

Issue Brief

February 10, 2011



Published by The Center for Sovereignty and Security
A Division of Freedom Alliance

UN Human Rights Council: The Universal Periodic Review

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When the United Nations General Assembly approved a resolution to create the Human Rights Council in 2006,¹ their plan included the creation of an unprecedented global framework by which the 47-member Council would sit in judgment of all 192 UN Member Nations every four years regarding their human rights record. That framework is the Universal Periodic Review (UPR), and as the UN said, “no other universal mechanism of this kind exists.”² For the review, any nation can submit a question for the nation under review to answer; and non-governmental organizations, human rights institutions and “other stakeholders” can write and submit reports that may be included in the review process.

When nations submit to the UPR process, as all will have done once by the end of this year, they are fully embracing globalism and global “citizenship,” and submitting their nations to be accountable to other governments. When the Obama Administration submitted the United States to its first review last year, it failed to remember our heritage of freedom and

what is necessary to preserve liberty: self-government; representation in, and accountability of, government; and national sovereignty. Have Americans forgotten the resolve of preceding generations, as expressed by former President Abraham Lincoln at Gettysburg as he mourned the death of over 51,000 Americans: “we here highly resolve that these dead shall not have died in vain ... and that government of the people, by the people, and for the people shall not perish from this earth.”³

An overview of the UPR process, and then USA review as an example, follows.

Creation & Purpose of the UPR

After the Human Rights Council (HRC) was approved by the General Assembly (GA) on 15 March 2006, the GA elected the first Member Nations on 9 May 2006.⁴ Between the HRC’s first meeting on 19 June 2006 and its 9th meeting on 18 June 2007,⁵ the 47 members developed the frameworks of operation, including the UPR process and calendar of country reviews.

The purpose of the UPR is to review “the human rights records of all 192 UN Member [Nations] once

every four years.” Between 2008 and 2011, the first cycle will be complete, with every nation subjected once to the UPR.⁶ The second cycle will begin in 2012. Ostensibly, the “ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.”⁷ In other words, they claim jurisdiction over any person or government anywhere in the world – an arrogant ambition more far-reaching than any colonial power ever dreamed or accomplished.

UPR Violates United Nations Charter

The United Nations Charter states that “The Organization is based on the principle of the sovereign equality of all its Members” (Article 2, par. 1). Further, it was agreed by the Founding Nations that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state [nation] or shall require the Members to submit such matters to settlement under the present Charter” (Article 2, par. 7). Thus the Universal Periodic Review process violates the UN Charter.

The UPR Process in Summary

General overview:

- Every nation, every four years
- 48 nations per year, 16 during every two-week session
- Three-hour “interactive dialogue” with the other 191 foreign delegations
- 30 minutes for “adoption of the report” by “the Working Group” (same members as HRC)
- Final report/outcome adopted by the HRC

The basis of the Review is:

- Self-evaluation “national report” submitted in advance of its review;
- Questions from foreign delegations and the answers from the country under review;
- Report prepared by the Office of the High Commissioner for Human Rights (OHCHR) reviewing how well, from the UN’s perspective, a country is complying with actual or perceived international

human rights obligations, with feedback from UN treaty bodies, etc.;

- A second report prepared by OHCHR containing “information from non-governmental organizations [NGOs], national human rights institutions [NHRI] and ‘other stakeholders.’”⁸

Prior to the Review:

- Three foreign diplomats, a “troika”, prepare to lead the review with the above documents;
- The troika receives questions from any foreign delegation, organizes and forwards them through the UN Secretariat to the country under review;
- The above reports, plus the questions and answers are published and circulated to all delegations prior to the review.

During the 3-hour Review by the Working Group (entire HRC):

- The nation “under review will be given up to 60 minutes” to make its “initial presentation of the national report,” reply to questions raised “during the interactive dialogue” and make “concluding comments at the end of the review”;
- The troika, under the leadership of the current President of the HRC, leads the review, and receives and organizes more questions from delegations;
- Any foreign delegation may participate, make a statement, or ask a question;
- UN approved NGO, NHRI or other “stakeholder” representatives may attend.

Preparation of the Report: The troika prepares “a factual report” of the proceedings that summarizes “the interactive dialogue,” includes recommendations and conclusions “made by delegations,” and fully involves “the State [Nation] under review.”

Response to the Report: The country “under review is expected to examine all recommendations” and inform the HRC which ones they support.

Adoption of the Report:

- 30-minute session of the Working Group;
- The troika presents the report which is then adopted by the Working Group.

Additional Review by HRC:

- At “the next regular session of the Human Rights Council,” up to one hour is allocated to review the outcome and report of the country review;
- All 191 Member Nations, plus Observers (e.g., Holy See, Palenstine), NGOs and “other stakeholders, may participate in these plenary meetings to consider the UPR reviews”;
- The final outcome/report is “adopted by the entire” HRC “at this plenary session.”⁹

Example: Overview of 2010 UPR Review of the United States of America

To provide an example of the above framework, here is the step-by-step process of the 2010 Universal Periodic Review of the United States. This is just an overview. The next brief will be entirely devoted to the United States’ first UPR.

The basis of the Review:

- The Obama Administration submitted the first National Report to the Human Rights Council for the first Universal Periodic Review of the United States of America.¹⁰
- HRC Member Nations formulated “advance questions” which were sent to the United States Government to prepare responses.¹¹
- The OHCHR submitted a report assessing compliance with international obligations.¹²
- The OHCHR compiled and submitted a second report containing feedback from U.S. and foreign human rights organizations, experts and others analyzing the United States.¹³

Prior to the Review:

- The HRC selected Cameroon, France and Japan – the “troika” – to lead the USA review.¹⁴
- The following 14 nations submitted questions to the troika to forward to the USA: Bolivia, Czech Republic, Denmark, Germany, Japan, Latvia, Mexico, Netherlands, Norway, Russian Federation, Slovenia, Sweden, Switzerland, and the United Kingdom.¹⁵
- The troika circulated the USA National Report, OHCHR reports, and country questions.

The Review:

- On 5 November 2010, the USA faced its first UPR before the HRC (3 hours).¹⁶

Preparation of the Report:

- Following the review, the troika prepared a 30-page report, which primarily contained:
 1. a summarization of the questions and comments by foreign nations and USA responses;
 2. 228 recommendations from numerous foreign nations;
 3. list of the 35-member United States delegation.¹⁷

Adoption of the Report:

- On 9 November 2010, the HRC Working Group adopted report on the USA (30 minutes).¹⁸

Additional Review:

- On 17 March 2011, the HRC has allocated one hour for a final review of the USA report.

Global Jurisdiction Based on False View of Mankind

The global jurisdiction claimed by the United Nations, the Human Rights Council and its Universal Period Review, presupposes the good or righteous character of the foreign diplomats and their governments to sit in judgment upon others, yet by the very nature of the proceedings presumes the unrighteous or even evil nature of those people and nations whom they judge.

Truly there is goodness in every person because we are all created in the image and likeness of the Cre-

ator God; but since the fall of mankind, every person also has a sinful nature.¹⁹ The Founding Fathers of the United States (unlike many of its current leaders) recognized that because of mankind's sinful nature, government must be limited and those who serve in public office must be accountable. In 1776, just weeks before the Declaration of Independence was approved by the Continental Congress, Rev. Samuel West delivered a sermon to public officials in Massachusetts, saying: "The necessity of forming ourselves into

politic bodies, and granting to our rulers a power to enact laws for the public safety, and to enforce them by proper penalties, arises from our being in a fallen and degenerate state."²⁰

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1. Resolution 60/251, adopted 15 March 2006.
2. "Fact Sheet: Human Rights Council – Universal Period Review." www.ohchr.org/EN/HRBodies/UPR
3. "Address at Gettysburg, Pennsylvania," 19 November 1863, [Abraham Lincoln: Speeches and Writings, 1859-1865](#) (The Library of America), p. 536.
4. "General Assembly Elects 47 Members of New Human Rights Council," UN Dept. of Public Information, 9 May 2006. www.un.org/News/Press/docs/2006/ga10459.doc.htm
5. "Human Rights Council: 5/1. Institution-building of the United Nations Human Rights Council," www.ohchr.org/EN/HRBodies/UPR/Pages/BackgroundDocuments.aspx
6. See "Calendar of Reviews for First Cycle": www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx
7. "Fact Sheet: Human Rights Council – Universal Periodic Review."
8. Approved NGOs are non-governmental organizations in consultative status with the UN through the Economic and Social Council. National human rights institutions can be from any nation. "Stakeholders" is a broad term used by the UN to give credibility to any person they want to include in the process.
9. Op. cit., "Fact Sheet." Also, "Human Rights Council: 8/PRST/1. Modalities and practices for the universal periodic review process." ap/ohchr.org/documents/E/HRC/p_s/A_HRC_PRST_8_1.pdf
10. "National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council Resolution 5/1: United States of America," 23 August 2010. UN Doc: A/HRC/WG.6/9/USA/1
11. On main page of UN Human Rights Council (www2.ohchr.org/english/bodies/hrcouncil), select "Main Page" under "Universal Periodic Review"; select "Documentation"; select "UPR by Country"; select "United States of America"; select each "Questions" document.
12. Same as above, but on the last step select "Compilation of UN Information" (choose language).
13. Same as above, but on the last step select "Summary of Stakeholders' Information" (choose language).
14. "Draft report of the Working Group on the Universal Periodic Review: United States of America," par. 2. UN doc. A/HRC/WG.6/9/L.9.
15. Op. cit., "On main page"
16. Op. cit., "Draft report," par. 1.
17. Ibid., pars. 8-94, plus Annex.
18. Ibid., par. 1.
19. Genesis 1:26-27; 5:1; 3:1-17; Psalm 14:1-3; Romans 3:9, 23.
20. "A Sermon Preached before the Honorable Council, and the Honorable House of Representatives of the Colony of Massachusetts-Bay in New-England. May 29, 1776. Being the Anniversary for the Election of the Honorable COUNCIL for the Colony." Reprinted in [Pulpit of the American Revolution](#) (New York: Burt Franklin, 1860, reprinted 1970), pp. 267-268. [Library of Congress: 77-114833]