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THE UPR AS A PEER REVIEW PROCESS - EXERCISE (1/1 point)

2. The UPR is sometimes described as a peer review process, in that governments monitor each other's compliance with human rights. But is this an adequate description of what is taking place?

- ☐ Yes, and this is why the UPR can be effective: governments ultimately will be more responsive to peer review than to admonitions from independent experts;
- ☐ No, because non-governmental organisations and independent national human rights institutions can informally lobby governments, providing them information, etc., in order to put pressure on the State that is being subjected to the UPR;
- ☒ No, because among the sources used in the UPR are reports that collect information from independent sources, including Special Procedures of the Human Rights Council and non-governmental organisations, and these reports feed into the discussions. ✓

EXPLANATION

It is true that States are particularly anxious not be subject to criticism by their peers, and it is also true that NGOs can feed information to delegates in the Human Rights Council in order to ensure that they will be informed about the human rights record of the State that is being scrutinized. In that sense, answers 1 and 2 are both, at least, reasonable. But answer 3 provides the most important and most evident reason why describing the UPR as a "peer review" is probably oversimplistic. In fact, the Office of the High Commissioner for Human Rights prepares two reports, of 10 pages in length each, based on (i) findings and statements of independent experts from the Human Rights Council's Special Procedures and from human rights treaty bodies, and on (ii) other sources, including non-governmental organisations. This information in practice has an important influence on the deliberations within the Human Rights Council.

One important implication is also that the fears that were expressed in 2006-2007, when the Human Rights Council was established and the UPR designed, that this new "peer review" would undermine independent human rights monitoring by UN independent experts, have been proven to be largely ill-founded. In reality, the UPR has strengthened the work of independent experts, by providing a new sounding board for their findings, and a fresh opportunity to insist on States taking their recommendations on board. Thus, a 2012 study concluded that:

'the UPR has led to improved state cooperation with special procedures and other human rights mechanisms and eased their access to state information. Even before the review takes place, some states feel pressure to improve their records of cooperation by, for example, accepting long-pending visit requests from special procedures, issuing

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standing invitations, or ratifying or removing reservations from human rights treaties; other accept such recommendations in the courts of the review. Although the special procedures regrettably have no formal voice in the UPR review process, their recommendations are consulted and reflected in the official public documents prepared by the OHCHR for each country under review'

(T. Piccone, *Catalysts for Change. How the UN's Independent Experts Promote Human Rights* (Washington, D.C.: Brookings Institution Press, 2012), p. 54).

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