

## A horizontal pathway to impact? An assessment of the Universal Periodic Review at 10

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April 2018 marked the tenth anniversary since the first session of the Universal Periodic Review (UPR) took place. Operating under the auspices of the UN Human Rights Council (HRC), the UPR is an unprecedented universal peer-review mechanism in which states are the ones in charge of scrutinizing each other on the human rights situation under their jurisdiction. Every four and a half years, every UN member state presents a national report on its efforts to uphold human rights. This account is considered along with two other documents: a compilation of the observations of relevant stakeholders and a summary of the comments and recommendations of UN human rights treaty bodies, special procedures, and other UN entities. In this framework, states participate in a three-and-a-half-hour interactive dialogue in which all UN member and observer states can make recommendations to the state under review (SuR) about how to improve their human rights situation. The SuR responds to the recommendations received and is expected to report about the progress made in the next review cycle.

The six decades before the UPR came into existence saw the emergence and development of regional and international human rights regimes, with the proliferation of human rights agreements (von Stein 2017b, 2017a) and the multiplication of actors and institutions involved in scrutinizing states' human rights performance (Donnelly and Whelan 2017). For long, states have been monitored from above and below, both by regional and international inter-governmental organizations (IGOs) and by national and transnational non-governmental organizations (NGOs) (Brysk 1993; Risse, Ropp, and Sikkink 1999) in what could be called a *vertical transnational* manner. In this chapter, I argue that the UPR is a distinctive institution that, led exclusively by states and conducted mainly amongst them by definition, presents itself as a monitoring mechanism that crosses the frontiers of the predominantly vertical human rights

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regime that blossomed in the second half of the twentieth century, towards a more *horizontal international* review process that allows for new dynamics of scrutiny. Its uniqueness consists in a combination of characteristics that is unprecedented in the international human rights regime, namely having universality and equal treatment at its core, being conducted by states, and aiming to be a cooperative mechanism based on dialogue.

For more than four decades, International Relations (IR) scholars have shown the importance of expanding the discipline beyond a state-centric focus (Keohane and Nye 1971), which seems to be particularly relevant in the realm of human rights. The UPR brings states back in and raises important questions for researchers that remain underexplored. The mechanism has increasingly attracted scholarly and media attention, but the literature on the UPR is still incipient. After the completion of the second review cycle in November 2016, all the 193 UN member states have sat in front of other states to have the human rights situation under their jurisdiction scrutinized by their peers twice. This seems a good time to make an assessment of the UPR at 10. In this sense, the chapter unfolds as follows: The first section describes how the UPR operates in general. The second and third sections delve into the principles and practices on key issues at the core of the establishment of the mechanism (universality, equal treatment, international cooperation and dialogue, and the peer- to-peer element). Before concluding, the fourth section explores the question on the UPR as a horizontal pathway to impact.

## THE UNIVERSAL PERIODIC REVIEW

In March 2006 UN member states adopted General Assembly resolution 60/251<sup>2</sup> and created the UN Human Rights Council (HRC) to replace the dysfunctional UN Commission on Human Rights (CHR). In light of the criticism directed at the former CHR (see e.g. Ghanea 2006; Lauren 2007; Boyle 2009), the resolution burdened the new organ with the expectations of “ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization”. Acting in compliance with its mandate, the HRC promptly took care of its institution-building and adopted resolution 5/1.<sup>3</sup> One of the key elements of this package was the Universal Periodic Review (UPR),<sup>4</sup> a cooperative mechanism that periodically subjects each UN member state to scrutiny regarding their human rights situation.

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<sup>2</sup> A/RES/60/251 “Human Rights Council”, 15 March 2006. Available at:

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf) [last accessed 12 August 2018].

<sup>3</sup> A/HRC/RES/5/1 “Institution-building of the United Nations Human Rights Council”, 18 June 2007. Available at: [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_5\\_1.doc](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc) [last accessed 12 August 2018].

<sup>4</sup> The UPR was originally established in A/RES/60/251, para. 5.e. It was further refined in 2011 during the review process through resolution 16/21 and decision 17/119 of the Human Rights Council. These documents added some modifications to the review methods for the second and subsequent cycles. They are all available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BackgroundDocuments.aspx> [last accessed 12 August 2018].

Under the UPR, each state review is conducted in the United Nations Office at Geneva (UNOG) in a Working Group and a plenary session of the Council, when the outcome of the review is adopted. The Working Group is chaired by the President of the Council and composed by the 47 HRC member states. Observer states may also take part. Stakeholders can attend but are not allowed to participate. The review is based on three fundamental documents that are distributed in advance. First, every government is required to submit a 20-page national report on its efforts to uphold human rights. Second, the Office of the High Commissioner for Human Rights (OHCHR) prepares a 10-page report containing a summary of the latest findings and recommendations made by UN treaty bodies, special procedures, and other relevant UN entities. Finally, the OHCHR compiles the observations presented by relevant stakeholders in a third 10-page report. Stakeholders include national human rights institutions (NHRI), non-governmental organizations (NGOs), human rights defenders, regional organizations, academic institutions, and research institutes, as well as civil society representatives. The former Deputy and Acting UN High Commissioner for Human Rights Bertrand Ramcharan (2011, p. 64) maintains this is a significant value of the UPR since “[m]any countries put a positive spin on their reports but this is balanced by the two other documents”. Together, all these documents provide a useful snapshot of the situation inside a country and collectively they amount to a world report on human rights.

The Working Group review takes three-and-a-half hours for each country.<sup>5</sup> During that time, an interactive dialogue takes place between the state under review and all the other UN member and observer states that want to participate. The state under review (SuR) is given up to seventy minutes<sup>6</sup> for: “(a) Initial presentation of the national report and responses to written questions; (b) Replies to the questions raised from the floor during the interactive dialogue, if desired; (c) Final concluding comments, in an interactive dialogue under the guidance of the President.”<sup>7</sup> The SuR can decide how to use that hour at their discretion. The other states can formulate written questions in advance and/or they can ask for the floor and ask questions and/or make recommendations to the state under review regarding its human rights situation. There are tight speaking limits of a maximum of three minutes per delegation, which can be less if many states register to speak in advance.<sup>8</sup> For each review, a group of three states, known as the “troika”, serves as rapporteurs to facilitate the process with the assistance of the Secretariat.<sup>9</sup>

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<sup>5</sup> This was extended from the original three hours that were allocated for all the reviews of the first cycle. See A/HRC/RES/5/1, Annex, para. 22, and A/HRC/DEC/17/119, section III, para. 3.

<sup>6</sup> This was extended from the original sixty minutes allocated for the states under review at the first cycle. See HRC/PRST/8/1, section II, para. 7, and A/HRC/DEC/17/119, section III, para. 3.

<sup>7</sup> Statement of the President of the Human Rights Council 8/PRST/1 on the “Modalities and Practices for the Universal Periodic Review Process”, 9 April 2008, section II, para. 7. Available at: [http://ap.ohchr.org/documents/E/HRC/p\\_s/A\\_HRC\\_PRST\\_8\\_1.pdf](http://ap.ohchr.org/documents/E/HRC/p_s/A_HRC_PRST_8_1.pdf) [last accessed 12 August 2018].

<sup>8</sup> For more details on how the speaker’s list was established in the past and how it is compiled in the present, see Gujadhur and Limon (2016).

<sup>9</sup> The troikas are selected by the drawing of lots among the Council’s members and from different regional groups.

The troika actively aids with the preparation of a report of the Working Group, which should fully involve the SuR.

Finally, an additional period of up to one hour is allocated for the consideration of the outcome of the review by the plenary of the Council, in which stakeholders are welcome to participate but with a clearly limited ability for intervention at this stage. The outcome of the review is a Working Group report consisting of a summary of the proceedings of the review process, conclusions and/or recommendations, and the voluntary pledges made by the state concerned. The document should reflect the response of the SuR to the recommendations received, whether they accept or note them. States are expected to report on the implementation of the accepted recommendations. All the preliminary and final reports, as well as the webcast of the meetings are public and available online at the OHCHR's website.<sup>10</sup>

The UPR runs in cycles of four and a half years.<sup>11</sup> The first cycle was conducted in 2008–2011, the second in 2012–2016, and the third cycle started in May 2017. There are three sessions per year (with the exception of the first years of the second and subsequent cycles, in which two sessions were held). During each UPR session, there are 14 states under review.<sup>12</sup> Since it started to function in 2008, the UPR has completed two cycles in December 2016. Although participation in the reviews is voluntary at every stage of the process – submitting the national report, sitting in the review, responding to the questions and recommendations made, making recommendations to other states – states have shown a high level of engagement with the mechanism.

So far, all UN member states have subjected themselves to the peer-review twice and most of them have intervened in the interactive dialogue to ask questions, raise comments, or make recommendations. According to data collected by the Geneva-based organization UPR Info, over nine years a total of 57,686 recommendations were made, and only 22 states did not make any recommendation.<sup>13</sup> Remarkably, as it is recounted in a report by the Commonwealth Secretariat, “there have been long queues of people waiting to put their names on the speakers list, sometimes involving overnight queuing (with refreshments and entertainment provided by those in the queue)!” (Sen 2011, p. 40). What makes the Universal Periodic Review so special that states seem to have embraced it so much? In the next two sections I delve into the principles and practices on key issues that can advance our understanding of its distinctiveness and its apparent success – the universality and equality of treatment and the emphasis on peer-review, cooperation and dialogue.

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<sup>10</sup> See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> [last accessed 12 August 2018]. More details on the procedure can also be found on that website.

<sup>11</sup> This was extended from the original four years of the first cycle.

<sup>12</sup> This number was reduced from the original 16 states per session that were reviewed during the first cycle.

<sup>13</sup> For more statistics see <https://www.upr-info.org/database/statistics/> [last accessed 12 August 2018].

## UNIVERSALITY AND EQUALITY OF TREATMENT

The principles of universality and equality of treatment are at the core of the establishment of the UPR and one of the elements that distinguish it from other monitoring mechanisms in the international human rights regime. The abovementioned resolution 60/251 of the UN General Assembly mandated the Human Rights Council with undertaking “a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States ....”<sup>14</sup> The stress on “ensuring the universality of coverage” has implications both for the topics and the states under review.

On the one hand, rather than being exclusively focused on a certain topic like the highly specialized UN treaty bodies, special rapporteurs, and other UN entities, the UPR is not expected to address any specific issue but the overall human rights performance of the state under review instead. Resolution 5/1 of the Human Rights Council established that the human rights obligations that constitute the basis of the UPR are: “(a) The Charter of the United Nations; (b) The Universal Declaration of Human Rights; (c) Human rights instruments to which a State is party; (d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the [Council]”; and (e) Applicable international humanitarian law.<sup>15</sup> This list includes an extremely wide range of subjects for the three-and-a-half hours of the interactive dialogue, which are the center of each review. Some commentators have rightly noted that, “because the review covers the full range of human rights practices, it tends to elicit scattered observations that are all over the map” (Donnelly 2013, p. 163).

Nevertheless, it is important to make two points in defense of the UPR. First, it is the only mechanism in the international human rights regime that allows for such a broad range of issues to be reviewed. Whereas it is true that there is a clear trade-off between depth and breadth, the universality of coverage in terms of topics means that the UPR might be the only setting in which certain issues can be brought up in public during a formal human-rights monitoring process. Moreover, states under review are put in a position in which they have to respond to the recommendations received on every matter, forcing them to make a stand. In this respect, Walter Kälin (2014, p. 34) highlights that “the UPR provides states with an opportunity to promote rights that have not yet found universal recognition”, mentioning as an example Western states using the mechanism to foster sexual orientation and gender identity (SOGI) rights. Second, the specialized UN mechanisms may be stronger in the depth of their review, but they are weaker on inclusivity and cooperation. For instance, the only states that have to report before UN treaty bodies are those that have ratified the treaties the implementation of which

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<sup>14</sup> See A/RES/60/251, para. 5.e.

<sup>15</sup> See A/HRC/RES/5/1, Annex, para. 1.

these bodies observe, and it is well-known that most states have overdue reports.<sup>16</sup> In this regard, one may wonder: what is the advantage of having a group of independent experts ready to monitor states on a particular issue when many countries do not have to subject themselves to scrutiny because they have not ratified a specific instrument and when, amongst those that have, most do not cooperate with the mechanism?

On the other hand, the UPR expects every UN member state to submit themselves to the scrutiny of their peers with regard to the human rights situation under their jurisdiction and invites all UN member and observer states to participate in the review of others – I will return to this last point in the next section. The inclusivity of the UPR, combined with its cyclic schedule, means that no-one is special; no state comes across as the obvious transgressor nor champion of human rights. This contrasts with the lack of inclusivity of other UN mechanisms. For example, in country resolutions issued by the former Commission on Human Rights and the present Human Rights Council, the members of these bodies decide to call attention to the human rights situation in certain countries, putting them on the spotlight as a way of “naming and shaming”. Similarly, the reporting, individual communications, or inquiries that take place before UN treaty bodies are exclusive to states that have ratified a certain treaty. Special rapporteurs, whether those with thematic mandates or selected country mandates, only visit states that issue an invitation. By contrast, within the UPR all UN member states are reviewed in a periodic manner, meaning that there is an implicit recognition that they all have something to report on and, more importantly, to improve. Going back to resolution 60/251, the UPR was designed in such a manner that all states enjoy equal treatment, which means that “all have to go through the same mechanism and are treated in the same way procedurally” (Sen 2009, p. 37). In this regard, they have no evident reason to feel shame for being under review because all other states are going to sit on the bench too. Probably this is one of the bases of the success of universal participation of states under review in the UPR.

The UPR was planned as a universal mechanism, but the whole endeavor entails a high risk since its realization relies completely on states’ voluntary participation. It could have gone wrong in that regard, but it has been claimed that the UPR is “incontestably an overwhelming and unprecedented success in terms of state engagement with a human rights review process. All 192 states participated in the [first cycle] review with 98 per cent presenting a written national report and 80 per cent choosing to be represented at ministerial level during the process” (Domínguez-Redondo 2012, pp. 694-5). The second session sustained the high level of commitment and by December 2016 all UN member states had been reviewed in the UPR twice. Whereas it is true that the UPR achieved universal participation in the first two cycles, it would not be fair to present a perfect picture. There were challenges along the way, particularly in two

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<sup>16</sup> See the UN website [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx) [last accessed 12 August 2018].

cases from states under review. First, the Democratic People's Republic of Korea (DPRK) failed to identify accepted recommendations during its first review. Second, Israel failed to sit on its scheduled second review as a political statement. Next, I illustrate both cases in more detail.

During the first cycle, the DPRK failed to identify which recommendations it accepted. The first review of the Working Group of DPRK took place on 7 December 2009. The state received a total of 167 recommendations and it explicitly rejected 50. The final report on the review of the DPRK was adopted by the Human Rights Council on 18 March 2010. By then, the state had not provided any clarity on its position on the rest of the recommendations received, which remained as "noted".<sup>17</sup> As a former diplomat expressed to me in an interview, this defiance was perceived as a lack of political commitment to the human rights regime in general and as a challenge to the UPR mechanism in particular.<sup>18</sup> Human Rights Watch sustained that "the [UPR] unmask[s] countries for what they are and confirms to the international community the real level of a state's commitment. North Korea failed the test, and governments were forced to acknowledge it."<sup>19</sup>

The case of the first review of the DPRK left a wound in the UPR record. However, a few days before its second review on 1 May 2014, the DPRK presented an annex to its second cycle national report and explained in detail its position on the recommendations received during the first cycle. In its statement, the delegation declared that:

The DPRK, from the standpoint of fulfilling its obligations in the field of human rights and honoring the UPR mechanism, gave a serious consideration to the recommendations contained in the Working Group Report (A/HRC/13/13) of 6th session of UPR and a broad consultation was made among national institutions and organizations concerned. As a result, out of 117 remaining recommendations, the DPRK accepted 81, partially accepted 6, noted 15 and rejected 15. The DPRK will in the future continue to attach its importance to UPR mechanism and faithfully implement its commitment to international field of human rights.<sup>20</sup>

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<sup>17</sup> See A/HRC/13/13, "Report of the Working Group on the Universal Periodic Review – Democratic People's Republic of Korea", 4 January 2010. Available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KP/A\\_HRC\\_13\\_13\\_PRK\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KP/A_HRC_13_13_PRK_E.pdf) [last accessed 12 August 2018].

<sup>18</sup> Interview conducted by the author in Geneva, Switzerland. May 2015.

<sup>19</sup> Seok, Kay. "Why We Need to Keep the Spotlight on North Korea", *The Huffington Post*, 31 May 2010. Available at [http://www.huffingtonpost.com/kay-seok/why-we-need-to-keep-the-s\\_b\\_520594.html](http://www.huffingtonpost.com/kay-seok/why-we-need-to-keep-the-s_b_520594.html) [last accessed 12 August 2018]. See also the official statement by Human Rights Watch in <https://www.hrw.org/news/2010/03/18/statement-regarding-upr-outcome-report-democratic-peoples-republic-korea> [last accessed 12 August 2018].

<sup>20</sup> "Annex 1" is available only in English at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KPIndex.aspx> [last accessed 12 August 2018].



On the second review, the DPRK received 268 recommendations; it accepted 113 and noted 155.<sup>21</sup> Although it still showed a reluctance to welcome suggestions on how to improve its human rights record, the DPRK cooperated more with the UPR during the second cycle and, at least in discourse, it expressed a commitment to honor the mechanism. The timely response to the recommendations received opens the door for different actors to follow up on the implementation. Despite the remaining scar, the DPRK's public claim and explicit response to recommendations was an important step in healing the wound from the first cycle. Even if as a strategy to deflect attention from other issues, it has been noted that the DPRK's participation in the UPR "is a notable exception to its rejection of other human rights mechanisms" (Chow 2017, p. 146).

A deeper wound was left by Israel, the only state that failed to turn up to its review as a diplomatic protest.<sup>22</sup> Israel's review on the second UPR cycle was scheduled for 29 January 2013 (fifteenth session). In March 2012 Israel suspended relations with the UN Human Rights Council (HRC) and the Office of the High Commissioner for Human Rights (OHCHR) claiming the existence of a bias and unfair treatment against Israel from these bodies.<sup>23</sup> As a consequence, Israel did not submit its national report due in October 2012 and was absent for its own review. For the first time in its short history, the UPR was facing a case of non-cooperation of a state under review with the mechanism. An organizational meeting was held on 14 and 29 January 2013 and the Human Rights Council decided to call upon Israel to resume cooperation with the UPR, request the President of the Council to take all necessary steps and measures to urge the state to submit itself to the review, and reschedule the universal periodic review of Israel for the seventeenth session at the latest.<sup>24</sup> After a long and continuous dialogue at the highest level,<sup>25</sup> Israel finally

<sup>21</sup> See A/HRC/27/10 (2 July 2014) available at [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A\\_HRC\\_27\\_10\\_ENG.doc](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_10_ENG.doc) [last accessed 12 August 2018] and A/HRC/27/10/Add.1 (12 September 2014) available at [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A-HRC-27-10-Add1\\_en.doc](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A-HRC-27-10-Add1_en.doc) [last accessed 12 August 2018].

<sup>22</sup> Haiti failed to appear to its first review, which was originally scheduled for May 2010 (eighth session), because it claimed to have lost many documents in the earthquake of January 2010. Therefore, its review was rescheduled for October 2011 (twelfth session). This is the only other example of absence of a state under review; although, in this case, it was not a deliberative decision but an extraordinary circumstance.

<sup>23</sup> Khadder, Kareem. "Israel suspends ties with U.N. Human Rights Council", CNN World, 26 March 2012. Available at: <http://edition.cnn.com/2012/03/26/world/meast/israel-human-rights/index.html> [last accessed 12 August 2018]. See also "Israel ends contact with UN Human Rights Council", BBC Middle East, 26 March 2012. Available at: <http://www.bbc.co.uk/news/world-middle-east-17510668> [last accessed 12 August 2018].

<sup>24</sup> See Human Rights Council decision A/HRC/OM/7/1 on "Non-cooperation of a State under review with the universal periodic review mechanism", 29 January 2013. Available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/OM/7/1&Lang=E> [last accessed 12 August 2018].

<sup>25</sup> See A/HRC/23/CRP.1 "Report of the President of the Human Rights Council submitted in accordance with Council decision OM/7/1 of 29 January 2013", 5 June 2013. Available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-CRP-1\\_en\\_pdf.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-CRP-1_en_pdf.pdf) [last accessed 12 August 2018]. See also UPR Info. "Human Rights Council President met with Ambassador of Israel", 21 March 2013. Available at: <https://www.upr-info.org/en/news/human-rights-council-president-met-ambassador-israel> [last accessed 12 August 2018].



attended its review of the second cycle on 29 October 2013 (seventeenth session) expressing strong reservations regarding the Human Rights Council.<sup>26</sup>

It seems that Israel's participation in the UPR was also part of a political bargain. A main consequence of this affair is that, after years of claiming it was being discriminated against because it did not belong to any regional group, in November 2013 Israel was finally invited to become a full member of the Western European and Others UN Regional Group (WEOG) as of 1 January 2014. A member of the Israeli delegation to the UN Office in Geneva familiar with these developments confirmed that permanent membership of the WEOG was part of the negotiation to "come back to the Council."<sup>27</sup> In any case, although the mechanism successfully overcame the difficult situation, Israel's absence and non-cooperation set a dangerous precedent and it was the biggest threat so far to the universal participation that the UPR prides itself of having achieved.

## PEER REVIEW, COOPERATION AND DIALOGUE

The principles of international cooperation and dialogue are also at the center of the UPR and, combined with the peer-review element, reaffirm its distinctiveness from other oversight procedures. General Assembly resolution 60/251 instructed the Human Rights Council that "the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs ...."<sup>28</sup> International cooperation and dialogue are longstanding principles in the UN, and they are deeply connected to the idea of states having a collective responsibility to uphold human dignity (see Ramcharan 2015, especially Chapter 8). In this regard, being completely voluntary and with no sanctions involved, the UPR setting aims to discourage "naming and shaming" and to facilitate a conversation amongst peers in the pursuit of improving the human rights situation in every country.

The UPR is not the first peer review mechanism but it is the first of its kind in that it deals exclusively with human rights issues and has a universal scope. Peer reviews were pioneered in the 1960s by the Organisation for Economic Co-operation and Development (OECD) and were later adopted by numerous international governmental organizations such as the European Union (EU), the Council of Europe (CoE), the World Trade Organization (WTO), the International

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<sup>26</sup> See the national report available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ILIndex.aspx> [last accessed 12 August 2018] and a transcript of the statement of Ambassador Eviatar Manor at: <http://mfa.gov.il/MFA/InternatOrgs/Speeches/Pages/Israel-UPR-UN-Human-Rights-Council-29-Oct-2013.aspx> [last accessed 12 August 2018].

<sup>27</sup> Interview conducted by the author in Geneva, Switzerland. May 2018. See Navoth, Michal. "Israel's Relationship with the UN Human Rights Council: Is There Hope for Change?", Jerusalem Center for Public Affairs, 6 April 2014. <http://jcpa.org/article/israels-relationship-un-human-rights-council/2014> [last accessed 12 August 2018].

<sup>28</sup> A/RES/60/251, para. 5.e.

Monetary Fund (IMF), the Association of Southeast Asian Nations (ASEAN), the African Union (AU), the Organization of American States (OAS), and the UN (Porter 2012; McMahon, Busia, and Ascherio 2013; Conzelmann 2014; Çali and Koch 2014). According to Conzelmann (2014, 50), common features of peer reviews are “the regular collection of information on the activities and performance of states in specific areas of public policy, a shared process of evaluation, and ‘peer’ assessment of such information, usually with a view to influencing the domestic policies of the reviewed state.” In this framework, the UPR was created as a human-rights monitoring mechanism based on states scrutinizing each other through sharing information on their “achievements, best practices, challenges and constraints” on the promotion and protection of human rights on the ground.<sup>29</sup>

States’ performance on human rights has traditionally been monitored in what could be called a *vertical transnational* manner; that is, from above and below, both by IGOs and national and transnational NGOs. Some regional tribunals even have the competence to issue judgements and find states liable for human rights violations. These domestic, regional, and transnational actors often operate together in their effort to promote states’ commitment and compliance with international human rights standards, using what Keck and Sikkink (1998) have referred to as a “boomerang strategy”. However, they have limitations with regard to how active they can be, the content of what they can say, and how they can express it.<sup>30</sup> On the one hand, civil society organizations, whether at the local or international level, tend to have a limitation of resources – human, material, and information. On the other hand, IGOs find restraints in the diplomatic and technical language they use and, as pointed out in the previous section, in the specificity of their mandates.

Led exclusively by states and conducted mainly amongst them by definition, the UPR presents itself as a monitoring mechanism that crosses the frontiers of the predominantly vertical human rights regime that blossomed in the second half of the twentieth century, towards a more *horizontal international* review process that allows for new dynamics of scrutiny and, potentially, pathways to impact. The peer review element of the UPR marks a substantial difference from existent human rights monitoring mechanisms and invites for new types of politics in the international regime. On the part of the state under review, for some, receiving recommendations directly from (some of) their peers might convey more authority and legitimacy than when they come from NGOs or from any of the different bodies and procedures in the regional and international human rights regimes. One would expect that peers understand better than those pressuring from above and below what it means to run a state.

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<sup>29</sup> See A/HRC/DEC/6/102 “Follow-up to Human Rights Council resolution 5/1”, 27 September 2007, section I, D. Available at: [http://ap.ohchr.org/documents/E/HRC/decisions/A\\_HRC\\_DEC\\_6\\_102.pdf](http://ap.ohchr.org/documents/E/HRC/decisions/A_HRC_DEC_6_102.pdf) [last accessed 12 August 2018].

<sup>30</sup> It is important to note that here I am not speaking about limitations of impact since I am not discussing the effectiveness of their actions nor the (lack of) enforcement power they may (or may not) have.

At this point, it is worth asking: to what extent is the UPR an actual *peer* review? Going back to Conzelmann's (2014) definition of peer reviews, it is interesting to note the inverted commas when he uses the word 'peer'. In theory, we assume states are peers because they are all sovereign – at least *de jure* – and UN member states. However, in practice, there are certain hierarchies amongst them which become evident in this universal mechanism. For instance, whereas the universal participation and full cooperation of states under review (with the abovementioned exceptions) has been achieved, there are many states that have not made any recommendation. Of course, this can be a deliberate decision not to cooperate with the UPR or a reflect of strategic interactions but, if we examine states' silence in an inductive manner, we can identify some patterns.

As shown in Table 5.1, we can see that the thirty-eight states that did not make any recommendation in the UPR first cycle (2008–2011) have much in common. First, a major factor that seems to affect participation is the lack of representation in Geneva, which makes it difficult to attend the UPR sessions (Sen 2009). From the seventeen states without a Permanent Mission to the United Nations Office at Geneva (UNOG),<sup>31</sup> Samoa was the only one that made recommendations (only four in total). Second, many of the silent are 'small states' with populations of under 500,000 inhabitants. From the twenty-nine small UN member states, twenty made no recommendations and eight made less than ten each in the whole first cycle. Finally, many of the passive are Small Island Developing States (SIDS). From the thirty-eight SIDS,<sup>32</sup> twenty-five made no recommendations and six made twelve or less in total. The main exceptions, which at the same time carry at least one of these characteristics and are close to the mean of recommendations made or over it, are Maldives and Cuba, with 133 and 270 recommendations respectively. These two cases are outliers that deserve further research.

*Table 5.1 Some features of the thirty-eight silent states of the UPR first cycle (2008–2011)*

State	Small Island Developing States	Permanent Mission at UNOG	Population under 500,000	SIDS and/or GEN and/or Small	Silent Cycle 2 (number of recs. made)
Andorra	No	Yes	Yes	1	No (6)
Antigua and Barbuda	No	Yes	Yes	2	Yes
Bahamas	Yes	Yes	Yes	2	No (18)
Belize	Yes	Yes	Yes	2	Yes
Comoros	Yes	Yes	No	1	No (18)
Dominica	Yes	Yes	Yes	2	Yes

<sup>31</sup> Information retrieved from the official website of the UNOG: <http://www.unog.ch> [last accessed 12 August 2018].

<sup>32</sup> Membership defined by the UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States in its official website: <http://unohrls.org/about-sids/country-profiles/> [last accessed 12 August 2018].

Eritrea	No	Yes	No	0	No (22)
Fiji	Yes	Yes	No	1	No (38)
Gambia	No	Yes	No	0	Yes
Grenada	Yes	Yes	Yes	2	Yes
Guinea	No	Yes	No	0	Yes
Guinea-Bissau	Yes	No	No	2	Yes
Guyana	Yes	No	No	2	Yes
Kenya	No	Yes	No	0	No (109)
Kiribati	Yes	No	Yes	3	Yes
Liberia	No	Yes	No	0	Yes
Malawi	No	No	No	1	Yes
Marshall Islands	Yes	No	Yes	3	Yes
Micronesia	Yes	No	Yes	3	Yes
Mongolia	No	Yes	No	0	No (20)
Montenegro	No	Yes	No	0	No (291)
Nauru	Yes	No	Yes	3	Yes
Palau	Yes	No	Yes	3	Yes
Papua New Guinea	Yes	No	No	2	Yes
Saint Kitts and Nevis	Yes	No	Yes	3	Yes
Saint Lucia	Yes	Yes	Yes	2	No (2)
Saint Vincent and the Grenadines	Yes	No	Yes	3	No (2)
San Marino	No	Yes	Yes	1	Yes
Sao Tome and Principe	Yes	No	Yes	3	Yes
Seychelles	Yes	Yes	Yes	2	No (7)
Sierra Leone	No	Yes	No	0	No (492)
Solomon Islands	Yes	Yes	No	1	No (9)
Suriname	Yes	No	No	2	Yes
Togo	No	Yes	No	0	No (216)
Tonga	Yes	No	Yes	3	Yes
Turkmenistan	No	Yes	No	0	No (86)
Tuvalu	Yes	No	Yes	3	Yes
Vanuatu	Yes	No	Yes	3	No (3)

Table 5.1 shows that almost 74 percent of the silent states (28 out of 38) are SIDS, have no Permanent Mission to the UNOG and/or have a population of under 500,000 inhabitants. Out of the 16 states that did not remain silent in the second cycle, the 7 that did not have any of these features became substantially more active (ranging from 20 to 492 recommendations, with an average of 176.57) than the 9 which carried at least one of these conditions (ranging from 3 to 38 recommendations, with an average of 11.44). Apparently, the combination of these characteristics makes it less likely for states to participate. The eleven states that carry the three conditions made no recommendations in the first cycle and most of them remained silent in the

second one – with the exception of Saint Vincent and the Grenadines and Vanuatu, with 2 and 3 recommendations respectively.

In an anthropological study of the UPR in 2010–2011, Cowan and Billaud (2015) analyzed words, gestures and practices of states, and observed a dynamic of “learning and schooling” between them. They call states like the ones listed in Table 5.1 “the struggling students” and they mention that for most of the Pacific island states, “both because of ‘lack of capacity’ in their small bureaucracy and of the high costs of travel, the first and only UPR review they attended was their own” (Cowan and Billaud 2015, p. 1182). Lucy Richardson (2016), former member of the New Zealand Permanent Mission to the UN, highlighted how cumbersome it is for the delegations of small islands in the Pacific to participate in the UPR. For those that do not have a Permanent Mission, it can take two weeks to make a return trip to Geneva – as there is low demand, there are not daily flights departing from or arriving to these islands, and, because of the long distances, flying usually includes two or three stops in each way of the route and people need time to recover from the jet lag. Aware of this kind of struggle, the Human Rights Council has undertaken a number of initiatives to aid these states. Probably the most relevant are the “UPR Voluntary Fund for Financial and Technical Assistance” established in 2007 in HRC Resolution 6/17<sup>33</sup> (with a special focus on the implementation of recommendations) and the “Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the work of the Human Rights Council” established in 2012 in accordance with HRC Resolution 19/26 (with a focus on participation).<sup>34</sup>

Despite the institutional attempts to help “struggling states”, Cowan and Billaud (2015) find that for many of them, the inability to engage in the UPR was compounded by language issues – mastery of English is mandatory *de facto* and missing the everyday action in Geneva makes it almost impossible for diplomats to become familiar with the technicalities of ‘UN language’. This brings us back to the idea of dialogue. Is there room for a real dialogue in the UPR? The answer is not clear. There are a number of limitations for a proper “interactive dialogue” between states but, at the same time, there is a lot of potential for using the platform of the UPR to maintain exchanges beyond the sessions.

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<sup>33</sup> A/HRC/RES/6/17 “Establishment of funds for the universal periodic review mechanism of the Human Rights Council”, 28 September 2007. Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/RES-6.17.pdf> [last accessed 12 August 2018]. Find more about this and other initiatives at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTrustFunds.aspx> [last accessed 12 August 2018].

<sup>34</sup> A/HRC/RES/19/26 “Terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council”, 23 March 2012. Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/19/26](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/19/26) [last accessed 12 August 2018]. Find more about this initiative at: <http://www.ohchr.org/EN/HRBodies/HRC/TrustFund/Pages/SIDS-LDCs.aspx> [last accessed 12 August 2018].

On the negative side, silence and the lack of familiarity with the “UN language” does not facilitate a conversation. Moreover, policy reports have rightly criticized that, because of the little time available, “[f]or a supposedly cooperative peer review mechanism based on interactive dialogue ... severe time constraints are clearly problematic, turning what should be a dynamic space for peer-to-peer debate and exchange into a stale forum of rushed and often unconnected monologues” (Gujadhur and Limon 2016, p. 4). At a substantial level, in a recent study on discussions on polygamy in the UPR, Patel (2017) observes that, on this issue, recommending states often make recommendations advocating for an extreme universalism and those under review note them explaining their position with strong cultural relativist claims. She further finds that those noting – but practically rejecting – recommendations on eradicating polygamous marriage based on religion or culture in the first cycle (an expression challenging the universality of women’s human rights) were not held accountable by the recommending states, who did not tend to follow up on these issue with the same emphasis in the second cycle. In this context, she recognizes that it is expected that the second and subsequent cycles focus on the implementation of those recommendations that were accepted. However, she convincingly suggests there is a missed opportunity to continue a dialogue on the reasons that led to recommendations being noted, particularly in sensitive and controversial issues.

On the positive side, Milewicz and Goodin (2018) study the UPR as a case with potential for deliberative capacity building through international organizations. Although they recognize that the UPR interactive dialogue is not very dialogical, they find that “the requirement that states present themselves for questioning induces a great deal of high-quality deliberation in the run-up to (and the backwash of) the open session” (Milewicz and Goodin 2018, p. 516). For example, the UPR encourages states to account for their efforts to consult with civil society organizations (CSOs) when preparing their national report. Moreover, although NGOs are not as protagonists in the UPR process as they are in other mechanisms, they have managed to create new spaces of participation. Since 2012, the abovementioned Geneva-based organization UPR Info organizes the UPR pre-sessions in which local NGOs and NHRIs visit Geneva a month ahead of the UPR session to inform and advocate to potential recommending states on different human rights issues on the state that will be under review. At the pre-sessions of the second of the UPR (2012–2016), 149 states were reviewed at the pre-sessions, with over 700 organizations speaking (467 national CSOs, 206 international CSOs, and 33 NHRIs) and 150 Permanent Missions participating (UPR Info 2016b, 14–15). Similarly, UPR Info promotes the involvement of stakeholders in the reporting of the implementation of the recommendations accepted in the UPR (UPR Info 2018). These instances of participation provide an opportunity for different actors to engage in a dialogue that goes beyond the formalities of the review at the UPR and the HRC sessions.

## A HORIZONTAL PATHWAY TO IMPACT?

So far, this chapter has highlighted the interplay of principles and practices that turn the UPR into a distinctive mechanism in which horizontal international oversight takes place. The UPR is a story of success in, at least, achieving universal participation and cooperation of states under review over a decade, and the wide coverage of issues that recommending states have brought up. Nevertheless, to what extent the peer review has been realized comes into question when we consider hierarchies amongst participants and the experience of “struggling states”. Also, the dialogical component seems to be affected by severe time constraints and the limited number of formal instances of exchange between states. In this context of achievements and restraints, it is worth asking: Is the UPR offering a horizontal pathway to impact?

Impact is usually equated to compliance, which in the case of the UPR entails the implementation of the recommendations contained in the final outcome of the review (comprised by the Report of the Working Group and the Decision of the Outcome). In practice, there is no institutionalized follow-up mechanism and states are mainly – if not exclusively – expected to report on the implementation of those recommendations they accepted. In fact, HRC Resolution 16/21 decrees that “[t]he second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review”.<sup>35</sup>

States are encouraged to provide information on the measures and policies undertaken to make progress on the issues they committed to in two ways. First, after the first cycle states should include a reference to the implementation of accepted recommendations in their national reports. Second, on a voluntary basis, states can submit mid-term implementation reports to the OHCHR. Both mechanisms of self-reporting have proven to provide insufficient evidence to assess the impact of the UPR. Many states do not comply with the request to account for the implementation of accepted recommendations in their national report (UPR Info 2015), and most of them do not present a mid-term implementation report. According to the UN website, as of 30 July 2018, only 71 states have submitted UPR mid-term reports in the last decade (55 on the first cycle, 34 on the second cycle, and 18 on both cycles).<sup>36</sup>

Collecting data on the degree of implementation of the recommendations for the purpose of comparison is not an easy task. States’ mid-term reports are still a problematic source of information for many reasons: they are written by states (meaning that we can assume a positive bias in their self-reporting), they currently constitute a small sample holding issues of

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<sup>35</sup> A/HRC/RES/16/21 “Review of the work and functioning of the Human Rights Council”, Annex, Section I.C.1, para. 6, 12 April 2011. Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/RES/16/21&Lang=E> [last accessed 12 August 2018].

<sup>36</sup> See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx> [last accessed 12 August 2018].



self-selection (the sample is not representative enough if the only available reports are those from states that presented them on a voluntary basis), and they are only published in the original language in which they were submitted (which, unless language issues are dealt with, reduces the sample even further). Some measures have been advanced despite the difficulties, but methodological problems persist.

Frazier (2011) developed an indicator called ARIS, which stands for “Accepted Recommendation Implementation Score”. He measured the degree of implementation in nine states that were under review in 2008 – in the first three sessions of the first UPR cycle. Two cases were deliberately chosen for being suspected to be the best example of high implementation; the other seven were randomly selected with a view to achieving a balance in the level of economic development in the sample. With the purpose of obtaining a comprehensive picture, Frazier built the ARIS indicator relying “on a myriad of sources including the UN Official Document System, the [US] Department of State, Amnesty International, and various NGOs” (Frazier 2011, p. 10). He does not share any further details on the coding process, so it is not possible to evaluate the reliability of the indicator overall. The results of his analysis allowed for the conclusion that there is a positive correlation between the level of development of states and their degree of implementation of the recommendations received and accepted in the UPR. With all its limitations, Frazier’s study is a valuable endeavor that also exposes the difficulties of building datasets for a more ambitious cross-national comparison in this matter.

UPR Info has explored the issue of the implementation of UPR recommendations in a number of reports (UPR Info 2012, 2014, 2016a, 2018), including case studies and good practices. For the first cycle of the UPR they developed the “Implementation of the Recommendation Index” (IRI) using a methodology that is explained transparently and in depth in their publications. The IRI evaluates the degree of implementation at the level of individual recommendations (categorized as “not implemented”, “partially implemented”, and “fully implemented”), and it relies on the input received through a process of consultation with multiple stakeholders – who also have the opportunity themselves to submit mid-term implementation reports to the OHCHR – while taking into account claims made by the state under review. Evaluating 165 states and building on comments received on 11,527 recommendations out of 20,452 addressed to these countries, by the mid-term stage of the first cycle UPR Info concluded that “55% of accepted recommendations and, encouragingly, 19% of noted recommendations were either partly or fully implemented” (UPR Info 2016a, p. 4). This seems to be a promising picture in terms of impact, but how can we tell this is not just a coincidence?

After ten years in operation, we know very little about the distinctive impact of the UPR. Does the UPR allow for new dynamics of norm and policy diffusion between states? Do states perceive recommendations from other states as more authoritative or legitimate than when the recommender is a judicial body, a group of independent experts, or a special rapporteur? Which

implications do the deliberations and conversations that take place in the UPR process have for the universality of human rights? These important questions remain underexplored by the literature. Thus far, it is not clear to what extent the horizontal international oversight that characterizes this universal peer-review mechanism in fact translates into a horizontal pathway to impact.

A subject that has received more attention from scholars studying human rights and international institutions is the issue of politicization, which is closely linked to the question of impact. The credibility and reputation of the former UN Commission on Human Rights was severely affected by accusations of selectivity and politicization (see e.g. Ghanea 2006; Alston 2006; Boyle 2009).<sup>37</sup> In May 2005, the then UN Secretary General Kofi Annan, one of the leading forces behind the reform of the UN human rights institutions, expressed his hopes that the UPR “would help avoid, to the extent possible, the politicization and selectivity that are hallmarks of the Commission’s existing system.”<sup>38</sup> A decade after it started to operate, and leaving behind the initial enthusiasm and sometimes hesitation about this innovative mechanism, the UPR does not seem to have lived up to these expectations.

Whereas the universal element of the UPR favors perceptions of fairness and non-selectivity, the peer review component does not help to prevent its instrumentalization. On the part of the reviewer state, there is room for empathy, solidarity, condescension, or reprisal, for example. Cowan and Billaud (2015) describe “the common practice – endemic in the first cycle – in which certain states ‘lined up to praise their friends’ ... using most or all of the available time to offer what were judged as ‘easy’ or ‘friendly’ recommendations, thus crowding out more critical statements about, or recommendations addressing, a state’s deficiencies and/or misdeeds” (Cowan and Billaud 2015, pp. 1180–1). The interviews they conducted allow for the conclusion that there are two main explanations: states behave in this manner either for security reasons or out of strategic solidarity. On the one hand, a Lebanese diplomat justified the state’s friendly recommendations to other Arab states as a way of maintaining cordial relationships with them. In her view, that was an absolute necessity given Lebanon’s vulnerability within the region and its particularly tense relations with Israel and Iran. On the other hand, a Bangladeshi diplomat regretted the lack of space for contextualizing the achievements of developing countries that still carry the burden of a colonial past. In this regard, it is not uncommon for fellow developing states to use their two-minute statements to remind their peers of the legacies of colonialism.

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<sup>37</sup> While the term “politicization” has been used to denote different phenomena, here I refer to it in the framework of Rosa Freedman's definition (2011, p. 289), who claims that politicization is the “pursuit of States’ national agendas or regional groups’ common objectives, [which takes] the form of selectivity, partiality and bias.”

<sup>38</sup> A/59/2005/Add.1 “Explanatory Note by the Secretary-General, In Larger Freedom: Toward Development, Security and Human Rights for All”, para. 8, 23 May 2005. Available at: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.2005.Add.1\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.2005.Add.1_En.pdf) [last accessed 12 August 2018].

Recent research has exposed similar dynamics. Carraro (2017) confirms that “politicization” is perceived to be largely present within the UPR, whether expressed as country bias, issue bias, or an instrumental use of cultural relativism. She makes this inference based on data gathered from 39 interviews with relevant actors and a survey distributed to 148 treaty body committee members and 157 state delegates from countries with a mission in Geneva (with a response rate of about 35 percent). As for the impact this may have on the credibility of the mechanism, Carraro (2017, p. 971) finds that “by virtue of its very nature and design, it would have not been reasonable to expect the UPR to be free from political bias, and therefore many – although not all – participants are not particularly surprised or disappointed by this.”

Terman and Voeten (2018) reach a similar conclusion about the presence of “politicization” in a recent quantitative study of the relational politics of the UPR. Overall, they find that states tend to be more lenient towards their strategic partners when making recommendations but, when they do offer some criticism to each other, those recommendations are more likely to be accepted. Although Terman and Voeten do not evaluate the influence of strategic partners on the implementation of the recommendations, their research suggests that the relational politics that play out within the UPR may have positive consequences for the effectiveness of the mechanism. They sustain that, in the UPR, “strategic ties constitute the very mechanism by which social pressure drives behavioral outcomes”, and conclude that “[t]o the extent that institutions such as the UPR promote human rights compliance, it is likely because of these political dynamics, not in spite of them” (Terman and Voeten 2018, p. 20).

These examples illustrate how, even when politicization in the UPR is perceived as inevitable or when it actually occurs in some cases, it does not necessarily undermine the credibility or the potential effectiveness of the mechanism. To what extent this has a distinctive effect on the improvement of the human rights situation on the ground remains an open question.

## **CONCLUSION**

This chapter has examined how the Universal Periodic Review has operated to date and has delved into the main aspects that turn it into such a distinctive human-rights monitoring mechanism. Ten years after its first session took place, it is unquestionable that the UPR has achieved universal participation of states under review – not without some challenges along the way – while respecting the principle of equal treatment of the states involved, at least in procedural terms. The peer review and dialogical elements are more disputed, and their implications deserve further research – probably the most significant contributions in this regard can be found in a collection edited by Hilary Charlesworth and Emma Larking (2014) focused on rituals and ritualism in the UPR.

The establishment of the UPR and its innovative features raise important questions about the legal status of recommendations, the implementation by states of those they accept, the reasons behind the non-acceptance of recommendations and, ultimately, the effectiveness of the mechanism as a whole. Some would criticize the UPR as “weak” and “soft”. But La Vega and Lewis (2011, p. 367) rightly claim that “[r]ather than measure the UPR against the standards for hard law organizations and mechanisms such as courts and tribunals, we must instead examine the UPR’s ability to create an environment of mutual trust where ideas can be created, shared, openly discussed, criticized and elaborated.” This encourages understandings of impact that go beyond the traditional idea of implementation. In the same vein, focusing on procedure, UPR Info (2016a, p. 3) sustains that “[t]he UPR is at its most effective when all stakeholders cooperate and adhere to the notion of universality”. Similarly, Milewicz and Goodin (2018, p. 514) argue that “the UPR effectively sets in motion a deliberative process to promote human rights around the world.” Is this the case for every state on every issue? This is an aspect that deserves further research.

The question on whether or not the UPR represents a distinctive horizontal pathway to impact remains ultimately unanswered, partly because of the difficulties of measuring implementation and partly due to a lack of attention from researchers. Ten years after its first session, scholarship on the UPR is still incipient and scarce. The criticisms and lack of enforcement of the Universal Periodic Review should not dissuade researchers from giving it more consideration, not least in light of its uniqueness.

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