

Evaluating the Implementation of UPR Recommendations:
A Quantitative Analysis of the Implementation Efforts of Nine UN Member States

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A. The Research Question and Hypothesis

In 2006 the United Nations formed the Human Rights Council (HRC) to replace the flawed Commission on Human Rights (CHR). The CHR was widely perceived as ineffective in its mission to “weave the international legal fabric that protects our fundamental rights and freedoms” (United Nations Human Rights Council). The HRC was created with new mechanisms in place to better facilitate the advancement of that mission. One such mechanism is the Universal Periodic Review (UPR), a cyclical review of every UN member state’s human rights record. Recommendations are presented by interested parties and can be accepted or turned down by the state under review (SuR). While many parties challenge the effectiveness of this process, there has been little quantitative research conducted to evaluate the implementation of the recommendations made during the UPR.

This paper seeks to determine how effective the UPR has been at encouraging human rights reforms by extensively analyzing and scoring the implementation actions of governments in response to their accepted UPR recommendations. Scores will be awarded to countries based on whether individual recommendations have not been implemented, have been partially implemented, or have been fully implemented. Scores for each recommendation will be averaged into a value I call the Accepted Recommendation Implementation Score (ARIS). As many recommendations require the use of financial (i.e. creating and funding programs) or political (i.e. passing laws, signing treaties) resources, I expect to find that implementation levels will correlate directly with a country’s development level. Therefore, countries with a higher level of development will have the highest level of implementation, and the least developed countries (LDCs) will have the lowest level of implementation.

In fact, this hypothesis was proven to be reasonably accurate. The UPR has helped encourage countries of all development levels to act to protect human rights. In addition, the more developed countries have been far better at implementing a higher percentage of their recommendations, as shown in this paper by correspondingly high ARIS values.

B. The Importance of the Study for the UPR and Academia

The implications of this research for the UN are profound. The UPR was created to engage the members of the international community with one another in a mutual pursuit of improving human rights. The UPR seeks to facilitate this by “naming and shaming” countries with poor human rights records. However, no consequences beyond embarrassment have been developed to enforce the implementation of recommendations. While the initial results of this study are encouraging, if avoiding embarrassment is discovered in the long-run to not be a powerful enough incentive for states with deficient human rights records to change their ways, then the UPR will have failed in its current format.

This research also holds implications for the scholarly research of human rights practices in general. My design attempts to categorize implementation levels of each recommendation. This required a certain amount of interpretation in determining the appropriate category in which to place a recommendation. My decisions can inform similar attempts, and can certainly help the research community to reevaluate its empirical efforts in dealing with questions that are at least partially qualitative.

C. Relevant Research

Since its inception, the UPR has been subjected to a substantial amount of disparagement; while some has been undeserved, the following papers provide constructive, highly relevant criticisms

of the UPR process. In doing so, they inform my own study's efforts to analyze the effectiveness of implementation efforts. Of particular concern to me is the seemingly systemic, unavoidable use of the UPR for political means, as well as the ability of countries to obfuscate when providing responses to recommendations rather than accepting or rejecting them.

A Curate's Egg by the Quaker United Nations Office observes that "Some of the recommendations that are regularly made concern what might be termed 'institutional' issues". The "ratification of treaties, withdrawal of reservations, submission of overdue reports, issuance of standing invitations to Special Procedures" (24) are all examples of such recommendations. These are particularly important to identify because as my study demonstrates, the final ARIS scores countries receive are sometimes inflated by high grades given to ambiguous recommendations. In contrast, the above are specific requests and therefore require specific and measurable implementation efforts. In addition, *A Curates Egg* notes the political nature of the UPR's recommendation process as a potential problem that is already starting to emerge (13). The frequently ignored recommendations made by UN treaty body organizations are evidence that current full participation of UN member states in the UPR will not necessarily correlate to results. Instead member states may feel compelled to engage with the UPR for now as it is a new and highly visible mechanism. In addition, full participation does not offer any insurance against the UPR's vulnerability to the politics of regional interplay.

A specific example of UN's tendency towards this can be seen in the case of Israel's UPR. One general criticism of the HRC is that agenda item 7, detailed in HRC Resolution 5/1, disproportionately blames Israel for serious human rights violations (United Nations Human Rights Council). If any attempts are made to politicize the currently amicable reviews, (as many

parties are afraid will occur to Israel's review in the future) the real purpose of the UPR would be jeopardized by political polarization between the traditional allies of the UN regional groups.

A Mutual Praise Society by the organization UN Watch legitimizes fears that the effectiveness of the UPR has already been undermined by the politics of the HRC. This study, which grades the substance of contributions made during country reviews, finds that, "Out of 55 countries examined—including all 47 members of the UN Human Rights Council—only 19 had average scores indicating that they contributed positively." (3) The article acknowledges the use of congratulatory reviews and statements as a serious concern and "demonstrates that bloc affiliations played an important role in determining how countries reviewed each other". It goes on showing that "as a rule, members of the 57-strong Organization of the Islamic Conference strongly praised each other's records." (4) These congratulatory reviews enable "fluff" or inflationary recommendations that dilute any attempt to grade implementation like my ARIS values do. UN Watch therefore calls on the UPR to allow a greater role for NGOs in the review process itself.

A third article, *Universal Periodic Review: An Ambivalent Exercise* published by FIACAT, addresses similar issues by observing that the review process is institutionally weak. The article notes that "the reviews of some countries presented a singular problem: a lack of objectivity. Indeed, on several occasions there was a clear contradiction between the image portrayed of a country at the conclusion of its review ... and the issues raised by special procedures, treaty bodies and NGOs." (15) By actively denying human rights abuses ("During Chad's review on 5 May 2009 at the fifth session of the UPR, the head of the delegation called the recruitment of child soldiers in Chad 'a myth'") (16) countries can categorically reject relevant, important recommendations. An even worse outcome resulting from a lack of

objectivity is the acknowledgement of abuses by a SuR, coupled with intentionally enigmatic implementation efforts. By taking a minimal amount of action, or by deferring action until further discussion, countries can claim implementation is underway, and deter further criticism.

Curing the Selectivity Syndrome published by Human Rights Watch also criticizes the response of countries to recommendations. This article discusses the “absence of clear responses” by some countries and notes that “Without such responses, the UPR cannot achieve its purpose of fostering tangible improvements in the protection of human rights. Failure by states to make clear commitments limits the HRC’s ability to measure or follow up progress on the ground.” (n.p.) This issue was of particular concern when beginning my research, as scores are assigned only to clearly accepted recommendations. Human Rights Watch has identified a type of filibustering that SuRs can engage in, and that could weaken the UPR’s effectiveness in the future.

Herding Cats and Sheep by Professor Ned McMahon of the University of Vermont speaks directly to my paper because of its development of operative verb based action categories for recommendations. “In general Category 1 requires the least cost and effort to the State under Review, while Category 5 represents the greatest potential cost, as specific and tangible actions are being requested.” (7) Taking into account “costs” of implementation provides support to my decision to acknowledge efforts by a country even if they fell short of full implementation. McMahon’s “Category 2” involves “recommendations emphasizing continuity in actions and/or policies” (8). These recommendations differ greatly from ones in the “Category 5” that require specific action. In fact, Categories 1-4 are all subject to what I consider reasonable doubt, or non-falsifiable arguments by the SuR. The implementation of these types of recommendations can be defended, as they do not provide specific benchmarks to quantify success in implementation; this

means that by my scoring methods a country could receive a 2 for the kind of partial action that would normally give the much more specific “Category 5” recommendations a 1. These complexities were dealt with in grading every recommendation in my own paper.

D. Logic behind the Design of the Study

This study centers around three structural components: there is the ARIS value itself, the grading criteria used to score implementation efforts and ultimately calculate each ARIS value, and the countries that were selected for analysis.

As mentioned before, ARIS stands for Accepted Recommendation Implementation Score. There are three possible scores a country can receive on the implementation of any recommendation; 0, 1, or 2. A 0 is given when a recommendation has not been implemented at all, in any form. A 2 is given when a recommendation has been fully implemented, and a 1 is given when a recommendation has been partially implemented, but there is still work that has to be done. Below I will discuss the guidelines for determining the scores, but for now, it is sufficient to know that the ARIS is an average based value that combines all of the fully and partially implemented scores, and then divides those by the total number of recommendations a country accepted during its UPR review.

In order to make the ARIS scoring practical, there are two assumptions that I made when conducting my research: the first is that governments are not omnipotent. A government’s powers can include creating and funding programs, pushing for the passage of laws, signing treaties, and creating action plans, to name a few of the most obvious capabilities. However, there are many recommendations whose final implementation requires results that are oftentimes not directly in a government’s control. In addition, many recommendations provide variations of

vague directions to enhance, increase, or encourage. With recommendations that are more or less subjective, the level of implementation was judged by whether the government reasonably used its available powers to their full extent.

The second assumption is that if a recommendation was made, the state making it felt that some kind of relevant action was necessary on the part of the SuR. The reason for this assumption is that quite a few recommendations reference flawed institutions, or weak laws that need improvement, even in developed nations. Because these institutions are already in place in name, some countries will accept a recommendation only to later claim that it was fulfilled *ex ante*. This type of deferment to preserving the status quo is exactly the opposite of the meaningful reform sought after by the UPR. Therefore, if a country accepts a recommendation under such conditions they did not always automatically receive a score of 2.

In terms of strictly scoring countries (and not interpreting the importance of those scores), these two assumptions were useful in preventing the problem of countries being held to different standards. The cause for this concern is that a developed nation might be asked to simply revise a law already in place (and therefore the recommendation would seem like an unobjectionable request to fix something that was already passed), while an LDC might be asked to draft an entirely new law into place. Both require similar government action (i.e. lobbying the legislature), and although a law may have been in place *de jure* in the first country, because a recommendation was made regarding it, we assume that it was ineffective and essentially irrelevant *de facto*, putting the two countries on more even footing.

The nine countries I chose to review met two criteria. First, their UPRs had occurred long enough ago that I believed each state had had a fair amount of time in which to make

reasonable progress toward the implementation of their accepted recommendations. Specifically, each country's UPR had occurred in 2008, during the first session of the UPR cycle. Second, due to my desire to witness the effects of development level on implementation, I chose three developed states, three developing states, and three LDCs. The development levels were determined by using the Standard Country and Area Codes Classification of the UN Statistics Division. With the exception of the Netherlands and Japan, each country was randomly selected from their development level grouping. The Netherlands and Japan had both provided fairly extensive documentation of implementation efforts to the United Nations, and were therefore selected (OHCHR).

Finally it should be noted, recommendations were not taken verbatim from the section titled "Conclusions and/or recommendations" in the UPR working group reports. Some numbered recommendations in these sections included unrelated suggestions from multiple countries that were grouped into one paragraph for various reasons, and that in fact required separate actions. In such cases the parts were considered individual recommendations as this example (made during India's UPR) demonstrates, "1. Expedite ratification of the Convention against Torture (United Kingdom, France, Mexico, Nigeria, Italy, Switzerland, and Sweden) and its Optional Protocol (United Kingdom);" (United Nations) This recommendation was broken into two parts, 1a dealing solely with the Convention against Torture and 1b dealing with the Optional Protocol. In addition, recommendations that asked for states to incorporate "gender perspectives" during their follow-ups were not included in the ARIS as this is an ongoing process that is currently impossible to quantify.

E. Methodology

To score each country I relied on a myriad of sources including the UN Official Document System, the Department of State, Amnesty International, and various NGOs. By combining reports from these sources I was able to compile a fairly comprehensive view of the nine selected countries' human rights actions. For recommendations dealing with ratification of international treaties, filing reports to treaty organizations, and similar recommendations that would elicit easily identifiable accomplishments, I was able to utilize the vast amount of reporting that the UN undertakes, as well as that of all of its subsidiary treaty organizations. In many cases, simply searching through these documents or through some of the available consolidated databases that the UN offered (the United Nations Treaty Collection website at www.treaties.un.org, or the UN treaty reporting status website maintained by the UN High Commissioner on Human Rights) provided reliable information. For the more general recommendations, oftentimes my first source was the United States Department of State Human Rights Country Reports. Thanks to the nature of the annual reports, I was able to start with 2008 and search through the most recent 2010 for evidence of changes in human rights practices. When major changes existed, the reports often detailed any new laws or programs that had been undertaken. However, evidence from reliable organizations such as Amnesty International, Human Rights Watch, and even the websites of foreign governments were very useful in complimenting the Department of State reports, particularly when searching for more detailed explanations of the partially implemented recommendations.

Due to the inherent institutional differences in the sources as well as the depth of reporting on the issues discussed in each UPR, grading each country necessarily required a certain amount of interpretation. However, I created general guidelines that were strict enough to

distinguish three distinct grading categories, while still flexible enough to accommodate the multitude of different recommendations that are made in the UPR process.

Merely introducing a bill when a recommendation asked for its enactment, releasing statements planning committees or action plans but not seeing their formation through to fruition, or instructing active institutions to continue their programs even though a country was asked to change their behavior, are all examples of government actions that are indicative of the partial implementation efforts which generally resulted in scores of 1. A 2 was given when the requirements of a recommendation were fully met beyond a doubt. Here a hypothetical situation might be useful to further explain how ARIS scores for implementation actions depend heavily on the subtleties in recommendation language. Suppose that two countries received the following recommendations:

Country A: Consider the abolition, in law, of the death penalty.

Implementation Action: The recommendation was considered by a national commission but at this time the commission could not recommend that the death penalty should be abolished.

Score: 2

Country B: Abolish, in law, the death penalty.

Implementation Action: The recommendation was considered by a national commission but at this time the commission could not recommend that the death penalty should be abolished.

Score: 1

F. Case Studies

In order to provide further insight into the specifics of the grading techniques applied in this research, I have included below three case studies of three separate countries. Each details the evidence that was used to reach a final score for one recommendation. All of the following

recommendations ultimately received fully implemented scores of 2, and the actions of each country serve as good indicators of what was necessary for a recommendation that failed to provide specific goals to be considered fully implemented.

Case Study One- Burkina Faso:

As the working group report for Burkina Faso's UPR makes note, the recommendation to "Set up an anti-trafficking public campaign (Slovenia)" enjoys "the support of Burkina Faso" (United Nations). According to the 2010 US Department of State Trafficking in Persons Report on Burkina Faso:

Strong partnerships with NGOs and international organizations allowed the Burkinabe government to sustain nationwide anti-trafficking information and education campaigns during the last year. Local and international partners supported workshops and seminars focused on child trafficking, and government and private media aired radio and television programs that impacted approximately 600,000 people. The government distributed thousands of booklets describing the Anti- TI P National Action Plan, but was not able to implement the plan. The mayor of Ouagadougou took some steps to reduce the demand for commercial sex acts by closing 37 brothels in the capital in 2009 (n.p.)

Although this quote reports that the National Action Plan was not initiated, this is not a requirement of the recommendation. In fact, a different recommendation of Burkina Faso's UPR does specifically ask that efforts to implement a National Action Plan be intensified (18). Therefore, adhering to the guidelines that focus this research on utilizing the tools available to governments, I believe this recommendation has been completed; the government worked with

NGO's and multilateral organizations, they supported educational programs and seminars, they used their public voice through the media to reach citizens, and they distributed literature. The implementation actions of the government of Burkina Faso utilize all of the available methods that would be appropriate in response to this specific recommendation.

Case Study Two- Republic of Korea:

In the addendum to the report by the working group which reported on the Republic of Korea's UPR, the Republic of Korea accepted the recommendation, "That the guarantee provided for the freedom of association and assembly be enshrined into law (Algeria)" (15). This recommendation is more specific than many, in that it asks for measurable legislative action, namely that a law be created, or that legal barriers be removed (or some combination of the two depending on the legal situation). According to the U.S. Department of State human rights country report from 2010, "A law passed in September 2009 by the National Assembly prohibiting public gatherings between sunset and sunrise became invalid when the National Assembly failed to revise it by June, as instructed by the Constitutional Court".

The law still requires that the police be notified before public gatherings and such gatherings are only legally allowed to be restricted when they are considered "likely to undermine public order" (n.p.). However, this restriction is no different than exceptions that are made by international treaties regarding other rights, for example the right to organize and strike is prevented for certain public servants (OHCHR). In addition, the Department of State report states that the "law provides for freedom of assembly" as well as "for freedom of association" (n.p.). The only demonstrations that were banned were by groups that had not requested permits properly or that were registered by violent protesters. In the absence of any explicit legal

restrictions that prohibit freedoms, this recommendation is considered to be fully implemented, and is scored a 2.

Case Study Three- The Netherlands:

Within the developed nations group, the Netherlands was given a recommendation by Algeria “To increase efforts to prevent acts of discrimination against migrants” (United Nations). In its report to the working group, the Netherlands responded stating it could support the recommendation, that a national network of “antidiscrimination bureaus” was being developed, and that the government had sent a law to Parliament obliging all municipalities to install such an antidiscrimination bureau (4). Because of the inherent ambiguity of the word “increase”, to receive a 2, the Netherlands had to demonstrate that they have done something to make a departure from their ongoing (at the time of the review) government action.

A good first place to look is at the developing antidiscrimination bureaus and the associated law the Netherlands was trying to pass. According to an update sent to the UN by the Netherlands, and the 2009 and 2010 Department of State Country Reports on Human Rights, the Netherlands successfully implemented and used their national network of antidiscrimination bureaus. The government sponsored a national campaign to combat discrimination from June 23rd to August 2nd in 2009, and it was repeated in 2010. During the initial program in June, following a pilot project in two police regions, the government made available a special website to provide an alternate way to educate and report acts of antidiscrimination. The government also “urged prosecutors and police to give proper attention to incidents of discrimination” many of which were reported to the network of bureaus. In 2010, the “government-funded Article 1 National Association Against Discrimination set up several projects at elementary, secondary, and vocational training schools to counter racism and discrimination.” In November 2009, the

government sent parliament a letter on integration, announcing measures to combat racial discrimination in the hospitality industry and on the internet increase the resilience of victims of discrimination and increase the professionalism of antidiscrimination organizations (n.p.). Finally, as noted by a CERD report on the Netherlands from May 3rd, 2010 the Municipal Anti-Discrimination Services Act entered into force on July 28th 2009. This law “obliges municipalities to provide easily accessible facilities for handling complaints about discrimination from members of the public” (United Nations).

I believe that these actions suggest the government fully utilized all of the tools available to it beyond a reasonable doubt to “increase” efforts to fight discrimination: it helped pass a law, it instituted nation-wide educational programs, it developed agencies and used those agencies effectively, and it lobbied the Judicial Branch to persecute discrimination crimes. Because of this, the recommendation was considered fully implemented and received a score of 2.

G. Results

Upon reviewing my initial results, the ARIS values ultimately supported my hypothesis, however I made the observation that some recommendations did not serve as action-oriented recommendations. One such example is “Continue its efforts to address the challenges it faces, with the support of the States Members of the United Nations (Benin)” (United Nations). This example, directed at Burundi, first had to be given a score of 2 because of its enigmatic and generally non-falsifiable nature. A total of eight such inflationary recommendations were eventually removed from the final data set, resulting in the corrected values shown in the table below:

Country Name	Accepted Implementation Recommendation Score (ARIS)	Percent of Fully Implemented Recommendations	Total Number of Accepted Recommendations
Netherlands	81.8%	51.5%	33
Japan	57.1%	32.1%	28
United Kingdom	88.8%	55.5%	18
All Developed Countries	75.9%	46.3%	79
Brazil	68.7%	43.7%	16
South Korea (ROK)	54.0%	24.3%	37
India	62.5%	33.3%	15
All Developing Countries	61.7%	33.7%	68
Bukina Faso	64.6%	25.0%	48
Mali	35.6%	7.10%	28
Burundi	72.6%	33.3%	51
All LDCs	57.6%	21.8%	127
All Development Levels Combined	64.3%	33.9%	274

The 15.1% decrease in average scores for developed countries to developing countries is strong evidence in support of my hypothesis. The 4.6% drop from developing to LDCs is not as strong, and without statistical analysis, I cannot be sure that this number doesn't fall within what the margin of error would include. However, a different indicator of the relationship between implementation and development level is the average of only fully implemented recommendations. These are the recommendations that were clearly and fully implemented, meaning that they arguably have the best chance of impacting the human rights in a country. While the partially implemented recommendations indicate that a country may be taking the necessary steps to improving human rights, the ARIS value suggests that the recommendation has not been completed, and the progress is therefore not yet necessarily sufficient for improving human rights. In the fully implemented recommendation only category the 12.6% drop from

developed to developing states and the 11.9% drop from developing to LDC states indicates a pattern more clearly aligned with my hypothesis.

Furthermore, the “linear” relationship in both the ARIS and fully implemented recommendation only categories makes sense qualitatively as well. A state that is developed most likely has the financial means to implement recommendations, in addition to societal acceptance of more human rights; a higher level of development is usually associated with a more democratic state, and this in turn is correlated to a higher level of respect for human rights in general (Abouharb and Cingranelli). Meanwhile, the LDC countries not only lack sufficient financial support to implement the recommendations (many recommendations even reference soliciting financial aid and technical assistance from multilateral aid institutions), but do not begin with a high level of respect for human rights as a result of other internal factors. Naturally, the developing countries fall somewhere in the middle.

H. Potential Limitations and Areas for Improvement in this Study

This study is subject to error in a few places. The most obvious source of possible error is the researcher. While the grading scheme is generally uniform in its definitions, I had to manually research progress on each recommendation. I believe that I performed this task diligently, and that I used reputable sources, but the possibility that I missed or overstated an accomplishment is a serious concern. Of less concern, but still related, is the possibility that the scoring guidelines were unfairly biased in one way or another. This problem would be manifested as patterns appearing that were consistent for certain types of recommendations but not others. An example of this might be legislation based recommendations automatically receiving a score.. However

these types of issues did not occur and I do not believe that such bias was a factor during the research.

A second potential source of error lies in the selection of countries. While they were randomly selected, they were randomly selected from an intentionally limited sample, and the final number of nine countries does not provide a large enough sample body to reliably display trends. The ARIS scores utilize averages, and based on the research of others as well as my own knowledge of the UPR and UN member states, I believe it is reasonable to assume that these patterns would in fact be repeated broadly, but it is not certain and for this reason must be mentioned here. In addition, due to the small sample size, any impact from outside factors that normally would not be variables in a similar study could have been magnified in my results. The presence of prolonged drought, disease, natural disasters, war, and even the financial crisis all had the potential to have played an oversized role in either aiding or hampering implementation of the recommendations had they been present in the countries in question. As a result, it would be inappropriate to use this study as a normative predictor for individual UN. Instead, this research should be considered a pilot that indicates a need, and provides a reliable guide, for future study.

Finally, the third main area of concern that I have is with the recommendations themselves. While I attempted to control for “fluff” recommendations, there is no uniform process to do so, as the context of human rights protections change from country to country. However, I again believe that due to the thoroughness of my research, as well as the responses provided by the states themselves to the UN in many of the addendums to working group reports, the intent of potential “fluff” recommendations were understood as best as possible and eliminated where it was appropriate to do so.

I. Conclusion

The hypothesis of this study was shown to be correct. There is indeed a correlation between development level and implementation of UPR recommendations, and furthermore it is in the positive direction that I expected. However, as the UPR begins the next cycle of country reviews, many parties, including the HRC, will ask the question of whether the UPR has been effective or not. We must now try to use the information discovered in this research to answer that difficult question.

The results of this study, unsurprisingly, suggest the answer is not clear cut. For the developed countries it would at first seem that the UPR is effective, while the LDCs are left marginally improved. But this is misleading if we take into account the “base” level of human rights each state began at, and if we look more qualitatively at the content of recommendations that were implemented. On the one hand, developed countries already protect many human rights (as a general observation), and their high level of implementation might be due to simply refining laws that were already in place, or ratifying treaties with which they already adhere to the spirit of and therefore have little argument. For them, a high ARIS score may be relatively inconsequential. On the other hand, although LDC and developing countries may have only implemented a few recommendations, the effect that this has on the country might be profound, and immeasurable by this study’s methods.

In addition, the ARIS values in this study do not take into account the context of recommendations, and all are weighed equally, when in reality it is probably true that some are “worth” more than others in terms of the benefit they would provide to a country if implemented. This is why I do not make any attempt to define what I would consider a “passing” ARIS value

or a “failing” one. Of course a higher score would be better, but in terms of progressing respect for human rights, it is very difficult and even arguably impractical to create one artificial benchmark for success and failure for all countries as the human rights situation in every country is unique. Instead, further studies should include a serious focus on the increase in respect for human rights as a result of UPR implementation in addition to the percent of UPR recommendations implemented.

Based on the above observations I believe that the UPR has been effective in promoting human rights in the short term. It has helped to highlight serious human rights violations and has done so in a public forum that allows debate to occur on the best way to address those problems. The UPR has also helped to give countries specific guidance, and individualized, achievable goals to meet in progressing respect for human rights; goals which many countries have met or are in the process of meeting. However, in the long run, the UPRs success is far more uncertain. In addition to the immediate and legitimate concerns regarding the politics of the HRC, if “naming and shaming” human rights abusers doesn’t work, consequences or incentives will need to be created, and this will force some difficult decisions to be made by many countries about participation in the UPR. In either case, as with many multilateral undertakings, the HRC will require the continued leadership of the major developed nations of the world, and if that falters, we may see the HRC fall apart just as its predecessor the CHR did.

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