implementation:

- **Journalists:** Increasing media attention and reporting on SuR’s follow through on their UPR commitments can help to keep implementation as a priority for the SuR.
- **Legislators:** Often the involvement of legislators will be necessary to drive implementation of various policies in recommendations. There are UPR funds that support legislative bodies in supporting UPR recommendation implementation.
- **Lawyers & Judges:** While UPR recommendations themselves do not have the force of law, some of the recommendations can be made to draw attention to the legal obligations many nations have from treaties they are party to or could join. Judges and lawyers can also be key actors in implementing recommendations that call for legal reform or the just treatment of religious actors in the court system.
- **Local Government:** Even if there are national protections for FoRB, there may be local government violations or ignorance of FoRB rights. CSOs can help partner with these local actors to provide the capacity that they might be lacking to be trained and implement FoRB protections for their communities.
- **Business Community:** Engaging the business community, both within the SuR and internationally, can help create an economic incentive for SuRs to implement their accepted recommendations. If there is the use of promised increased trade cooperation or agreements or the threat of economic sanctions or the pulling out of private businesses then it can encourage SuRs to take action.
- **UN Mechanisms:** Sharing recommendations with Special Rapporteurs and UN treaty bodies can also provide reinforcing systems that can echo the recommendations in their separate capacity. CSOs can especially look at collaborating with the mechanisms of Special Rapporteur on FoRB, Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances,

Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the situation of human rights defenders, and [many others](#).

- **International Religious Freedom or Belief Alliance (IRFBA):** The IRFBA is a network currently composed of [37 countries and five other “IRFBA friend” countries](#). These countries have given a public affirmation of their prioritization of FoRB and are good potential allies as recommending states and to help follow-up with implementation. The International Religious Freedom Office of the United State’s State Department is currently serving as the Secretariat of the Alliance and maintains a mailbox for the alliance at IRFA_Secretariat@state.gov.

Track and Publicize Implementation Status

The report examined the data from UPR Info on the 2,030 FoRB-related recommendations (out of the total 90,938 recommendations from the first three cycles) assessing their specificity and state support. Only 9.9% (201) of all the FoRB recommendations were both specific in their asks and supported by the SuR. This shows significant room for growth in both the crafting of more measurable recommendations and the willingness of states to support specific recommendations related to FoRB.

Subsequently, 126 recommendations were selected from the 201 listed above, as representing actions that were deemed most measurable (e.g. adoption of legislation). Those 126 recommendations were evaluated on the degree of action taken by states in fulfilling their commitments to implement the supported recommendations. Almost half (48%) of these recommendations were either fully or partially implemented, while the SuRs ignored or failed to implement the remaining recommendations.

Many CSOs also highlighted the need for more transparency and accountability for SuRs that have committed to supporting recommendations through tracking systems.

Systematic Tracking: To promote implementation, there is a widely recognized need to build public tracking systems to monitor SuR’s progress or lack thereof on their commitments. There are already some CSOs that are doing this on a more informal basis for certain recommendations, but many CSO expressed that they did not have the capacity to track the implementation of FoRB recommendations in a systematic manner. However, there is a coalition of CSOs in Austria, the Austrian League for Human Rights, that is pioneering a collaborative effort of Austrian CSOs to closely monitor their country’s UPR recommendation implementation. [Their online tracking database](#) lets anyone see if there is any progress being made on implementation of any recommendation made to Austria and provides notes on which parts of the Austrian government are responsible for the policy. They also provide helpful insight into where the process is at and which CSOs are actively involved in supporting the recommendation. This model provides a powerful example of how systematic tracking can be leveraged to help drive implementation.

Next Steps

While CSOs have reported some successes in these strategies ensuring implementation of FoRBs rights, challenges persist, particularly concerning capacity constraints and limited resources for effectively following up on implementation efforts. To address this, various organizations are working to leverage

their networks' knowledge, and visibility within funding communities to secure more resources. This aims to enhance access to resources for smaller organizations. This study also showed that working in coalitions and partnerships with other organizations to combine resources could help address the issue of limited resources.

The review of previous UPR studies delves into the intersection of the Universal Periodic Review (UPR) mechanism and the promotion of freedom of religion and belief (FoRB) rights. While there is a growing body of literature related to the UPR process, there is little research specifically related to FoRB or guidance for CSOs working to advance FoRB in the UPR systems. There remains a dearth of empirical research specifically focused on the creation and implementation of FoRB recommendations within the UPR mechanism. Therefore, further empirical studies and comprehensive analyses are needed to address these gaps and enhance understanding of the dynamics surrounding FoRB within the UPR mechanism.

Moving forward, the strategies compiled in this report can be disseminated as guidance for CSOs, governmental bodies, media, and other stakeholders involved in human rights advocacy. CSOs should continue to develop strategies and training for linking groups on the ground with international groups in a coordinated way to input and follow up to influence UPR outcomes. By sharing best practices and lessons learned, this report aims to empower stakeholders to enhance their efforts in promoting FoRB and advancing human rights globally.

Annexes

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UPR FoRB Recommendations Received by SuRs (Cycles 1-3)

SuRs (Recommendations Received)	FoRB Recs	All Supported FoRB Recs	Supported Recs (% of FoRB Recs)	All Specific Action Recs	Spec Action Recs (% of FoRB Recs)	# Supported Specific Action FoRB Recs	Supported Specific Action Recs (% of FoRB Recs)
Afghanistan	12	12	100.0%	2	16.7%	2	16.7%
Albania	5	5	100.0%				
Algeria	17	11	64.7%	2	11.8%		
Andorra	2	1	50.0%				
Angola	2	2	100.0%	1	50.0%	1	50.0%
Argentina	1		0.0%				
Armenia	8	7	87.5%	2	25.0%	2	25.0%
Australia	13	13	100.0%	1	7.7%	1	7.7%
Austria	30	24	80.0%	10	33.3%	5	16.7%
Azerbaijan	15	11	73.3%	4	26.7%	2	13.3%
Bahamas	1		0.0%				
Bahrain	6	5	83.3%	1	16.7%		
Bangladesh	20	16	80.0%	3	15.0%	1	5.0%
Barbados	2	1	50.0%				
Belarus	8	7	87.5%	2	25.0%	1	12.5%
Belgium	32	21	65.6%	13	40.6%	4	12.5%
Bhutan	18	2	11.1%	10	55.6%		
Bosnia and Herzegovina	10	8	80.0%	1	10.0%	1	10.0%
Botswana	1		0.0%				
Brazil	1	1	100.0%				
Brunei Darussalam	22	6	27.3%	6	27.3%		
Bulgaria	15	10	66.7%	3	20.0%	1	6.7%
Burkina Faso	1	1	100.0%				
Burundi	1	1	100.0%				
Cambodia	2	2	100.0%	2	100.0%	2	100.0%
Cameroon	1	1	100.0%				
Canada	20	19	95.0%	6	30.0%	5	25.0%
Central African Republic	7	7	100.0%	1	14.3%	1	14.3%
Chile	6		0.0%	5	83.3%		
China	54	32	59.3%	16	29.6%	5	9.3%
Colombia	2		0.0%	2	100.0%		
Comoros	15	6	40.0%	5	33.3%	2	13.3%
Costa Rica	1	1	100.0%				
Cote d'Ivoire	2	2	100.0%	1	50.0%	1	50.0%
Croatia	2	2	100.0%				
Cuba	17	11	64.7%	4	23.5%		
Cyprus	7	6	85.7%	1	14.3%	1	14.3%
Czechia	11	11	100.0%	3	27.3%	3	27.3%
Democratic Republic of Cong	1		0.0%				
Denmark	36	27	75.0%	6	16.7%	3	8.3%
Djibouti	2	1	50.0%				

SuRs (Recommendations Received)	FoRB Recs	All Supported FoRB Recs	Supported Recs (% of FoRB Recs)	All Specific Action Recs	Spec Action Recs (% of FoRB Recs)	# Supported Specific Action Recs	Supported Specific Action Recs (% of FoRB Recs)
DPR Korea	20	5	25.0%	11	55.0%	2	10.0%
Egypt	25	19	76.0%	10	40.0%	5	20.0%
Eritrea	43	10	23.3%	26	60.5%	1	2.3%
Estonia	14	13	92.9%	6	42.9%	6	42.9%
Ethiopia	12	12	100.0%	1	8.3%	1	8.3%
Fiji	3	3	100.0%				
Finland	5	4	80.0%	1	20.0%		
France	54	39	72.2%	7	13.0%	5	9.3%
Georgia	26	24	92.3%	4	15.4%	3	11.5%
Germany	43	35	81.4%	4	9.3%	2	4.7%
Greece	27	17	63.0%	7	25.9%	5	18.5%
Guyana	1		0.0%				
Honduras	1	1	100.0%				
Hungary	9	9	100.0%	1	11.1%	1	11.1%
Iceland	5	3	60.0%	2	40.0%		
India	22	6	27.3%	4	18.2%		
Indonesia	52	39	75.0%	15	28.8%	4	7.7%
Iran	63	18	28.6%	18	28.6%		
Iraq	23	21	91.3%	6	26.1%	5	21.7%
Ireland	20	14	70.0%	7	35.0%	3	15.0%
Israel	55	15	27.3%	17	30.9%	1	1.8%
Italy	14	14	100.0%	1	7.1%	1	7.1%
Japan	7	2	28.6%	3	42.9%		
Jordan	5	3	60.0%	2	40.0%		
Kazakhstan	28	20	71.4%	9	32.1%	5	17.9%
Kenya	6	6	100.0%				
Kiribati	1		0.0%	1	100.0%		
Kuwait	5	5	100.0%				
Kyrgyzstan	18	14	77.8%	6	33.3%	3	16.7%
Laos	18	15	83.3%	6	33.3%	5	27.8%
Latvia	6	6	100.0%	1	16.7%	1	16.7%
Lebanon	1	1	100.0%				
Liberia	1	1	100.0%	1	100.0%	1	100.0%
Libya	7	5	71.4%	1	14.3%	1	14.3%
Liechtenstein	11	10	90.9%	1	9.1%		
Lithuania	9	9	100.0%	2	22.2%	2	22.2%
Luxembourg	8	7	87.5%				
Macedonia FYR	4	4	100.0%				
Madagascar	1		0.0%				
Malawi	1	1	100.0%				
Malaysia	24	9	37.5%	5	20.8%	1	4.2%

SuRs (Recommendations Received)	FoRB Recs	All Supported FoRB Recs	Supported Recs (% of FoRB Recs)	All Specific Action Recs	Spec Action Recs (% of FoRB Recs)	# Supported Specific Action FoRB Recs	Supported Specific Action Recs (% of FoRB Recs)
Maldives	40	2	5.0%	21	52.5%		
Mali	6	5	83.3%				
Mauritania	6	1	16.7%	2	33.3%		
Mexico	4	4	100.0%				
Moldova	10	10	100.0%	2	20.0%	2	20.0%
Monaco	1		0.0%				
Mongolia	2	2	100.0%	1	50.0%	1	50.0%
Montenegro	6	6	100.0%	1	16.7%	1	16.7%
Morocco	3	2	66.7%	1	33.3%		
Myanmar	75	19	25.3%	28	37.3%	1	1.3%
Nepal	8	6	75.0%	3	37.5%	2	25.0%
Netherlands	32	18	56.3%	8	25.0%	1	3.1%
New Zealand	3	3	100.0%	1	33.3%	1	33.3%
Nicaragua	3	1	33.3%	1	33.3%		
Nigeria	25	22	88.0%	1	4.0%	1	4.0%
Norway	21	17	81.0%	6	28.6%	3	14.3%
Oman	4	3	75.0%				
Pakistan	56	27	48.2%	27	48.2%	7	12.5%
Paraguay	3	3	100.0%	1	33.3%	1	33.3%
Philippines	3		0.0%				
Poland	8	8	100.0%	4	50.0%	4	50.0%
Portugal	9	9	100.0%	1	11.1%	1	11.1%
Qatar	13	9	69.2%	2	15.4%		
Republic of Congo	1	1	100.0%	1	100.0%	1	100.0%
Republic of Korea	26	3	11.5%	19	73.1%	2	7.7%
Romania	12	9	75.0%	5	41.7%	3	25.0%
Russian Federation	22	13	59.1%	8	36.4%	1	4.5%
Rwanda	3		0.0%				
Samoa	2	2	100.0%	1	50.0%	1	50.0%
San Marino	5	3	60.0%	2	40.0%		
Saudi Arabia	30	18	60.0%	7	23.3%	1	3.3%
Senegal	5	5	100.0%	1	20.0%	1	20.0%
Serbia	16	12	75.0%	2	12.5%	1	6.3%
Seychelles	2	2	100.0%	1	50.0%	1	50.0%
Sierra Leone	2	2	100.0%	1	50.0%	1	50.0%
Singapore	14	14	100.0%				
Slovakia	20	19	95.0%	3	15.0%	3	15.0%
Slovenia	8	8	100.0%				
South Africa	5	3	60.0%	3	60.0%	2	40.0%
South Sudan	5	1	20.0%	2	40.0%		
Spain	17	17	100.0%	3	17.6%	3	17.6%

SuRs (Recommendations Received)	FoRB Recs	All Supported FoRB Recs	Supported Recs (% of FoRB Recs)	All Specific Action Recs	Spec Action Recs (% of FoRB Recs)	# Supported Specific Action FoRB Recs	Supported Specific Action Recs (% of FoRB Recs)
Sri Lanka	16	14	87.5%	3	18.8%	2	12.5%
St Vincent & the Grenadines	1		0.0%				
Sudan	13	10	76.9%	7	53.8%	5	38.5%
Swaziland	1	1	100.0%				
Sweden	64	53	82.8%	13	20.3%	9	14.1%
Switzerland	20	15	75.0%	4	20.0%	1	5.0%
Syria	11	7	63.6%	8	72.7%	5	45.5%
Tajikistan	21	10	47.6%	8	38.1%	1	4.8%
Tanzania	2	2	100.0%				
Thailand	2	2	100.0%				
Timor-Leste	1	1	100.0%				
Togo	1	1	100.0%				
Tunisia	9	9	100.0%	1	11.1%	1	11.1%
Turkey	48	27	56.3%	17	35.4%	4	8.3%
Turkmenistan	24	16	66.7%	7	29.2%	1	4.2%
Tuvalu	11	4	36.4%	7	63.6%	2	18.2%
Ukraine	11	10	90.9%	1	9.1%	1	9.1%
United Arab Emirates	4	1	25.0%	1	25.0%		
United Kingdom	16	14	87.5%	4	25.0%	2	12.5%
United States	16	9	56.3%	2	12.5%	1	6.3%
Uruguay	4	4	100.0%	1	25.0%	1	25.0%
Uzbekistan	24	13	54.2%	10	41.7%	7	29.2%
Viet Nam	39	24	61.5%	8	20.5%	1	2.6%
Yemen	7	6	85.7%	1	14.3%	1	14.3%
Zambia	1	1	100.0%	1	100.0%	1	100.0%
Grand Total (148 SuRs)	2030	1295	70.0%	573	33.8%	201	21.5%

