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The Universal Periodic Review (UPR) is the most important innovation that resulted from the Human Rights Council taking the succession of the Commission on Human Rights. In his 2005 report "In Larger Freedom: Towards Development, Security and Human Rights for All", UN Secretary-General K. Annan described as follows the philosophy that should inspire this new mechanism:

"Crucial to peer review is the notion of universal scrutiny, that is, that the performance of all Member States in regard to all human rights commitments should be subject to assessment by other States. The peer review would help avoid, to the extent possible, the politicization and selectivity that are hallmarks of the Commission's existing system. It should touch upon the entire spectrum of human rights, namely, civil, political, economic, social and cultural rights. The Human Rights Council will need to ensure that it develops a system of peer review that is fair, transparent and workable, whereby States are reviewed against the same criteria. A fair system will require agreement on the quality and quantity of information used as the reference point for the review. In that regard, the Office of the High Commissioner could play a central role in compiling such information and ensuring a comprehensive and balanced approach to all human rights. The findings of the peer reviews of the Human Rights Council would help the international community better provide technical assistance and policy advice. Furthermore, it would help keep elected members accountable for their human rights commitments."

Please read the following document (/c4x/LouvainX/Louv2.01x/asset/_Materials__Universal_Periodic_Review_Final_.pdf), describing the procedure of the UPR and its implementation, during the first round of the UPR, as applied to the United Kingdom. Then try to answer the following questions:

UNIVERSAL PERIODIC REVIEW - EXERCISE (1/1 point)

1. Consider the sources on which the UPR is based. Does this suggest:

- ☐ That the Universal Declaration of Human Rights is considered binding on all States;
- ☐ That the pledges made by governments when they seek to be elected to the Human Rights Council are in fact binding commitments; or,
- ☒ Both of the above. ✓

There is room for discussion here, but it seems at the very least that since the Universal Declaration of Human Rights is part of what the UPR is based on, it is at least implicitly seen as binding even on those States that have not ratified the core UN human rights treaties that implement the UDHR in treaty form. Similarly, while the pledges made by States campaigning to be elected to the Human Rights Council are not per se legally binding on them, there will be strong pressure on States to deliver on their promises -- otherwise their standing in the international community of States will suffer. Remember that international law constrains States, if at all, not as much because of the costs of non-compliance (the sanctions attached to violations), than because of the reputational consequences involved: in order for a State to be respected, as a repeat player in international relations, it must act in accordance with the values it professes to adhere to, especially when it seeks to impose on other those same values when they are considered universal.

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