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Christina M. Cerna on Universal Periodic Review of Human Rights: Towards Best Practice. Edited by Purna Sen. London: Commonwealth Secretariat, 2009. 138pp.

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Abstract

A review of:

Universal Periodic Review of Human Rights: Towards Best Practice. Edited by Purna Sen. London: Commonwealth Secretariat, 2009. 138pp.

Keywords

United Nations (UN), Human Rights Council, Universal Periodic Review (UPR)

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On March 15, 2006, the United Nations General Assembly adopted Resolution 60/251, which created the UN Human Rights Council to replace the UN Commission on Human Rights. The Commission, created in 1946, had been the principal human rights body within the UN system. In subsequent years, however, the Commission was increasingly criticized for excessive politicization, double standards, and selectivity in the treatment of country situations. The Council was created to reform these defects. One of its mandates is to undertake a universal periodic review of each of the 192 member states of the United Nations every four years. A Universal Periodic Review (UPR) Working Group began functioning in April 2008. The Working Group was designed to hold three two-week sessions per year, reviewing sixteen countries per session or forty eight per year, and will have reviewed all 192 member states in the first phase of the process (which began in 2008) by 2011.

The Working Group is comprised of the forty-seven members of the Council. Each state is reviewed by groups of three states, known as “troikas,” which serve as rapporteurs. The troikas are selected by a drawing of lots prior to each Working Group session. The “review” consists of a three-hour interactive dialogue for each state with the Working Group in Geneva. The United States, for example, is scheduled to be reviewed at the third session in December 2010. A formal assessment of the UPR mechanism will take place in the Human Rights Council (2011) before the second phase begins.

This small book is a publication of the Commonwealth Secretariat, which, in cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR), organized a series of seminars for all the Commonwealth member states reporting under the UPR process. The book is designed to assist the Commonwealth’s fifty three member states in understanding the UPR.

Annexes make up half the text. They are a hodgepodge of information, some useful, some less so. This reviewer found the Human Rights Council Resolution 5/1, the general guidelines for the preparation of information under the UPR, and the list of ratifications of and signatures to key human rights treaties by Commonwealth countries in 2008 to be the most useful. The other annexes are perhaps useful for readers from the Commonwealth.

Human Rights Council Resolution 5/1 of June 18, 2007 sets forth the UPR process. The goal of the UPR is to improve the human rights situation on the ground and to address violations where they occur by means of technical assistance (such as a recommendation to seek technical assistance from OHCHR and UNICEF, among others, on juvenile justice, as recommended by the Committee on the Rights of the Child). Ibrahim Salama, Chief of the Human Rights Treaty Branch of the OHCHR, highlights the “bottom-up approach” of the monitoring process (6). The process involves a “three-dimensional approach,” wherein 1) a country makes its own self-assessment in a “national report,” which is reviewed together with 2) information from the UN treaty bodies, such as Concluding Observations from the relevant UN treaty body (such as the UN Human Rights Committee or the UN Committee against Torture), from independent experts (special procedures), and other UN bodies (such as the Working Groups on Arbitrary Detention

or Enforced and Involuntary Disappearances), and 3) information from NHRIs and NGOs. During the Working Group session, half an hour is allocated for the troika to adopt each of the “outcome reports” on the states reviewed during that session.

The book contains a graphic description of the topics raised during the three-hour interactive dialogue for each Commonwealth state, which indicate the issues of major concern. For example, the issue of “human rights and counterterrorism” was raised seven times with the United Kingdom, “violence against women” was raised fourteen times with Ghana, “gender violence” was raised twenty-nine times with Pakistan, “women’s rights” was raised ten times with Barbados, and “HIV/AIDs” was raised seven times with South Africa. The failure to ratify human rights treaties was the topic raised most often with the Commonwealth countries, followed by gender/violence against women, children’s rights, and NHRIs/human rights organizations. As a result, thirty Commonwealth countries ratified or signed different UN human rights treaties during 2008 (119-121).

Although this book is designed for a specific audience (the Commonwealth), it serves to inform any state, human rights institution, or civil society organization as to what to expect from the UPR process. It also has the unique advantage of being the first book to appear on the new UPR mechanism, which is what compelled this reviewer to examine it. Such studies, if there are more in the future, no doubt will also assist the Human Rights Council in undertaking its own assessment of the process.

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