
INFORMATION NOTE

United Nations Human Rights Council Universal Periodic Review

1. Background

1.1 The People's Republic of China, on invitation of the United Nations (UN) Human Rights Council (HRC), will take part in the Universal Periodic Review (UPR) scheduled for 9 February 2009. The Government of the Hong Kong Special Administrative Region (HKSAR) was requested by the Central Government to provide a section on its human rights situation for inclusion in China's report for submission to HRC. The Constitutional and Mainland Affairs Bureau of the HKSAR Government sought public views on the matter from 2 to 13 September 2008, and subsequently compiled a three-page report on Hong Kong for inclusion in the 20-page report submitted by China to HRC for review.

1.2 The purpose of this information note is to provide the Panel on Constitutional Affairs with information on the establishment of HRC, mechanism of UPR, and the current progress of UPR.

2. Human Rights Council

Establishment

2.1 The UN General Assembly, under its Resolution 60/251, established HRC as its subsidiary organ on 15 March 2006 to replace the former UN Commission on Human Rights. The establishment of HRC was to redress the shortcomings of its predecessor by ensuring universality, objectivity and non-selectivity when addressing human rights issues. In this connection, HRC has adopted the principles of co-operation and genuine dialogue to strengthen the promotion and protection of human rights¹.

¹ See UN General Assembly (2006).

Composition

2.2 HRC consists of 47 Member States. They are elected by secret ballot by the majority of the members of the UN General Assembly, based on equitable geographical distribution². Members of HRC shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms. The UN General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of HRC membership of a member that commits gross and systematic violations of human rights.

Operations

2.3 HRC meets regularly throughout the year. It schedules at least three sessions per year, and for a total duration of no less than 10 weeks. In case of any urgent situation, HRC may hold special sessions at the request of a Member State with the support of one-third of the membership. HRC serves as a platform for promoting universal respect for the protection of all human rights and a forum for dialogue on thematic issues including situations of human rights violations. It reports to the UN General Assembly by submitting annual reports.

3. Universal Periodic Review

Establishment

3.1 HRC established UPR by Resolution 5/1 on 18 June 2007. UPR is a Member State-driven, co-operative and evolving process which involves peer review of human rights records of all 192 UN Member States once every four years. UPR provides an opportunity for each Member State to declare the actions that it has taken to improve the human rights situation in its jurisdiction and to fulfil its human rights obligations. It is designed to ensure equal treatment for every Member State when its human rights situation is assessed.

² Member States of HRC are geographically clustered into five Regional Groups. The 47 seats in HRC are distributed among five Regional Groups as follows: 13 for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean, and seven for Western European and Other Group.

Objectives

- 3.2 The objectives of UPR are:
- (a) improvement of the human rights situation;
 - (b) fulfilment of the Member State's human rights obligations and commitments, and assessment of positive developments and challenges faced by the Member State;
 - (c) enhancement of the Member State's capacity to deal effectively with human rights challenges and through technical assistance, with the consent of the Member State concerned;
 - (d) sharing of best practice among Member States and other stakeholders;
 - (e) support for co-operation in the promotion and protection of human rights; and
 - (f) encouragement of full co-operation and engagement with HRC, other human rights bodies and the Office of the UN High Commissioner for Human Rights (OHCHR)³.

Process

- 3.3 The process of UPR for each Member State under review can be divided into the following stages:
- (a) preparation for UPR;
 - (b) UPR Working Group sessions; and
 - (c) adoption of "outcome reports".

³ OHCHR, based in Geneva and New York, is part of the UN Secretariat. It is guided by the mandate of the UN General Assembly in resolution 48/141, the Charter of the United Nations, and The Universal Declaration of Human Rights. OHCHR assumes an active role in supporting HRC in conducting UPR.

Preparation for UPR

3.4 UPR is conducted by an UPR Working Group formed under HRC. The UPR Working Group is comprised of all the 47 Member States of HRC and chaired by the HRC President who is elected by secret ballot among the 47 Member States for a term of one year.

3.5 The UPR Working Group generally holds three two-week UPR Working Group sessions per year. Prior to each UPR Working Group session, the following documents are distributed to members of the UPR Working Group for review and examination:

- (a) a national report not exceeding 20 pages provided by the Member State under review;
- (b) a compilation prepared by OHCHR of the information contained in the reports of independent human rights experts and groups, human rights treaty bodies, and other UN documents, which shall not exceed 10 pages; and
- (c) information provided by other relevant stakeholders summarized by OHCHR in a report not exceeding 10 pages. Relevant stakeholders include non-governmental organizations (NGOs) and national human rights institutions.

UPR Working Group sessions

3.6 UPR is conducted through interactive dialogue among the Member State under review, members of the UPR Working Group, Observer States⁴, and relevant stakeholders⁵. To ensure fairness, three hours are allocated for the proceedings of UPR for each Member State under review.

3.7 Each Member State under review is given up to 60 minutes in an UPR Working Group session, to be used for:

- (a) initial presentation of its national report;

⁴ Non-HRC UN Member States can take part in UPR Working Group sessions as Observer States to raise questions and issues to the Member States under review.

⁵ Relevant stakeholders accredited by UN may attend UPR Working Group sessions but they may not take active part in the interactive dialogue.

- (b) responses to questions raised during the interactive dialogue, or it may remain silent on any topic and issue; and
- (c) concluding comments at the end of the review, in an interactive dialogue under the guidance of the Chairman of the UPR Working Group.

3.8 Of the three hours, about two hours is allocated to members of the UPR Working Group and Observer States to raise questions or issues to the Member State under review.

3.9 An "outcome report" will be prepared after the UPR Working Group session. The report will record recommendations that enjoy the support of the Member State under review, those comments and recommendations without similar support, and the concluding remarks of the Member State under review.

Adoption of "outcome reports"

3.10 The "outcome report" of the Member State under review will be adopted by HRC at its plenary session. UN-accredited NGOs and stakeholders may make general comments before its adoption. Each Member State under review has the primary responsibility to implement and follow up on the recommendations that enjoy its support as well as its own voluntary commitments and pledges. These follow-up actions will form the factual basis for the Member State's subsequent UPRs. HRC will decide on the measures to take in case of persistent non-cooperation by the Member State under review.

4. Current Progress

4.1 HRC reviewed and adopted the "outcome reports" of 48 Member States in 2008.

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