



The Universal Periodic Review and linkages to children's rights and the UN Committee on the Rights of the Child

Information for Civil Society

*"The Council shall... undertake a **universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments** in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a **cooperative mechanism**, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall **complement and not duplicate the work of treaty bodies...**"*

UN General Assembly resolution A/RES/60/251

A series of four factsheets have been developed by Child Rights Connect and UPR-info to provide detailed information to civil society about the UPR with a focus on children's rights and linkages to the UN Committee on the Rights of the Child.

- **Factsheet 1: Information for civil society**
 - Factsheet 2: Civil society written submissions
 - Factsheet 3: Civil society advocacy
 - Factsheet 4: Civil society follow-up
- These factsheets were originally published in 2014 and have been updated in 2020.
 - Please use these factsheets to support your UPR activities and get in touch with us if you'd like to know more or have any questions! UPR info: info@upr-info.org/Child Rights Connect: secretariat@childrightsconnect.org

What is the Universal Periodic Review (UPR)?

The UPR is one of the key mechanisms of the United Nations Human Rights Council (HRC) which assesses the extent to which States are complying with their obligations to protect, respect and fulfill human rights, including children's rights.

Since its inception in 2008, this Member State-led peer-to-peer human rights monitoring mechanism has proven to be a very effective platform with significant impact on the human rights situation on the ground.[1]

During the first UPR cycle, from 2008 to 2011, all UN Member States came to Geneva, Switzerland, and answered questions on their human rights record. After the second cycle was concluded at the end of 2016, all States had participated in the review twice and some 57 000 recommendations had been made, of which approximately 72 % were supported.[2]

Issues concerning the rights of the child were the third most raised with some 10 000 recommendations made in this regard (17.53 % of the total recommendations made).[3] The third cycle, which commenced in 2017, is ongoing until the end of 2021.

[1] For an in depth analysis of the impact of the UPR, see publications by UPR Info, *Beyond Promises: The Impact of the UPR on the Ground*, 2014, at: https://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf, and *The Butterfly Effect: Spreading Good Practices of UPR Implementation*, 2016, at: https://www.upr-info.org/sites/default/files/general-document/pdf/2016_the_butterfly_effect.pdf

[2] See publication by UPR Info, *The Civil Society Compendium A Comprehensive Guide for Civil Society Organisations engaging in the Universal Periodic Review*, 2017, at: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf

[3] See the UPR Info Database, at: <https://www.upr-info.org/database/statistics/>

The UPR examination takes place during a 3.5 hour "review"[4] conducted by the UPR Working Group[5] – which is open to any UN Member State – in the form of an interactive dialogue.

The **State under review ("SuR")** is given 70 minutes to present its report, answer questions made by other States and present concluding remarks. 140 minutes are allocated to States participating in the review to ask questions, make comments and recommendations to the SuR

States have a maximum of 2 minutes to deliver their statements[6] and usually manage to raise 2 to 4 issues during that time. They can also transmit written questions to the SuR, ten working days before its UPR.[7].

For each review, three HRC Member States, known as the troika, are selected at random. They transmit the written questions to the SuR and help the Secretariat draft the Report of the Working Group.

Civil Society Organisations (CSOs), National Human Rights Institutions (NHRIs), human rights defenders including children, academic institutions, ombudspersons, individual experts and regional organizations, cannot participate in the review but they can submit written information and recommendations beforehand.[8]



Key facts about the UPR



- Every 4½ years
- For all UN Member States
- The review is based on three reports:
 - 1) the State's national report (about 20 pages),
 - 2) a compilation of UN information on the State (about 10 pages) prepared by the Office of the High Commissioner (OHCHR) and
 - 3) a summary of other relevant stakeholders' information, including NGOs, NHRIs and children, (about 10 pages) prepared by the OHCHR.[9]

For the third cycle of the UPR, which began in April 2017, the OHCHR released country specific matrices for the States under review, as a complement to the stakeholder's report[10]. States receive recommendations from their peers, not from experts like the Committee on the Rights of the Child (the Committee).

- The SuR can decide to "support" or to "note" the recommendations[11]. When the recommendations enjoy the support from the State, it means that they have been accepted. While States cannot formally reject recommendations, noted recommendations mean that the State did not make a commitment to support those recommendations, thus the State can decide to implement the recommendations or not.
- Supported recommendations should be implemented by the next review. Within this timeframe, States can also take measures to implement noted recommendations.
- Civil society can monitor the implementation of both supported and noted recommendations.

[4] As a result of the review of the HRC's working methods in 2011, the UPR interactive dialogue was extended to 3½ hours. This came into effect when the 2nd UPR cycle started in May 2012.

[5] The UPR Working Group consists of the 47 members of the Council; however any UN Member State can take part in the discussion/dialogue with the reviewed States. Each State review is assisted by groups of three States, known as "troikas", who serve as rapporteurs. The selection of the troikas for each State is done through a drawing of lots following elections for the Council membership in the General Assembly. <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx>

[6] The exact time States have to make their statement will depend on the number of States that want to take the floor during the allocated 140 minutes.

[7]

[8] See Factsheet No.2, entitled "NGO written submission for the Universal Periodic Review".

[9] See OHCHR guidelines for written submissions for the third UPR cycle, published in 2016, here: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_technicalguidelines3rdcycle_submissions.pdf. See also Factsheet No. 2 entitled: "NGO written submission for the Universal Periodic Review".

[10] Matrices of recommendations of countries to be reviewed during the third UPR cycle are available here: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>

[11] Pursuant to Resolution 5/1.

How have child rights been addressed in the UPR?

For information about and statistics on how child rights have been addressed in the UPR, see:

- The UPR Info database at: <https://www.upr-info.org/database/>
- United Nations Population Fund: Lessons from the Second Cycle of the Universal Periodic Review <https://www.unfpa.org/publications/commitment-action-sexual-and-reproductive-health-and-rights-0>

What is the difference between the UPR and CRC reporting cycles?

While the UPR is a peer-to-peer review between State Parties, the review of the implementation of the Convention on the Rights of the Child (CRC) and its Optional Protocols is conducted by 18 independent experts, i.e., members of the Committee on the Rights of the Child.[12]

In addition, the UPR is more frequent (every 4,5 years) and the dates are more predictable than the reporting cycle of the CRC and its Optional Protocols. The schedule for the UPR is set in advance (i.e. before the start of each review cycle) by the HRC and it is not dependent on the submission of the State's report. As a result, States cannot delay the review by neglecting to submit their report, and CSOs can plan their UPR work a long time in advance by checking the calendar of UPR examinations.[13]

Conversely, under the regular review cycle, the CRC Committee sets the date for when the State's next country report is officially due in its Concluding Observations to a State and if the State does not submit its report by the given deadline, the Committee does not schedule a review. Albeit the CRC reporting cycle is intended to take place every 5 years, the review will be delayed until the CRC Committee receives the State report. This has resulted in backlogs of reports for the Committee and hence in the past, considerable delays in the review schedule. Naturally, this may also create difficulties for CSOs in terms of planning their work.

Under the Simplified Reporting Procedure (SRP), implemented by the CRC Committee since 2016, invited States are requested to decide whether they want to be reviewed under the SRP or not. If the State decide to opt-in, the review cycle starts with the answer of the State.

Under the UPR, all human rights obligations incumbent on a State may be raised, including children's rights. The UPR is a highly political mechanism and issues raised are a direct reflection of the political priorities of States. This means that some issues risk being neglected, are they not adequately advocated and lobbied for by CSOs.[15] The review by the CRC Committee focuses solely on children's rights as opposed to human rights at large. In this sense, issues concerning all clusters, principles and treaty provisions of the CRC and its Optional Protocols are ensured to be covered. States may furthermore, in a voluntary basis, submit mid-term reports on the implementation of the UPR recommendations they accepted. CSOs can also submit mid-term reports as an opportunity for advocacy in the follow-up of the implementation of the recommendations.

What is the relationship between the UPR Recommendations and the CRC Committee's Concluding Observations?

The UPR is not a stand-alone mechanism of the HRC. It can be used to reinforce and follow-up on recommendations from Special Procedures, reports presented and resolutions adopted at the HRC, etc.. Likewise, the UPR can also produce additional recommendations which reflect developments at national level since the State was last examined by the CRC Committee or other treaty bodies, thereby strengthening the promotion and protection of children's rights. These recommendations can, in turn, be followed up by the CRC Committee where they relate to child rights. The UPR review and the CRC reporting are thus complementary and mutually reinforcing.

As such, both mechanisms are essential in creating space for interaction between child rights actors, including children themselves; in pushing for children's rights to be at the heart of a political agenda; and in holding States accountable to their legal obligations to children. Unlike the Concluding Observations of the CRC Committee, when a State has formally accepted UPR recommendations, it has committed to implement them before its next review [20]

[12] Access our CRC reporting mini-site here: <http://crcreporting.childrightsconnect.org/>

[13] UPR calendar: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

[15] See further, Factsheet No. 3, entitled "NGO Advocacy in the Universal Periodic Review".

**TIP**

NGOs can base their UPR recommendations on the Committee's concluding observations or make new recommendations related to the CRC and its Optional Protocols. The UPR can therefore be used to reinforce the implementation of these treaties. CSOs can also base their recommendations to the CRC Committee on UPR recommendations.

By checking the schedules for reporting under the UPR and on the CRC and its Optional Protocols, OPSC [21] and OPAC [22], CSOs will know the latest Recommendations or Concluding Observations made to their State and will be able to refer to them when they engage with the UPR, the CRC Committee or other human rights mechanisms. This will ensure that the different international human rights mechanisms reinforce each other.

Supporting and noting recommendations: a particularity of the UPR

Given the nature of the review, a State may:

- **Support recommendations: accept to implement recommendations related to child rights**

If these are **not contained in the CRC Committee's Concluding Observations**, CSOs can include these UPR Recommendations in their work on the CRC and its Optional Protocols, and refer to them in their next alternative report to the CRC Committee, or consider them in follow-up work related to the Concluding Observations.

- **Note recommendations: express no commitment to implement recommendations related to child rights**

If the noted recommendations are **contained in the CRC Committee's Concluding Observations**, CSOs can use the Concluding Observations to support their advocacy for to implementation of noted recommendations.

Nature of UPR Recommendations

The content of UPR Recommendations is similar to the CRC Committee's Concluding Observations, although they tend to be more general. They may therefore lack the slightly more concrete measures often found in CRC Concluding Observations. CSOs should therefore use any relevant CRC Concluding Observations to assist the State in interpreting and implementing the UPR Recommendations they accepted[23].

The **implementation of each accepted recommendation will be reviewed during the next UPR cycle** for each State. During the interim period, States may provide updates on the implementation of UPR Recommendations under the General Debate of item 6 of any HRC session and send mid-term reports. [24]

**Note**

There is no standard procedure to indicate which recommendations the State considers to have already implemented or to be in the process of implementing. Most States accept these recommendations (indicating in the Working Group report or the Addendum that the implemented recommendations are among the accepted recommendations) while other States "note" them on the grounds that they have already been implemented. If the noted recommendations were based on the CRC Committee's Concluding Observations, CSOs can bring them to its attention, so that it can request information on the measures taken to implement these recommendations.

[20] As a result of the review of the HRC's working methods in 2011, the UPR review cycle has been extended to four and a half years.

[21] Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

[22] Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

[23] See Factsheet No. 4, entitled "Follow-up to the Universal Periodic Review".

[24] States' mid-term reports can be found under: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>

Who makes the UPR recommendations?

During the Working Group session, States Parties make recommendations by taking the floor to read their prepared statements; any recommendations that are not read in the room will not be included in the Working Group report. During the Working Group session, half an hour is allocated to the adoption of the “outcome report” that is a report prepared by the troika (Every State under review has a different troika, each troika consists of three States, who are members of the HRC, selected by lot from the different regional groups) with the involvement of the State under review and assistance from the OHCHR Secretariat. This report provides a summary of the interactive dialogue including questions, comments and recommendations made by States to the country under review, as well as the responses by the reviewed State. The reviewed State has the opportunity to make preliminary comments on the recommendations choosing to either accept or note them. Both accepted and noted recommendations are included in the report.

Only accepted recommendations are expected to be implemented. However, noted recommendations can be used to raise public awareness and lobby the government to change their position.

How can civil society influence the UPR Recommendations?

- **CSOs, including NGOs, NHRIs and children, can submit reports** to make sure that their issues of concern will be included in the summary of stakeholders' information and be used by other States as the basis of the review[25]

AND

- **CSOs, including NGOs, NHRIs and children, can participate in the UPR Pre-Session** to brief Permanent Missions on the human rights situation on the ground in the SuR and **conduct advocacy and lobbying activities before the review** to get other States to make their recommendations during the review. Proposed recommendations should be “S.M.A.R.T”: specific, measurable, achievable, relevant, and time-bound[26]
- **CSOs, including NGOs, NHRIs and children, can conduct advocacy activities in country** such as approaching embassies of other States to suggest specific recommendations or approaching UN agencies that will be contributing to the review.
- **NGOs can also lobby the SuR to accept UPR recommendations.** A State does not have to accept or note the recommendations made by other States at the end of the review during the UPR Working Group session. States usually give their final say on recommendations during the official adoption of the outcome report at the HRC plenary session, which takes place a few months after the UPR Working Group session. CSOs can therefore use the interim period to lobby their State to accept their recommendations. If during the UPR Working Group session or before the adoption of the report at the HRC, the State has noted CSOs recommendations which are in line with the CRC Committee's Concluding Observations, CSOs can lobby their State to change its position and accept them at the HRC plenary session.

Opportunities for child participation.

Child Rights Connect and UPR Info work together to ensure that children can meaningfully and safely participate in the UPR process (using the CRC Committee's child participation standards[27]) as equal rights holders and stakeholders. NGOs play an immense role in empowering children and ensuring their safe, effective and meaningful participation[28] throughout the UPR process.[29] This means that their voices should be heard and taken into account in each and every stage of the UPR, including:

- 1) children's views should be incorporated into both the stakeholder report and the State report and in child-led report[30].
- 2) children should be involved in the advocacy and lobbying actions towards States including participating in the pre-session and be empowered to develop and take forward their own initiatives;[31] and
- 3) children should be engaged in the implementation phase of the UPR recommendations and be able to access information and any support needed to take forward their own follow-up actions.[32]

[25] See further Factsheet No. 2, entitled “NGO Written Submission for the Universal Periodic Review”.

[26] To find out about advocacy and lobbying activities before the UPR, see Factsheet No.3 entitled “NGO Advocacy in the UPR”. See also UPR Info's Pre-Session publication, at: https://www.uprinfo.org/sites/default/files/general-document/pdf/2016_pre_sessions_empowering_human_rights_voices_from_the_ground.pdf.

[27] The latest standards set by the Committee on the Rights of the Child are the Working methods for the participation of children in the days of general discussion of the Committee on the Rights of the Child: http://www.childrightsconnect.org/wp-content/uploads/2018/07/AUV_working-methods-for-child-participation-in-DGDs.pdf?x37799

[28] For more information about child participation, see UN Committee on the Rights of the Child, General Comment No. 12 (2009), The Right of the Child to Be Heard, at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>.

[29] The nine basic requirements for child participation, as established by the UN Committee on the Rights of the Child, should be applied also in the UPR. See: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/66/2&Lang=en

[30] See further Factsheet No.2, entitled “NGO written submission for the Universal periodic Review”.

[31] See further Factsheet No.3, entitled “NGO Advocacy in the UPR”.

[32] See further Factsheet No.4, entitled “Follow-up to the Universal Periodic review”.

FIVE REASONS TO ENGAGE IN THE UPR

1

Civil society can raise all issues relating to the human rights record of the State Under Review (SuR) Under the UPR, all human rights obligations of the SuR can be addressed, including:

- the UN Charter,
- the Universal Declaration of Human Rights,
- all the human rights instruments which the State is a Party,
- the voluntary pledges and commitments made by the State, and
- applicable international humanitarian law.

Child rights issues are therefore part of the wider human rights agenda. The UPR is an opportunity to collaborate with other national civil society actors and to establish new partnerships and child rights actors are encouraged to actively engage in the UPR by raising issues relevant to their work.

2

Information from civil society can become part of the official documentation prepared by the UN for the review of a State and CSOs recommendations can officially be made to each State.

The summary of other relevant stakeholders' information, which is prepared by the OHCHR, is based on written submissions of NGOs, National Human Rights Institutions (NHRIs), human rights defenders including children, academic institutions, ombudspersons, individual experts and regional organizations. This summary usually includes key human rights, including child rights issues as well as recommendations to the State.

If CSOs make a written submission, it can become part of the summary of relevant stakeholders.

Through advocacy and lobbying, CSOs can highlight issues overlooked by the SuR and get other Member States to raise their concerns during the review, either as questions or recommendations.

3

It is focused and targeted.

Civil society submissions are limited to 2,815 words (about 5 pages) for individual submissions and 5,630 words (about 10 pages) for joint submissions.[33] CSOs can use information contained in their last CRC/OPSC/OPAC alternative reports, provided that it covers the situation of child rights in the country over the past 4½ years. In addition, the OHCHR has devised 'Matrices of recommendations of countries' to further emphasise the level of implementation in UPR reporting. Each Matrix allows States and CSOs to report on both the supported and noted recommendations. The purpose of the matrices is to collect precise and specific information on the level of implementation in the SuR. This information does not count as part of the submission.

4

When a State accepts UPR recommendations, it makes a strong political commitment before all UN Member States to implement them in the following 4½ years.

While it is unfortunate that States can "note" recommendations which are in line with their international human rights obligations, accepted recommendations reflect a strong political commitment from the State to implement them before the next review.

The UPR State delegations usually include high ranking officials with political influence, which demonstrates the States' commitment to the UPR process. The political aspect of the UPR can be an advantage, as States may take it seriously.

5

It provides a great opportunity to increase awareness about child rights issues in a country

Both the UPR review and the sessions of the CRC Committee are webcast, which makes them widely accessible.

CSOs can use the UPR to increase awareness on child rights issues, as an opportunity to follow-up on CRC Concluding Observations (especially if similar recommendations were made under the UPR), and to exert more pressure on a State to respect child rights in general.

[33] The cover page, footnotes, endnotes and annexes will not be taken into account in the word limit and will not be included in the summary.

HOW AND WHEN CAN CIVIL SOCIETY ENGAGE IN THE UPR?

1. Preparation of the State's UPR report

- Get involved in national consultations with the State to raise child rights concerns and ensure these issues are included in the State's report (1 year prior to the review).
- Send a civil society written submission to the OHCHR by following the **technical guidelines for stakeholders submissions for the 3rd cycle** issued by OHCHR, to send written contributions to UPR documentation. (7 to 8 months prior to the review).[34]
- Support children to produce a child-led report and contribute to national consultations



TIP: Use NGO research and the alternative report to the CRC Committee to draft the UPR submission. Maximum 2,815 words for an individual UPR submission and 5,630 words for a joint one.

2. Before the UPR

- Participate in the UPR Pre-Sessions organized by UPR Info and support children to participate in the process [35] Advocate for your S.M.A.R.T recommendations to be made by States participating in the UPR. Target UN missions in Geneva and/or embassies in the country. [36]
- Advocate for your NGO questions to be posed by States participating in the UPR through advanced written questions or an oral statement during the review. (1 to 3 months prior to the review)



TIP: Check the database available on www.upr-info.org to identify the States that previously made recommendations on child rights. Contact Child Rights Connect at secretariat@childrightsconnect.org for advice on advocacy in Geneva.

3. During the UPR session

Attend as observer the UPR interactive dialogue in Geneva, watch the UN webcast live or after the session to take note of all the child rights references. Support and empower children to monitor the session and analyse the dialogue with them. Hold a side event on the situation of children in the country. Participate in side events, make contact with other NGOs. Report on the review to partners at home, from a child rights perspective.



The UPR outcome report, which contains all the recommendations, is drafted within 48 hours of the review. At the adoption of this report by the UPR Working Group, the State can already accept/note recommendations.

4. After the UPR and before the official adoption by the HRC


Lobby the State to get more recommendations accepted before the HRC plenary session when the UPR outcome report will be officially adopted. - Lobby the State to change its position on noted recommendations, especially those that are in line with CRC Concluding Observations, before the HRC plenary session.

[34] See Stakeholder Guidelines on the UPR mechanism here: <https://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

[35] See Factsheet No. 3, entitled "NGO Advocacy in the Universal Periodic Review". See also UPR Info's Pre-Session publication, at: https://www.upr-info.org/sites/default/files/general-document/pdf/2016_pre-sessions_empowering_human_rights_voices_from_the_ground.pdf

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[36] Ibid.



The State has a few months between steps 4 and 5 to provide its final answers on each and all recommendations made during the UPR session. **TIP: Use this time to lobby the State to accept more child rights recommendations.**

5. At the Human Rights Council plenary session (Item 6)

Deliver an oral statement on the review of the State (only for NGOs with ECOSOC status) or join an oral statement prepared by other CSOs. Hold a side event on the situation of children in the country. Participate in side events and make contacts with other NGOs engaged in the UPR. Hold a press conference.



6. Follow-up

- Inform the general public and the key actors in your country (like parliamentarians or ministries) about UPR outcomes, especially those that are accepted.
- Disseminate the UPR recommendations broadly, including child friendly versions.
- Establish a strategy or Plan of Action to monitor the implementation of child rights recommendations that have been accepted.
- Propose to help the government in implementing the recommendations.
- Monitor and report on the implementation status of the UPR outcomes periodically.
- Establish contact with UNICEF and other child-focused agencies, including the child ombudsman and/or the national human rights institution, for the implementation phase.
- Provide information on the implementation of recommendations when preparing the next written submission.
- Establish a dialogue with the government and other partners on child-specific recommendations that have been rejected.
- Write and submit a mid-term report on the implementation of recommendations 2.5. years after the UPR review.
- Encourage the State to hold national consultations on the forthcoming UPR review cycle (3.4-4 years after the review)
- Follow up with Permanent Missions and embassies that made your recommendations.