

# The Universal Periodic Review (UPR) and its potential to foster freedom of expression, access to information and safety of journalists

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## GUIDELINES FOR NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIs)

### I. What is The Universal Periodic Review?

The UPR was established in March 2006 and has completed three cycles since then. It is a unique mechanism within the UN system for the **periodic review** of the human rights records of all 193 UN Member States.<sup>2</sup> As one of the main features of the Human Rights Council (HRC), the UPR reformed and restructured how the UN system assesses respect for human rights.

While aware that NHRIs cover a variety of human rights issues, and that they engage in the many elements that constitute their mandate, the UPR process is a unique lever to enhance visibility and impact that merits attention and investment of time. Engagement with it is a significant opportunity – within NHRI mandates – to maximize co-operation and use internationally-agreed processes to deliver on human rights protection in the country concerned. From the outset, NHRIs are in a privileged position to monitor policies that might promote and protect human rights, as well as monitor violations.

<sup>1</sup> National Human Rights Institutions (NHRIs) in all regions were consulted when seeking background information for these Guidelines. We particularly appreciate the feedback provided by the Danish Institute for Human Rights, The National Human Rights Institution of Uruguay (Institución Nacional de Derechos Humanos y Defensoría del Pueblo) and the Tanzania Commission for Human Rights and Good Governance.

<sup>2</sup> The basis of the review, the principles to be observed, the objectives and the modalities of the process were further elaborated by the General Assembly in its Resolution 5/1 on Institution Building of the United Nations Human Rights Council. The mechanism was further refined during the review process through resolution 16/21 and decision 17/119.

### ABOUT

These UNESCO guidelines aim to provide practical support to National Human Rights Institutions (NHRIs) on the use of the UPR process to improve freedom of opinion and expression, safety of journalists, and access to information and to strengthen their capacity to engage with the process in all its stages.<sup>1</sup>

## How does the UPR process work? <sup>3</sup>

A UPR review cycle is a four-and-a-half to five-year period within which the human rights records of all UN Member States are reviewed. The process provides an equal opportunity to all States to present the current situation regarding the respect of human rights in their respective countries. It ensures uniformity in the assessment process and in the decision and communication of recommended actions towards the States.

The process is designed to provide technical assistance where the capacity of States and national institutions needs enhancement to overcome challenges. States that have utilized such assistance have produced good practices that they shared in their reports to the UPR, widely benefiting other States and stakeholders.

The UPR is a state-driven process held under the auspices of the HRC. At the same time, it expands its reach beyond Governments, allowing other relevant actors to contribute, including civil society groups, academia and journalists. It is a universally applicable tool; in the same way the 2030 Agenda is.

The UPR recognizes the value of contributions by national bodies such as Parliaments and NHRIs. Involving NHRIs in the process at the outset increases the potential of implementation of recommended actions domestically. Participation in the UPR gives these bodies a stake in strengthening the respect for human rights at the national level and in ensuring that the country fares well in the process of international accountability.

## Who conducts the Review?

- The review is conducted by the UPR Working Group, consisting of the 47 members of the Council, chaired by the President of the Council.
- Each State review is assisted by groups of three States, known as troikas, who serve as rapporteurs. The selection of the troika for each State is done through a drawing of lots following elections for Council membership in the General Assembly.
- The OHCHR facilitates the review process by compiling information from reports of UN bodies, NHRIs, civil society groups and other stakeholders, and assists the troikas in preparing the Final Report of the review conducted by the Working Group.

## What does the UPR assess?

The UPR will assess the extent to which States respect their human rights obligations set out in:

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;
- Human rights instruments to which a State is party;
- Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council;
- Applicable provisions of international humanitarian law.



<sup>3</sup> As laid down by GA Resolution 5/1, HRC Resolution 16/21 and HRC decision 17/119.

## What are the Review mechanisms?

### PRIOR:

#### Preparation for the Review and reporting on implementation of recommendations from the previous cycle:

The documents to be prepared before the review of each state during a cycle are:

- 1) The National Report containing information provided by the State under review;
- 2) Report prepared by the Office of the High Commissioner (OHCHR) based on information contained in reports of the Special Procedures of the Council<sup>4</sup>, human rights Treaty Bodies<sup>5</sup> and other UN Agencies;
- 3) Report prepared by the OHCHR based on a summary of the information provided by other stakeholders<sup>6</sup> on the situation of human rights in the State under review.<sup>7</sup>

### DURING:

#### Review of the human rights situation of the State under review:

The Review is held in Geneva and consists of a 3.5-hour interactive dialogue with the UPR Working Group, which is broadcast live on [UN WebTV](#) and is publicly accessible. The Working Group and other UN Member States engage in an interactive dialogue with the State under review.

- Any Member State can pose questions, comments and/or make recommendations to the States under review.
- Observers<sup>8</sup> are allowed to attend the open session of the Working Group. The interactive dialogue, however, is restricted to Member States only.
- Information provided by other stakeholders can be referred to by any of the States taking part in the interactive discussion during the review at the Working Group meeting.

### AFTER:

#### Outcome of the Review:

Once the review by the Working Group is completed:

- 1) **The State either accepts a recommendation or just notes it**, without any commitment to implement it.
- 2) The outcome document lists all recommendations made by the Working Group.

**Recommendations accepted by the State under review should be implemented before the next review.**

- 3) **During the Council's consideration and adoption of the UPR outcome, all stakeholders, including NHRIs and NGOs, can attend and make statements** during the session for a comprehensive and inclusive appraisal of the review outcome.

<sup>4</sup> The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

<sup>5</sup> UN Charter-based bodies created under the international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations, e.g., the Human Rights Committee to monitor compliance with International Covenant on Civil and Political Rights, Committee on Economic Social and Cultural Rights, Committee on the Elimination of all Forms of Discrimination against Women, Committee on the Rights of the Child.

<sup>6</sup> Stakeholders include NHRIs, NGOs, human rights defenders, academic institutions and research institutes, regional organizations.

<sup>7</sup> OHCHR releases Technical Guidelines for the submission of stakeholders before the beginning of each UPR cycle. The OHCHR release for the 3rd Cycle of the UPR is attached as Annex 1.

<sup>8</sup> Observers include inter-governmental organizations, NHRIs and non-governmental organizations (NGOs). NGOs in consultative status with the United Nations Economic and Social Council (ECOSOC) can be accredited to participate in the session of the Working Group as Observers.

- 4) There is an opportunity at this stage for **the State under review to reply to questions and issues that were not sufficiently addressed** during the Working Group session, and respond to recommendations that were raised by States during the review.

### **Follow-up by reviewed States on the implementation of the conclusions and recommendations:**

The UPR process does not end with the review of the human rights record of a Member State. It is a continuous process that **links the results of one review cycle to the reporting required from a State for the next cycle**. The National Report in each of the next cycles contains information on progress in the areas identified for improvement by the UPR as well as on any developments in the field of human rights.

The State has the primary responsibility to implement the recommendations contained in the final outcome of a review. It is therefore imperative that States adopt or initiate measures for improvement in accordance with the recommendations. Other stakeholders, such as NHRIs, can monitor implementation by the State and also hold their own consultations on the best means to implement the recommendations at the national level.

### **Mid-term reports:**

States may, on a voluntary basis, submit UPR mid-term reports to the OHCHR with information on progress in implementation of the recommendations or with regard to any new developments that are relevant to matters discussed during a UPR cycle.

NHRIs may submit mid-term reports to the OHCHR with respect to the review of a particular State, thus contributing to effective follow-up in between cycles. The list of midterm reports by NHRIs can be found [here](#).

Another way that NHRIs can actively engage with the UPR process is by advocating for the preparation of a mid-term report by the Government; taking stock of what has been done in terms of follow up to recommendations of the previous UPR cycle and of remaining challenges.

### **Good practices: coalition building**

The UPR process has galvanized national actors as well as international and regional agencies to undertake collaborative initiatives. Active co-operation of all relevant stakeholders in the course of drafting the parallel reports for the UPR, including mid-term reports, has resulted in institutionalization of NHRI and civil society engagement for the overall promotion of human rights in the country.

In 2016, the Tanzania Commission for Human Rights and Good Governance (CHRAGG) in cooperation with the national NGO Tanzania Human Rights Defenders Coalition (THRDC), and UPR Info (a Geneva based NGO), engaged UPR stakeholders - including Government Ministries, Departments and Agencies (MDAs), Local Government Authorities (LGAs), civil society organizations (CSOs), UN agencies and development partners - on effective implementation of the recommendations for Tanzania of the UPR Second Cycle.

The CHRAGG made use of UPR Info technical expertise on good practices and strategies to follow up implementation and monitoring of UPR recommendations in cooperation with MDAs, LGAs, CSOs, Development partners, and UN Agencies. In June 2016, the CHRAGG also held a Strategic Workshop with CSOs on the implementation of UPR recommendations that came up with Implementation of the Plan of Action Strategy and Outcome.



## II. What is the role of NHRIs in the UPR process?

As state-mandated bodies backed by constitutional and legislative mandates, NHRIs play a crucial role in promoting and monitoring the implementation of international human rights standards at the national level. They play an important part in providing civil society space in oversight of the respect for human rights and the rule of law and following up to recommendations in between cycles.

NHRIs have a wide scope for interventions to strengthen respect for freedom of expression, enhance implementation of the right to access information, reinforce protection of journalists and contribute towards the elimination of impunity for crimes against them.

While it is appropriate for other branches of Governments to consult with NHRIs in the preparation of a state's reports to human rights mechanisms, NHRIs should neither prepare the country report nor should they report on behalf of the government. NHRIs must maintain their independence and, where they have the capacity to provide information to human rights mechanisms, do so in their own right.

**Owing to their mandate to monitor state compliance with international human rights commitments, NHRIs play a critical role in the processes that lead to developing good practices for the UPR.**



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### The Paris Principles:

The Paris Principles<sup>9</sup> support the role that NHRIs can play in promoting the freedom of expression through the UPR process. The Principles reflect that NHRIs should have powers to initiate inquiries and investigations, obtain documents and information from a variety of sources; publicize reports, findings and recommendations; and to reach out to victims or those who are at risk of violation of their rights, in all parts of the country. From the outset, the Principles grant NHRIs with venues that allow them to fight impunity, for instance by starting investigations on crimes against journalists and following up on the status of police and judicial inquiries.

<sup>9</sup> The Paris Principles set out the international minimum standards that all NHRIs – regardless of size or structure – must meet if they are to be legitimate, credible and effective in promoting and protecting human rights. They can be accessed here: <https://www.un.org/ruleoflaw/files/PRINCI-5.PDF>

The Principles open different avenues for NHRIs to engage with international bodies and monitoring mechanisms for the promotion and protection of human rights. This includes the UN HRC and its UPR process, the Special Procedures, and the Treaty Monitoring Bodies of the UN. The Principles require that the mandates of NHRIs include, in the broadest terms, all internationally recognized human rights. The mandates of the NHRIs cannot be limited only to those rights that have domestic recognition or definitions. NHRIs have the competence to promote and protect all human rights nationally. To further emphasize this important role, during 2018 International Conference on “Expanding the civic space and promoting and protecting human rights defenders, the role of national human rights institutions” organized by the Global Alliance for National Human Rights Institutions (GANHRI), NHRIs resolved, inter alia, to use international mechanisms, including the UPR, to monitor and report on the situation of freedoms and civic space in their respective jurisdictions. This International Conference, co-organized by GANHRI members, GANHRI and the OHCHR resulted in the “Marrakech Declaration”, which can be accessed [here](#).

Because of the breadth of engagement and collaboration that the discharge of their functions require, NHRIs are able to play a constructive part in the shaping and the implementing of the UPR recommendations that are finally made to the State, including those related to the freedom of expression, the right to information, and the safety of journalists.

## Reprisals

Reprisals for cooperation with the United Nations take on different forms, from travel bans, threats and harassment, smear campaigns, surveillance, introduction of restrictive legislation, physical attacks, arbitrary arrest and detention, torture and ill-treatment, including sexual violence, denial of access to medical attention, and even killings.

As the Assistant Secretary-General stated in her 2021 [report to the Human Rights Council](#), individuals from NHRIs have experienced threats and reprisals for engaging with the United Nations and undertaking work in accordance with their mandate. In response, a [landmark decision](#) by the UN Human Rights Committee in February 2021 reaffirmed the right of NHRIs to share information freely with the UN without reprisal. Further, resolutions A/RES/76/170 of the General Assembly and resolution A/HRC/RES/12/2 of the Human Rights Council stress that NHRIs should not be subject to any attacks as a result of their mandated activities, and that any such attacks should be duly investigated by Member States.

All UN Mechanisms, including the UPR, have [specific venues](#) to denounce reprisals. They can also be reported directly to [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org) to facilitate coordination and follow-up. Other secure channels of communication are available upon request. Alleged cases and patterns can be reported throughout the year. It is important to note that in the context of reprisals against NHRIs, these are understood broadly and not necessarily linked with cooperation with the United Nations human rights mechanisms.

### III. What are the stages of engagement of NHRIs in the UPR process?

#### Accreditation

- NHRIs planning to participate in the UPR sessions must get accreditation for their representative through the Secretariat of the UPR. **Only organizations fully compliant with the Paris Principles (“A” status) can get accreditation to the HRC and therefore participate in the process.**
- The process takes at least three days to be completed and for accreditation to be granted to the applicants.
- A useful resource is the joint chart of status of national institutions, published by the Global Alliance of National Human Rights Institutions (GANHRI) and the OHCHR every year. The list of accreditation status as of 2021 can be found [here](#).

#### Good practices: building media coverage

Media has a vested interest in ensuring that the human right to free expression, safety of journalists, and access to information are sufficiently covered in the UPR process. It is important to liaise with them throughout the process as their involvement as stakeholders will also increase their interest in covering the process.

Moreover, media coverage of the process can carry the UPR beyond Geneva and make it accessible for the benefit of the broader public - the intended beneficiaries of the process - and not just those already involved or interested in the process. For these reasons, NHRIs can profitably engage media in relation to their UPR and the country engagement.



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#### BEFORE THE UPR PROCESS, NHRIs CAN:

- Build their own capacity to monitor and gather information to feed the report of the OHCHR on the State under review by establishing dedicated monitoring units and easily accessible complaints procedures within their institution. In this regard, designating a person to follow the process ensures consistency and knowledge-building;
- Keep track of the deadlines for presenting information for the Stakeholders report. These are published on the [OHCHR's UPR webpage](#);
- Train the NHRI personnel to analyse data and information and to compile it in accordance with information and guidelines issued by the OHCHR for written submissions for the UPR by relevant stakeholders;
- Submit parallel or shadow reports, with input from different stakeholders, and mid-term reports on progress in implementation of previous recommendations to the UPR;



- Keep informed about the accreditation requirements for attending Working Group or the Council sessions when reviews of their respective countries are scheduled to take place<sup>10</sup>;
- Provide assistance, when required, to the OHCHR for compiling summaries of information received from stakeholders and attend the Working Group Sessions through an accredited representative;
- Encourage the Government to host a broad consultation process as an essential first step in the preparation of the national report, inter alia focusing on the status of implementation of recommendations from the previous review. Encourage internal consultation within the various branches of the Government and the participation of all relevant stakeholders in this process including the NHRI, NGOs and UNCTs;
- Encourage parliamentary Human Rights Committees and/or MPs of relevant Committees to be fully aware of commitments made by the executive in the previous cycle – especially those requiring parliamentary action - and advocate for an input by Parliament into the national report being prepared for the review.

## DURING THE REVIEW, NHRIs CAN:

- Contribute to the review by submitting an independent report or information on a specific right, such as freedom of expression;
- Organize a live streaming or recorded showing of the UPR session for all stakeholders to attend and a post-screening discussion of the issues raised;
- Encourage significant local media coverage of the UPR working Group Session and the involvement of journalists, unions and associations in related events;
- Prepare and make statements and participate in the Council session at which the Outcome Report is to be discussed and adopted.

According to [Resolution 16/21](#), the national human rights institution of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary (paragraph C. 2.13).

- Encourage their State to review and accept relevant UPR recommendations, including, and in particular, those that may be more sensitive and where the State is more reticent.

## AFTER THE REVIEW, NHRIs CAN:

- Engage with independent media, journalists' associations, and human rights defenders (HRDs) working in this field, to involve them and to build their capacity to gather information and to communicate the information to National Mechanisms for Reporting and Follow-up (NMRFs), NHRIs and civil society groups;
- Hold press conferences and raise public awareness on UPR recommendations and the means that the NHRI suggests to improve the situation;

<sup>10</sup> Instructions issued by OHCHR regarding NHRI contributions and participation in the 3rd UPR cycle are available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>



- Publicize and disseminate the outcomes of the UPR in the country: by acting as a link between the international system and the national stakeholders, NHRIs can help implementation gain momentum at the country level. They can disseminate the UPR outcomes and conduct awareness raising campaigns on the human rights issues raised through the UPR, thus engaging civil society stakeholders both in the issues and the UPR process;
- Mainstream UPR recommendations into their work: the work of NHRIs does not stop after the formal UPR session. In order to encourage progress on the human rights concerns raised by the UPR process, NHRIs may wish to include UPR recommendations into their internal work plans and draw up an action plan or strategy to contribute to the implementation of the various recommendations.
- NHRIs also have a key role in advising and supporting states in implementing recommendations, as well as monitoring and holding to account for poor progress, therefore, monitoring & follow up by NHRIs should include all recommendations, including those that may not have been accepted by the State, where relevant.

### Good practices: consultative meetings prior to the review

A participatory process and a consultative approach in the preparatory phase of the UPR at the national level brings together a diverse and wider circle of those who can inform the national report and contributions from other stakeholders. In 2019, ahead of the 3rd UPR of Denmark, the DIHR participated in a meeting between civil society organizations, the Inter-Ministerial Human Rights Committee, and the National Mechanism for Reporting and Follow-up (NMRF), where participants could provide preliminary input for themes to be included in the national report.

In February 2021, together with the Danish UPR coalition of CSOs, the DIHR conducted a consultative meeting prior to the UPR of Denmark for the diplomatic community in Denmark on main human rights challenges, thus preparing member states to constructively engage in the UPR of Denmark. Members of the Inter-Ministerial Human Rights Committee also participated in the meeting.

The DIHR has also established an advisory council to the Institute which consists of approximately 50 representatives from civil society, public authorities and members of parliament.

## IV. What to include in a UPR contribution?

A research project by the *Institut d'Etudes Politiques de Paris* (Sciences Po) under the supervision of UNESCO in 2020/2021 analysed the UPR outcomes for different States and found that the number of recommendations that fell under the topic of freedom of expression had increased slightly over the three cycles. The topics most mentioned in these recommendations were “laws and regulations” and “safety of journalists”.

Member States have increased their focus on enhancing norms and policies related to freedom of expression, including press freedom and the right to access information, online and offline, and on strengthening existing measures for safety of journalists. This positive trend should be fostered to achieve full compliance with international human rights standards.

States Parties to the International Covenant on Civil and Political Rights (ICCPR) must ensure that the rights contained in the Covenant are given effect in the domestic law of the State. They also have an obligation to respect, protect, and promote the freedom of opinion

and expression in practice, based on the principles of equality, non-discrimination and universality. This element should be included in the report prepared by NHRIs.

## Freedom of expression

The right to freedom of opinion and expression is protected under international law, by the Universal Declaration of Human Rights (UDHR) and Article 19 of the ICCPR, amongst other human rights treaties. Regional human rights instruments in the Americas, Africa and Europe also contain specific provisions to protect freedom of expression.

Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability<sup>11</sup> that are central to good governance, without which democratic institutions and systems can neither protect and promote human rights, nor render legal and social justice to the people. Freedom of expression is not just a right in and of itself, but an enabler of multiple other human rights.

The core components of the right to freedom of expression are:

- The right to hold opinions without interference;
- The right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of a person's choice.

UNESCO is the only UN Agency with a specific mandate to foster freedom of expression encompassing, in particular, the promotion of “free, independent and pluralistic media in print, broadcast and online.” It is also the leading UN agency in the implementation of the [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#), adopted by the UN in 2012.

## Attacks and intimidation against journalists



**“The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the UDHR.”**

**(UN Plan of Action on the Safety of Journalists and the Issue of Impunity)**

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<sup>11</sup> See General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights.

States have the responsibility to recognize and enforce respect for the freedom of expression. Yet, it is one of the rights that is most vulnerable to violations. Bloggers, citizen journalists, social media activists, and media workers that support journalists in coverage and dissemination of news, must equally be protected.<sup>12</sup>

- While including information about Freedom of Expression, Safety of journalists and access to information, [UNESCO's Observatory of Killed Journalists](#) can be consulted for an overview of the killings of journalists by country and the status of the judicial inquiry.

The OHCHR has also developed short Guidelines on the most important elements of a good contribution, which can be found [here](#).

#### **Ideas for building partnerships to input into UPR:**

- Encourage NGOs, and other civil society actors, to provide substantive input to the UPR process;
- Provide, where necessary, training and capacity building to civil society actors, including association of journalists and media outlets, to gather information, compilation of this information in accordance with the OHCHR guidelines for presentation in the UPR process;
- Liaise with, participate in and provide input to any activities undertaken by UNCT and individual UN Agencies in relation to the preparation of their submissions for the UPR process.

The National Human Rights Commission of Uruguay (INDDHH) uses the System of Monitoring of Recommendations (SIMORE) established by the Government to monitor compliance and implementation of recommendations by State institutions. This tool facilitates research on the human rights situation in the country, both for the INDDHH and for social organizations and other stakeholders. In addition, the SIMORE coordinates periodic meetings with representatives of the various State bodies and civil society for the preparation of the reports, in which the INDDHH is invited and participates as an observer. In fulfilling its mandate, the INDDHH takes into account the recommendations of the UPR and the treaty bodies when evaluating the content of its Resolutions issued to the Uruguayan State. For instance in the current legislative session, the INDDHH appeared before a Committee of the House of Representatives and Senate Special Committee to give its opinion on a Media Bill as well as on freedom of expression issues in general.

## V. How can NHRIs make practical contributions in order to improve Freedom of Expression, Safety of Journalists and Access to Information?

### **Monitoring and national reporting:**

NHRIs can guide the national reporting mechanisms and monitor the implementation of UPR recommendations by:

- Encouraging the Government to hold a wider consultation before preparing the UPR report and, in particular, to give public briefings on the steps taken

<sup>12</sup> UNESCO is the mandated UN agency to promote journalism as a means of enabling free flow of information and ideas through all kinds of media and, therefore, encourages definition of legal protections in connection with "acts of journalism", rather than restricting their application to the professional functions of a journalist.

to implement the recommendations of the last review, stakeholders such as journalists, media associations and outlets, NGOs dealing with freedom of expression and access to information should be involved;

- Monitor the pace of implementation by maintaining an open dialogue with the Government Ministry or NMRF preparing the national report, in order to ensure that the report has taken into consideration the inputs received from stakeholders during the consultations;
- Build synergies with other international reporting and monitoring mechanisms such as VNRs on SDG16, particularly SDG 16.10 which calls for “public access to information and fundamental freedoms, in accordance with national legislation and international agreements”, and the UNESCO Director-General’s report on the Safety of Journalists and the Danger of Impunity;
- Advise the Government on obligations of the State under international human rights law and norms and recommend ratification of international treaties applicable to freedom of expression and the right to information;
- Submit mid-term reports to monitor progress on the implementation of recommendations accepted or noted by the State in the previous UPR cycle;
- Contribute to the development of good practices, sharing those recommended by international initiatives with Government, judicial authorities, legislators and the civil society actors that NHRIs engage with.

## **Preventing violations and assisting human rights compliant transformation:**

By proactively taking initiatives that strengthen rights protection, NHRIs contribute to the country’s compliance with UPR recommendations. In the context of press freedom, NHRIs can:

- Create complaints mechanisms for journalists and media personnel and provide rapid response in emergencies related to threats against journalists;
- For this purpose, create mechanisms for coordination with police and relevant government agencies in order to combat impunity more effectively;
- Where they exist, to synergize with National Mechanisms for the Safety of Journalists; where they don’t exist, stimulate their creation, including as a recommendation withing the UPR process;
- Promote and give guidance to the Government and to private actors on a gender-based approach that makes justice both accessible and fair for women journalists;
- Gather and disseminate information on policies to promote the freedom of expression;
- Undertake training of judges, prosecutors, law enforcement officers, and the military to ensure their understanding of the State’s obligations under international human rights and humanitarian laws and the requirements of gender-sensitive media protection, online and offline. UNESCO has developed a wealth of resources for [training security forces and the judiciary on freedom of expression](#).

## **Recommending Laws, Policies and Practice**

- Keep parliaments informed of UPR recommendations on improving freedom of expression;
- Draw attention to restrictions to media freedom online and offline;



- Highlight recommended legal protections, including for the safety of women journalists, that may be missing in existing legal frameworks;
- Underline the central characteristic of freedom of expression and access to information as enablers of other rights;
- In view of UPR recommendations, inform governments about the impact of existing and proposed national laws and policies on freedom of expression and the right to information, and make concrete recommendations to address any adverse implications for these rights.

## Building partnerships for impact on UPR recommendations

NHRIs have a central role in creating the space for civil society engagement with the UPR process and in contributing to safeguarding freedom of expression. NHRIs could, therefore:

- Hold joint side events with civil society during the review on the situation of freedom of expression in the country under review;
- Raise awareness on the UPR recommendations and seek consultation with relevant civil society actors in proposing measures for their implementation;
- Initiate public debate on the means to improve the situation as recommended by the UPR outcome;
- Promote multi-stakeholder cooperation for the safety of journalists in the performance of their duties and for eliminating impunity for crimes committed against them;
- Encourage the Government and all other stakeholders to submit a regular update or a mid-term report on the status of implementation of UPR recommendations, especially with respect to those that have been accepted.

## VI. Connection with other UN mechanisms

Being an inclusive mechanism, based on cooperation and collaboration amongst a wide range of stakeholders, the UPR process has already established formal and informal connections with other monitoring exercises with a high potential for further growth in this direction.

Fostering freedom of expression is key to the achievement of the [2030 Agenda's Sustainable Development Goals \(SDGs\)](#), and in particular [SDG 16](#).

- **Sustainable Development Goals (SDGs):** Human Rights are central to all the SDGs of the 2030 Agenda and various monitoring exercises are being undertaken to track the progress in achieving these goals. The SDGs and UN human rights monitoring mechanisms complement each other's work in feeding the UPR process. SDG 16, Peace, Justice and Strong Institutions, strives to "Promote peace and Inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and Inclusive institutions at all levels"

Among the targets to achieve SDG 16 is 16.10: *Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.*

The indicators to reflect compliance with target 16.10, or the lack thereof, include:

16.10.1 *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.*

16.10.2 *Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.*



- **Voluntary National Reviews (VNRs)** have been instituted to track progress on SDGs at the national level, are state-led, voluntary and, like the UPR, involve multiple stakeholders. Information published in VNRs, particularly on Goal 16, is an important source for determining the UPR outcome and recommendations on the compliance with international standards on freedom of opinion and expression. Compliance of States with UPR recommendations becomes an easier entry point for improvement in development goals because obligations on which Member States must report through the UPR process are binding, whereas the 2030 Agenda is not a legally binding instrument.
- **UNESCO Director General's Report on safety of journalists and the dangers of impunity** : The Report is a unique mechanism within the UN system due to its ongoing mandate for monitoring the killings of journalists. This mechanism has been called upon to reinforce collaboration with the UPR.
- The **Secretary General's Call to Action for Human Rights**, launched before the Human Rights Council in February 2020, makes public participation and civic space priority areas, and stresses the UN's role in protecting and promoting civic space more consistently across the system. The value of the UPR also features prominently in this call.

## VII. Background materials and resources

### United Nations Publications:

- UNGA Resolution 5/1: Institution-building of the United Nations Human Rights Council; [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=a/hrc/res/5/1](https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/5/1)
- UN Plan of Action for the Safety of Journalists and the Issue of Impunity, 2012; <https://en.unesco.org/un-plan-action-safety-journalists>
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## About the author

**Hina Jilani** is one of the founders of the Human Rights Commission of Pakistan. She was the first Special Representative of the UN Secretary-General on Human Rights Defenders, and for the next eight years worked to empower and protect rights defenders worldwide. During her tenure she identified common themes in the treatment of human rights defenders, including the culture of impunity; intimidation and lack of security; restrictions on freedom of assembly, expression, and association. Ms. Jilani also founded the *Women's Action Forum* – a group set up to campaign for women's rights and challenge Pakistan's discriminatory laws. Ms Jilani has also served as a Member of the UN International Commission of Inquiry on Darfur, and was granted the Millennium Peace Prize for Women in 2001.

These Guidelines have also been finalised in consultation with the Global Alliance of National Human Rights Institutions (GANHRI) and have benefited from its inputs.

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