

UNIVERSAL PERIODIC REVIEW: EFFECTIVE MONITORING OF HUMAN RIGHTS STANDARDS?

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Abstract in original language

Opisom štruktúry univerzálneho periodického hodnotenia Rady OSN pre ľudské práva sa autor pokúsi zodpovedať otázku, či môže toto nové hodnotenie slúžiť ako efektívna metóda kontroly ľudsko-právnych štandardov na univerzálnej úrovni. Rámec a charakter ľudsko-právneho preskúmania sú v tomto smere značne dôležité. Príspevok analyzuje pozadie univerzálneho periodického hodnotenia ako jednej z funkcií Rady pre ľudské práva, jeho postup a skorú prax.

Key words in original language

Rada OSN pre ľudské práva, univerzálne periodické hodnotenie, ľudské práva

Abstract

By describing the Universal Periodic Review of the United Nations Human Rights Council, author attempts to answer the question, whether this new review process could serve as an effective monitoring instrument of human rights standards at the universal level. The scope and character of the human rights scrutiny is of great importance in this regard. The contribution analyses background of the Universal Periodic Review as one function of the Human Rights Council, its procedure and early practice.

Key words

UN Human Rights Council, Universal Periodic Review, Human Rights

1. INTRODUCTION

The system of human rights protection at universal level can be divided into the treaty-based and charter-based one. For treaty as well as charter-based universal system certain level of dynamism is characteristic. With regard to treaty system the unification of treaty bodies and their procedures is discussed and steps towards unify monitoring treaty body are prepared.¹ The

¹ See Concept paper on the High Commissioner's proposal for a unified standing treaty body, HRI/MC/2006/2, 22 March 2006. For an analysis of possible method of achieving the reform of treaty bodies, see Michael Bowman, 'Towards a unified treaty body for

main reform of the charter-based universal system has been partly accomplished by creation of the Human Rights Council (Council).

The Council is from 2006 successor of the Commission on Human Right (Commission), which was the subsidiary body of the Economic and Social Council (ECOSOC) and operated from 1946. The new body is subsidiary organ of the General Assembly (GA).² This enables the Council to report directly to the General Assembly and bypass the ECOSOC, what was one of the aims of the Commission's reform.³ Since GA will review the Council's status within five years, it is possible, that it will be promoted to the position of full United Nations (UN) organ in 2011. That would create three councils for the three principal areas of work of organization.⁴ The Council has become "responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner".⁵

2. HUMAN RIGHTS COUNCIL

The Council consists of forty-seven member-states elected directly and individually by secret ballot by the majority of the members of the GA.⁶ It is slightly smaller than the Commission, but not expert body. Therefore, one can expect politicisation of the work in the future in geographic groups.⁷ Members will serve for period of three years and will not be eligible for immediate re-election after two consecutive terms.⁸ Membership is open to all UN member states and "contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments" should be taken into account.⁹ They should uphold the highest standards in

monitoring compliance with UN human rights conventions? Legal mechanisms for treaty reform' (2007) *Human Rights Law Review* 7 (1), pp 225-249.

² General Assembly Resolution 60/251, Human Rights Council, 15 March 2006 (A/RES/60/251), para 1.

³ H. J. Steiner, P. Alston, R. Goodman, *International Human Rights in Context, Law, Politics, Morals* (OUP, Oxford 2007), 3rd edition, p 737.

⁴ R Smith, *Textbook on International Human Rights*, Third edition (OUP, Oxford 2007), p 58.

⁵ General Assembly Resolution 60/251, para 2.

⁶ *Ibid*, para 7.

⁷ The Council consists of 13 members from African States, 13 from Asian States, 6 from Eastern European States, 8 from Latin American and Caribbean States, and 7 from Western Europe and Other States. *Ibid*.

⁸ General Assembly Resolution 60/251, para 2.

⁹ *Ibid*, para 8.

the promotion and protection of human rights.¹⁰ Taken into consideration the record of countries elected for the first period, it is clear that systematic violation of human rights did not disqualify states to be elected. However, some of the worst human rights offenders were not elected.¹¹ Safeguard against possibility to have the gross and systematic violator among the Council's members has been set up. Such a member may be suspended by two-thirds majority of GA members present and voting.¹² It will be interesting to observe, whether the Council will define what constitute gross and systematic violations of human rights. Some argued against explicit criteria limiting eligibility for membership, which could exclude states having doubts and reservations regarding human rights from necessary discussions about solid human rights consensus.¹³

Despite of original suggestion of UN Secretary General in 2005 to create smaller standing body¹⁴, the Council does not have the permanent character. It meets regularly throughout the year for no fewer than three sessions per year for a total duration of no less than ten weeks.¹⁵ This was welcomed as "a major step forward that will allow for more timely response to developing human rights situations".¹⁶ It is also possible to hold special sessions, when needed, at the request of Council member with the support of one third of the Council membership.¹⁷ That competence has been already utilised for twelve times until November 2009. No hesitation to use this tool might be the sign of capability to act promptly on situations which evoke international concerns. To compare with the Commission, which had this procedural instrument from 1990,¹⁸ only five special sessions were held

¹⁰ Ibid, para 9.

¹¹ F. J. Hampson, 'An Overview of the Reform of the UN Human Rights Machinery' *Human Rights Law Review* 2007, 7(1), 7 – 27, p 14.

¹² General Assembly Resolution 60/251, para 8.

¹³ N. Ghanea, 'From UN Commission on Human Rights to UN Human Rights Council: one step forwards or two steps sideways?' *International and Comparative Law Quarterly* 2006, 55 (3), 695 – 705, p 699.

¹⁴ In larger freedom: towards development, security and human rights for all, Report of the Secretary General, General Assembly, 21 March 2005, A/59/2005, para 183.

¹⁵ General Assembly Resolution 60/251, para 10.

¹⁶ Human Rights Council: No More Business as Usual, Human Rights Watch, p 1; available at <<http://www.hrw.org/legacy/backgrounder/un/un0506/un0506.pdf>> (accessed 10 June 2009).

¹⁷ General Assembly Resolution 60/251, para 10.

¹⁸ See ECOSOC Resolution 1990/48, 25 May 1990; ECOSOC Decision 1993/286: Procedure for special sessions of the Commission on Human Rights, 28 July 1993.

until its termination.¹⁹ Novelty can be found in the ‘Methods of Work’ of the Council,²⁰ which poses the requirement of “results-oriented” special session. The outcomes should be practical, the implementation of which can be monitored and reported on the following regular session of the Council for possible follow-up decision.²¹

As successor of the Commission, the Council assumed all the Commission’s mandates, mechanisms, functions and responsibilities in addition to the new ones.²² In order to maintain a system of ‘special procedures’, expert advice and the complain procedure existed until 2006, the Council had additional temporary function; to review all assumed mandates, mechanisms, functions and responsibilities. The improvement and rationalisation could have been made, where necessary. This review process had to be completed within the one year time from 19 June 2006.²³ The working group has been created in order to achieve this goal.²⁴ After a few months of discussions in both the working groups to formulate agenda, programme of work, methods of work and rules of procedure and the working group to undertake the review, “it became obvious that, rather than striving to improve on what had been created under the Commission, the fight had become centred on how to preserve the protections offered by those mechanisms”.²⁵ Finally, the Council adopted core framework for Special procedures, Complain procedure and Universal Periodic Review mechanism in scope of, so called,

¹⁹ Available at <<http://www2.ohchr.org/english/bodies/chr/special-sessions.htm>> (accessed on 10 August 2009).

²⁰ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, (institution-building resolution), Part VI. Methods of Work.

²¹ *Ibid*, D. Special sessions of the Council, para 128.

²² Accordingly, the illustrative list of main functions includes: (a) to address situations of violations of human rights and make recommendations thereon; (b) to contribute towards the prevention of human rights violation; (c) to respond promptly to human rights emergencies; (d) to promote effective coordination and mainstreaming of human rights within UN; (e) to promote human rights education, learning, advisory services, technical assistance, and capacity-building; (f) to serve as a forum for dialogue on thematic issues on all human rights; (g) to make recommendations to the General Assembly for the development of international human rights law; (h) to make recommendations with regard to the promotion and protection of human rights; (i) to promote implementation of human rights obligations undertaken by states; (j) to follow-up to the human rights goals and commitments emanating from UN conferences and summits; (k) to undertake a universal periodic review; (l) to submit an annual report to the General Assembly. *Ibid*, paras 3 – 5.

²³ *Ibid*, para 6.

²⁴ Human Rights Council Decision 1/104, 30 June 2006, A/HRC/DEC/1/104.

²⁵ M. Abraham, *Building the New Human Rights Council: Outcome and analysis of the institution-building year* (Friedrich-Ebert-Stiftung, Geneva 2007), p 4.

‘institutional building package’ of 18 June 2007, which also includes Rules of Procedures, Agenda and already mentioned Methods of Work.²⁶ Main work has been accomplished, but specification of particular functions and configuration of competences has still taken place.

The review mechanism, complementing the reporting procedures before treaty bodies, was planned as measure that would help avoid the politicization and selectivity of the Commission’s existing system.²⁷ The UN Secretary General accentuate requisite of “the notion of universal scrutiny”. It is assumed, that if human rights screening of all UN member states is assessed by other member states, it can eliminate rebuke of double human rights standards. It would be irrelevant whether the country is small and without influential supporters; no one would be able to escape from a review.

3. CHARACTERISTIC OF UNIVERSAL PERIODIC REVIEW

Basic framework of the “Universal Periodic Review” (UPR) supported and approved by the GA requires the review of objective and reliable information of the fulfilment of human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all states.²⁸ One year after discussion on many proposals, the Council managed to adopt procedural requirements of the UPR.²⁹ Any hope for expert scrutiny of information has been dropped, since the UPR is explicitly “intergovernmental process”.³⁰ However, it has to be conducted in “an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner”.³¹ It is cooperative mechanism where interactive dialogue plays major importance.³² The country under review

²⁶ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1; Human Rights Council Resolution 5/2: Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, 18 June 2007, A/HRC/RES/5/2.

²⁷ Explanatory note by the Secretary General, Addendum to the In larger freedom, Report of the Secretary General, General Assembly, 23 May 2005, A/59/2005/Add.1, paras 7 - 8.

²⁸ General Assembly resolution 60/251, 3 April 2006 (A/RES/60/251), para 5 (e).

²⁹ For analyses of preceding discussion see F. D. Gaer, ‘A Voice Not an Echo: Universal Periodic Review and the UN Treaty Body System’ *Human Rights Law Review*, 2007, 7(1), 109 – 139.

³⁰ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 3 (d).

³¹ *Ibid*, para 3 (g).

³² *Ibid*, para 3 (b).

should be “fully involved”, and “the level of development and specificities of countries” should be taken into account.³³ This general language, symptomatic of principles, will be used by some governments to excuse their pure human rights performance base, inter alia, on economical, political, religious or cultural grounds. It can be considered inappropriate for Human Rights Council to include such a formulation in its resolution, since “it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”³⁴ There is nothing to indicate, that countries will not take particularities into account, but members of the Council should have minimal sympathy to it.

Moreover, the main UPR objective is the improvement of the human rights situation on the ground and not to justify low human rights status quo. Other objectives are: the fulfilment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State; the enhancement of the State’s capacity and of technical assistance, in consultation with, and with the consent of, the State concerned; the sharing of best practice among States and other stakeholders; support for cooperation in the promotion and protection of human rights; the encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the High Commissioner for Human Rights.³⁵

The obligations reviewed periodically are those emerged from the UN Charter, the Universal Declaration on Human Rights, human rights instruments to which a state is party, voluntary pledges and commitments made by states, and from international humanitarian law. While reference to “specificities of the countries” taken into account could not have positive effect on ‘soft law’ development, to classify the Universal Declaration on Human Rights as basic document constituting the states’ human rights obligation is, per se, very positive step towards its legal bindingness in international human rights law. From the broader international law perspective, the inclusion of “applicable international humanitarian law” could be also seen as quite constructive, since some countries still argue the mandate of charter-based human rights bodies to act in this area.³⁶

³³ Ibid, para 3 (e), (l).

³⁴ Vienna Declaration and programme of Action, World Conference on Human Rights, 25 June 1993, General Assembly, A/CONF.157/23, para 5.

³⁵ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 4.

³⁶ See P. Alston, J. Morgan-Foster, W. Abresch, ‘The Competence of the UN Human Rights Council and its special procedures in relation to armed conflicts: extrajudicial

4. PROCEEDING

The UPR is conducted mainly in the Working Group on Universal Periodic Review (Working group), which consists of all the Council's member states. Forty-eight states will be reviewed per year during three sessions of the Working group of two weeks each according to "order of review". The first states were chosen by the lots from each regional group. Alphabetical order should be applied beginning with those countries thus selected, unless other countries volunteer to be reviewed. In practice, first states to be reviewed in first year of UPR in operation are the Council members and observers.³⁷

Following phases of the UPR could be distinguished:

1. preparation of the information;
2. the review itself;
3. outcome document adopted by the Working group;
4. consideration and adoption of the UPR outcome by the Council;
5. follow-up by reviewed states on implementation of the outcome.³⁸

4.1 PREPARATION OF THE INFORMATION

Basis of the UPR is the review of objective information, that is: the national report; the compilation of information contained in the reports of treaty bodies, special procedures, and other UN documents; and the summary of credible and reliable information provided by other relevant stakeholders³⁹. The national report is prepared by state concerned and should not exceed 20 pages. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders. It is expected that countries will consult the national report at least with all non-governmental organisations (NGOs) at national level working in human

executions in the "war on terror" *European Journal of International Law* 2008, 19 (1), 183 – 209.

³⁷ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, paras 5 - 12.

³⁸ Information and Guidelines for relevant stakeholders on the Universal Periodic Review mechanism, Office of the High Commissioner for Human Rights, July 2008, para 4; available at <<http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>> (accessed on 10 July 2009).

³⁹ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 15.

rights field. In addition to this, other organisations belonging to civil society in the country can be regarded as “relevant” and should participate in the consultation process. In practice, some states restricted consultations only to NGOs (Netherlands, Slovakia), while others consulted also professional organisations of lawyers, judiciary or journalists (Tunisia) and members of civil society expert in human rights (United Kingdom).⁴⁰ Nevertheless, not only broad exchange of views is important. In attempt to present realistic picture of the country’s human rights record, state concerned will need to take into account suggestions and information provided by relevant stakeholders. The national report should thus evolve as objective as possible.

To balance the national report, the Office of the High Commissioner for Human Rights (OHCHR) will present two sets of document; the compilation of information contained in UN documents and the summary of credible and reliable information. Both of them shall not exceed 10 pages. The compilation of information from the UN documents will contain the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official UN documents. The summary of credible and reliable information from relevant stakeholders may include NGOs, National Human Rights Institutions, human rights defenders, academic institutions and research institutes, regional organization, as well as civil society representatives. Quite exact requirement for information submitted were adopted by the Council itself, e. g. to cover a maximum four-year time period, submitted no longer than five pages etc.⁴¹ Since some states expressed strong opposition to the proposition that OHCHR should analyse the information⁴², it should only summarize and compile them. Some degree of evaluation and analysis will be however necessary in the line to make compact summary of 10 pages, which will avoid duplication of information.

4.2 THE REVIEW ITSELF

Centre of the review itself is an “interactive dialogue” between the country review and members of the Council. During the interactive dialogue in the Working group as well as before adoption of outcome, states have opportunity to present replies to questions or issues. Review is facilitated

⁴⁰ See National Reports available at <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>>.

⁴¹ See Human Rights Council Decision 6/102, 27 September 2007, A/HRC/DEC/6/102, Part I: General Guidelines for the preparation of information under the Universal Periodic Review; Information and Guidelines for relevant stakeholders on the Universal Periodic Review mechanism, OHCHR, July 2008.

⁴² M. Abraham, Building the New Human Rights Council: Outcome and analysis of the institution-building year (Friedrich-Ebert-Stiftung, Geneva 2007), p 38.

by, so called, ‘troika’ – a group of three rapporteurs of the Council’s members from different regional groups. ‘Troika’ prepares the report of the Working group and also transfers the question of the observer states or other stakeholders to the state under review.⁴³ Formal division of UPR process between the Working Group and the Council will release more time of the Council’s plenary session for other agenda items. The lack of speaking and meeting time, which is essential for genuine and substantive dialog, had imposed serious restrictions on the ability of the Commission to function effectively.⁴⁴ Short time for NGOs caused that there was no guarantee for statements to be adequately listened to, discussed, or acted upon in the Commission’s agenda.⁴⁵ Now, there is no guarantee for that either, but NGO’s statements can be more focused on each country. Structure of UPR allows Council’s members to meet outside Council’s session. Each country will be reviewed for three hours in the working group.⁴⁶ NGOs and NHRI may attend the review in the Working group. It will allow them to raise issues they identify as important within particular state, in right forum.

4.3 OUTCOME ADOPTED BY THE WORKING GROUP

Working group adopts the report on country reviewed. Additional half an hour will be allocated for the adoption.⁴⁷ A content of the report is not specified. In practice, these reports include presentation by the state under review, summary of interactive dialogue and responses by the state, and conclusions and recommendations. The cooperative character is genuine in this regard. The report includes variety of recommendations made individually by states, though recommendations do not express position of Working group as a whole. This approach forestalls its politicization.

⁴³ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, paras 18 – 21.

⁴⁴ A. J. Almeida, Backgrounder on the reform of the United Nations Commission on Human Rights (Rights and Democracy: International Centre for Human Rights and Democratic Development, Montreal, 2005), p 31.

⁴⁵ M. Abraham, A new chapter for human rights. A handbook on issues of transition from the Commission on Human Rights to the Human Rights Council (International Service for Human Rights and Friedrich Ebert Stiftung, Geneva 2006), p 93.

⁴⁶ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 22.

⁴⁷ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 23.

4.4 UPR OUTCOME ADOPTED BY THE COUNCIL

The role of the Council, sitting in plenary during the annual session, is restricted to adoption of final outcome in form of report. Up to one hour will be allocated for its consideration. The report has to include a summary of the proceeding, conclusions, recommendations, and the voluntary commitments of the state concerned. It may also include assessment of human rights situation in the country and sharing of best practices.⁴⁸ In practice, it includes also state's replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group. Members of the Council, observer states, NGOs and NHRI may express their views and make comments before outcome is adopted.⁴⁹

There should be no accusation made that UPR will duplicate the reporting procedure before treaty bodies. Not only because it should, *expressis verbis*, represent an added value and complement other human rights mechanism,⁵⁰ but also because the UPR has different character and purpose.⁵¹ Recommendations made under UPR will not create unify approach to state obligations, since UPR reference documents and legal duties vary significantly. Some states were already urged in UPR outcome to follow their human rights obligations within regional organizations, while others were urged to ratify even basic international instruments. The level of expertise of expert bodies can not be replaced by scrutiny of governments. Further, the examination of compliance with any norm contained in human rights treaties inside UPR should not occurs "in order to protect the integrity of the treaty procedures".⁵² The UPR represents additional political pressure in order to implement expert recommendations of treaty bodies. This kind of pressure can be more useful in international arena than pure expert decisions. The UPR has, therefore, real potential to complement and follow-up work of expert treaty bodies.

⁴⁸ Ibid, paras 26 - 27.

⁴⁹ Ibid, paras 30 – 31.

⁵⁰ HRC Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 3 (f).

⁵¹ For analysis of reporting procedure under ICCPR, see e. g. : D McGoldrick, *The Human Rights Committee, Its Role in the Developmnet of the International Covenant on Civil and Political Rights* (Clarendon Press, Oxford 1991), reprinted 2001, pp 62 – 119.

⁵² F. J. Hampson, 'An Overview of the Reform of the UN Human Rights Machinery' (2007) *Human Rights Law Review* 7(1), 7-27, p 17.

4.5 FOLLOW-UP

The UPR outcome contains all the recommendations included in the Working group's report. In other words, recommendations are included in the UPR outcome without voting about them rather than being formulated by sensitive and secret political discussions. Recommendations without support of the state concerned are identified in the outcome. States make clear objections against such recommendations. No argument on voluntary or indirect agreement with obligations can be made. That means there is any kind of strict legal follow-up procedure. The legal character and force of obligations undertaken by states, if any, is more than unclear. It is stated, that UPR outcome "should be implemented primarily by the State concerned".⁵³ Unfortunately, follow-up process is formulated very weakly. It is only required that subsequent review focus, inter alia, on the implementation of the preceding outcome.⁵⁴ On the other hand, the Council may "decide if and when any specific follow-up is necessary". Moreover, it may address "cases of persistent non-cooperation with the mechanism" after exhausting all efforts to encourage a state to cooperate with the UPR.⁵⁵ This provision can be describe as "one of the most significant victories on the UPR",⁵⁶ even though it is not apparent yet how will 'specific follow-up', or other action taken, look like. This possibility will come for the Council after the first round of UPR, when compliance with recommendations in UPR report will be reviewed. Since first cycle will take four years, from 2008 to 2011, it is not expected that the Council will consider any specific action before that time. It is, however, very important, that the Council has possibility and mandate to develop its practices or guidelines to deal with non-cooperative states.

5. CONCLUSION

The co-operational attitude is inclined to whole UPR. The international community is expected to assist states in implementing the recommendations and conclusions regarding capacity-building and technical assistance. The state concerned has to be consulted and has to consent with such assistance.⁵⁷ Furthermore, the Council requested the Secretary General to establish two UPR trust funds: one to facilitate the participation of

⁵³ Ibid, para 33.

⁵⁴ Ibid, para 34.

⁵⁵ Ibid, para 38.

⁵⁶ M. Abraham, *Building the New Human Rights Council: Outcome and analysis of the institution-building year* (Friedrich-Ebert-Stiftung, Geneva 2007), p 41.

⁵⁷ Human Rights Council Resolution 5/1: Institution-building of the United Nations Human Rights Council, 18 June 2007, A/HRC/RES/5/1, Part I: Universal Periodic Review Mechanism, para 36.

developing countries in the UPR and second to help countries implement recommendations emanating from the UPR.⁵⁸ This would allow countries' delegations to prepare adequately and answer the question more accurately during the interactive dialogue. Great difference could be seen in this regard during the first year in operation. Some state delegations participated in the discussion in Geneva consisted of up to thirty members, while other states were advocated only by one person. Many states have repeatedly stressed that not compliance with human rights obligations is not due to the lack of respect but due to the lack of financial and human resources. The UPR, therefore, represents mechanism which can practically assist countries.

To sum up, the UPR can be effective tool for monitoring of human rights standards, when state is willing to improve its human rights behaviour. For example, Bahrain – the very first country examined by UPR – decided to create participatory review processes to share good practice and experience on enhancing of human rights situation in other countries; to developed media and communication strategy to encourage awareness of civil society in follow-up; to develop and adopt action plan to implement UPR outcome.⁵⁹ Voluntary pledges could be good example how to use the review. It can be helpful mechanism even when state is willing but unable to change systematic approach to human rights because of technical and economical background. However, it is not strong mechanism in case of state that violates human rights deliberately. On the other hand, no country may ignore the UPR, since the voice of international society towards human rights is heard equally.

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⁵⁸ Human Rights Council Resolution 6/17: Establishment of funds for the universal periodic review mechanism of the Human Rights Council, 28 September 2007, A/HRC/RES/6/17.

⁵⁹ See National Report Submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council resolution 5/1 (Bahrain), Human Right Council, Working Group on the Universal Periodic Review, 11 March 2008, A/HRC/WG.6/1/BHR/1.

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