

**The Universal Periodical Review:
Time to Occupy the space allocated to Civil Society**

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From now on, each UN Member State will have its compliance with human rights obligations and commitments reviewed through the Universal Periodic Review (UPR) at the Human Rights Council. This mechanism complements the existing systems of sectarian reporting to treaty bodies and the new Complaint Procedures (replacing 1503 Procedure). It provides a great opportunity for a global review of the human rights situation in UN member states, as measured against the rights embodied in the UN Charter, the Universal Declaration of Human Rights, the Human Rights Instruments to which the state is party (such as CCPR or ICESCR), and the voluntary pledges made by a government (made for example in the run-up to election at the Council). The review is no doubt comprehensive and should be a useful tool to periodically address compliance with human rights obligations and commitments within individual states.

Every member state will be reviewed every 4 years (48 a year). Three reports will be handed to the competent UPR working group composed of the 47 members of the Human Rights Council. These reports will consist of: a 20 page report by the state itself (ideally after holding a broad consultation with national NGO's); a 10 page document by the Office of the High Commissioner for Human Rights, which will be a compilation of all of the reports of the relevant treaty bodies, special procedures, and other UN agencies; and finally a 10 page summary of the submissions of other "stakeholders" (NGO's, Human Rights Commissions, etc.). To ease the review process, three rapporteurs from the UPR working group will be selected. The working group will hold a three hour interactive dialogue with the state concerned before adopting a report on the country review. This report will later be endorsed by the Council. If a country does not cooperate with the UPR mechanism, the Council will "address" the situation. It is unclear what exactly the Council will do in "addressing" the situation.

This last point highlights one of the many grey areas of the mechanism. Since the process has never taken place, this first UPR in December, during which India, the United Kingdom and South Africa will be reviewed, should be extremely important in clarifying many unclear aspects of the procedures. For example, some questions remain regarding the content of the government reports, the exact nature of the compilation by the OHCHR, the prioritization of certain human rights issues, the type of outcome that can be expected from the UPR working groups, the space for NGOs during the review, etc. It is therefore fundamental for civil society members to be vigilant, to participate fully in the procedure, and to ensure that their voices will be heard and that the UPR's outcome will be strong enough to have a real impact on national human rights policies.

The UPR gives NGO's space on paper; now it is crucial for them to take ownership of that space. The Human Rights Council Resolution 5/1 encourages states under review to hold broad consultation processes at the national level prior to the writing of their submission, yet, in India for example, despite the government's pledges that it is encouraging civil society, no steps have been taken for such a consultation. All NGO's are allowed to directly submit 5 page reports (that will afterwards be summarised by the OHCHR) and they can attend the three hours discussion within the UPR working group (if this doesn't give them the right to make statements or ask questions, it still provides a wonderful platform to lobby, or comment on the government's arguments unofficially). Furthermore, the Council itself, when it will adopt the report of the working group, is a potential platform for advocacy. At this level, NGO participation could take the form of submissions, written statements, lobbying,... Finally and most importantly, civil society has a fundamental role to play in following up and monitoring the recommendations of the review at a national level, and the potential new commitments and pledges of the states in question.

This brand new mechanism was set up to respond to the complaints of many human rights defenders at various levels about the lacunas of the Commission on Human Rights mechanism (now replaced by the Council). Now is the time for civil society to ensure that it will develop to its full potential.