



 GLOBAL PARTNERS DIGITAL

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# Using the Universal Periodic Review for Human Rights Online

Authors: **Deborah Brown** and **Sheetal Kumar**

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Global Partners Digital  
Second Home  
68–80 Hanbury Street  
London  
E1 5JL  
+44 (0)203 818 3258  
[info@gp-digital.org](mailto:info@gp-digital.org)  
[gp-digital.org](http://gp-digital.org)

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DEBORAH BROWN (ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS)  
SHEETAL KUMAR (GLOBAL PARTNERS DIGITAL)

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# 01

## INTRODUCTION

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### 1.1 ABOUT THE UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a mechanism of the main human rights body of the United Nations (UN), the Human Rights Council (HRC). What it does is implied in its name:

- **It is universal:** It reviews the human rights record of each state according to the same parameters and procedures, whatever the human rights situation and the state's ratification or compliance with international human rights treaties. This interactive dialogue, where all UN member states have the opportunity to question and make recommendations to other UN member states, is an approach that is unique to the UPR process.
- **It is periodic:** The human rights situation of all states is reviewed every four to five years. These reviews take place every year during UPR Working Group sessions (usually held in January/February, May/June and October/November). The first UPR cycle ran from 2008-2011 and the second from 2012 to 2016. The third will run from 2017-2021. Although voluntary, so far every country has participated in their review during the first cycle, and every country is on track for completing their review for the second cycle too.
- **It is a review:** It is a comprehensive review which is based on three main inputs:
  1. A national report prepared by the state under review (SuR) on the human rights situation in the country.
  2. A compilation of ten pages prepared by the Office of the High Commissioner on Human Rights (OHCHR), containing information from [UN treaty bodies](#)<sup>1</sup>, [Special Procedures of the HRC](#)<sup>2</sup> and UN agencies on the country's compliance with the UN Charter, the Universal Declaration on Human Rights, human rights instruments ratified by the SuR, voluntary pledges and commitments, and applicable human rights law.
  3. A summary prepared by the OHCHR containing information from reports submitted by 'other stakeholders', including civil society and national human rights institutions (NHRIs).

These documents provide the basis for a three and a half-hour dialogue between the SuR and member states. The outcome is a report of the Working Group (made up of all UN member states and chaired by the President of the Human Rights Council). The review is assisted by the troika, which is made up of representatives of three member states of the Human Rights Council (HRC), randomly selected from different regional groups. Their job is to serve as rapporteurs, receive written questions raised by states and communicate them to the SuR before the review, and to prepare the Working Group report and present it before the Working Group for adoption.

1. <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

2. <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

The report is a full account of the proceedings, and lists all recommendations made to the SuR and its position on each recommendation. Recommendations are the currency of the UPR. They are the terms on which states commit to improving their human rights record, and the promises against which civil society can measure the performance or compliance of states against. A SuR can only 'accept' or 'note' a recommendation. When a state accepts a recommendation, it means that it 'enjoys the state's support' and the state makes a commitment to implement it. When a state notes a recommendation, this is less of a commitment; it doesn't mean that the state won't implement the noted recommendations later on, but it is difficult to question states on noted recommendations.

The report of the Working Group is adopted a first time during the Working Group session a few days after the review, and a second time a few months later at a regular plenary session of the HRC (there are three regular HRC sessions which take place every year). Both the Working Group sessions and the regular HRC sessions take place in Geneva.

## 1.2 WHAT THE UPR CAN ACHIEVE FOR HUMAN RIGHTS ONLINE

### Accountability

- **States are required to express their position on each recommendation they receive:** They voluntarily commit themselves to a particular course of action if they accept a recommendation, and this can act as a lever to start action on a human rights situation – for example, the ratification of a treaty, amendment of a law, or acceptance of a visit of a UN Special Rapporteur (for examples, see the text boxes in this section). As the outcome is a series of recommendations it can serve as a campaigning and advocacy platform - a building block from which to campaign for legal changes.
- **The review is cyclical:** States can be held accountable for their implementation of accepted recommendations by continued national and international monitoring on all recommendations. It can also include a means of reporting and monitoring any ratified treaties and other human rights commitments.
- **All governments undergo the UPR:** If your country is not party to major international human rights treaties - and therefore isn't reviewed by one of the UN treaty bodies - the UPR provides for the opportunity to participate in the evaluation of your government's human rights record.
- **The UPR is conducted on the basis of information from three main sources including non-government stakeholders:** Civil society can play an important role in ensuring that relevant information on human rights violations online is included in the review.
- **It covers a broader range of human rights obligations than any other mechanism:** From civil and political rights like freedom of expression, assembly, and association, and the right to privacy, to economic, social, and cultural rights, like the right to education, to work, and to take part in cultural life and enjoy the benefits of scientific progress and its applications - all of which are relevant for human rights online. In addition, since the status of human rights online is very much related to the broader human rights environment in a country, monitoring human rights online and securing recommendations in the UPR can contribute to advancing human rights more broadly, offline and online.

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### USING THE UPR TO ESTABLISH A NATIONAL HUMAN RIGHTS INSTITUTION IN PAKISTAN

When Pakistan went through its first review in 2008, it accepted a number of recommendations to establish a national human rights institution. In June 2012, months before its second review, Pakistan passed the Commission for Human Rights Act. By the time Pakistan underwent its review in October 2012, however, no progress had been made in implementing the Act. A number of states made recommendations to Pakistan regarding this. South Africa, for example, recommended that it "make available the necessary resources to the Human Rights Commission to effectively implement its important mandate", while Spain recommended it "provide competencies and budget to the recently established institutions for the defence and guarantee of human rights". The government of Pakistan accepted these recommendations and, in 2015, the body began its work. It has been criticised by civil society for having a limited mandate and for having yet to be fully operational, making further recommendations likely in Pakistan's third UPR cycle.

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## Putting a spotlight on human rights online at the national and international level

The review can help open a debate on the broader human rights situation, bringing to light the situation faced by human rights organisations, journalists, civil society organisations, and others at the international level. While there is now international consensus that human rights norms apply online, in practice there are enormous gaps between what governments commit to, and how their actual policies and practices impact human rights online.

- **The concept of human rights online is still relatively new** and is viewed by some member states as only being an issue where there is widespread connectivity. The UPR can be a valuable tool for advancing the notion of human rights online as universal, holding governments to account, and increasing understanding about the state of human rights online in various contexts. It can be used to highlight gaps in human rights protection and promote awareness of international human rights standards and reinforce the norm that human rights should be protected and promoted in the online environment.
- **It provides a relevant venue for human rights online** when engaging with international mechanisms to promote domestic change, and can act as a catalyst for any pending national human rights policy and legislative initiatives.

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### ADVANCING A RIGHTS-BASED APPROACH TO CYBERCRIME LEGISLATION IN BRAZIL

Brazilian civil society were the first to secure a specific UPR recommendation related to cybercrime legislation and human rights when, at the 13th session of the UPR (May 2012), Brazil accepted a recommendation from Estonia to consider freedom of expression issues when developing its cybercrime legislation. In 2011 and 2012 Brazilian civil society participated in national consultation meetings, media outreach and translated and distributed UPR materials. The UPR proved a useful tool of accountability for human rights online in Brazil as civil society then shared the UPR report and recommendations in internet policy processes like their Governmental Advisory Committee representative in the Internet Corporation for Assigned Names and Numbers (ICANN) and the Internet Governance Forum (IGF).

In 2014 Brazil passed a ground-breaking piece of legislation, the Marco Civil Da Internet, which aimed to reinforce the protection of fundamental freedoms in the digital age. But cybercrime legislation proposed in 2016 would allow authorities to force intermediaries to remove content without a court order. For Brazilian civil society, which has been advocating to defeat the proposals, the government's past commitment to consider freedom of expression in its cybercrime legislation is an additional tool and there will be an opportunity to re-engage the international community when Brazil is up for review in [May 2017](#).<sup>3</sup>

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## Strengthening civil society and its networks

- When civil society organisations work together to input into a review or follow the implementation of the review's outcome, this can strengthen or build networks at the national level around human rights online, including with the broader human rights movement. It can also help make the link between online and offline rights among both civil society and governments.
- It can be used to build new relationships with government officials, and the media.
- Engaging in the UPR can lead to new coalitions and networks, including outside of your country and beyond the human rights online community, which can in the longer term help strengthen respect for human rights online.
- The UPR's barriers to entry are fairly low. Civil society organisations, including NGOs, with and without ECOSOC consultative status with the UN, can prepare a submission and you can submit both as an individual organisation and a coalition.

3. <http://www.upr-info.org/en/review/Brazil>

### 1.3 WHAT TO KEEP IN MIND

While the UPR offers valuable opportunities for advancing human rights online, it is important to keep in mind its limitations and know what challenges and opportunities there are at every stage of engagement. It is also useful to think of the UPR as one tool among many to complement national-level advocacy, as well as advocacy at other international mechanisms, such as the UN treaty bodies and special procedures of the HRC. (See Select Resources for more information on other UN mechanisms):

- **The UPR is a state-led rather than expert-led process:** The UPR consists of states making recommendations to other states. This is inherently a political process. As such, advocates must rely on governments to raise their issues and recommendations, which requires direct lobbying to governments. It also means that the SuR may choose to accept or not accept a recommendation on the basis of its political relationship with the state that made the recommendation.
- **The outcome of the review is entirely non-binding:** This means that the effectiveness of the UPR for resulting in changes at the national level can depend on how genuine the SuR is about improving its human rights record.
- **The process requires sustained national engagement:** The UPR needs to be placed in context as part of a longer process in order to effectively contribute to change at the national level. Ideally engagement at the national level, should happen throughout the review cycle, and should complement and build on advocacy undertaken with other mechanisms or processes.
- **Resources:** While the barriers to entry for civil society to engage in the UPR are relatively low, effectively pushing for change through the process can require large investments in time. This might mean, among other things: coalition building, developing strong evidence-based reports; monitoring and following up on recommendations, organising consultations nationally; and if possible, travelling to Geneva.

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#### SOUTH AFRICA: THE UPR AS A TOOL FOR BUILDING AWARENESS AND CAPACITY AROUND HUMAN RIGHTS ONLINE

In October 2011, a coalition of civil society groups developed a submission which focused on freedom of expression, the right to information, freedom from censorship, freedom of the press, the right to privacy and the importance of affordable access to the internet. The coalition included Association of Progressive Communications (APC), the Centre for Applied Legal Studies (CALS), CIVICUS, Gender Links, Freedom of Expression Institute (FXI), the Highway Africa Chair in Media and Information Society, Jane Duncan, Institute for Democratic Alternatives (IDASA), Open Democracy Advice Centre (ODAC), Research ICT Africa (RIA), Right 2 Know, Southern African NGO Network (SANGONet), Section27, and the Socio-Economic Rights Institute of South Africa (SERI).

Following this initial submission, APC connected further with the Human Rights Institute of South Africa (HURISA), which led a coalition that was participating in other issues around the South Africa UPR. It supported the engagement of HURISA in South Africa's review at the HRC in May 2012. APC also reached out to the South African Human Rights Commission (SAHRC), which was dealing with a number of high-profile cases of abusive speech online. APC supported the participation of a staff member from the SAHRC in the 2012 Internet Governance Forum.

The results of these efforts include the SAHRC's public announcement in early 2013 of its successful facilitation of a complaint as well as a public apology and withdrawal of racial insults posted on social media by a young journalist.

UPR engagement led to collaboration beyond the review itself. A staff member of the SAHRC joined the APC delegation (as a mentee) at the 2012 IGF in Azerbaijan and together APC and SAHRC participated in the drafting of the [African Declaration on Internet Rights and Freedoms](http://africaninternetrights.org/).<sup>4</sup>

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4. <http://africaninternetrights.org/>

# 02

## PREPARING FOR THE REVIEW

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Since the UPR happens in cycles, at any given point a state will be getting ready for its review, undergoing its review, or monitoring and implementing its recommendations and preparing for the next review. As a civil society organisation or coalition, you can get involved at each of these stages.

Before you start, check at what stage in the review your government is. There are a few visualisations of the process (like the [UPR Info timeline](#)<sup>1</sup>, or the cycle on p. 30 of the Sexual Rights Initiative [Sexual Rights and the UPR: A Toolkit for Advocates](#))<sup>2</sup> that can be helpful in identifying opportunities for engagement open to you. There are many different opportunities and ways to engage in your country's review, and they should be seen as mutually reinforcing. If you have enough time, submitting a report into the OHCHR stakeholder summary report (see section 1.1), is, of course, valuable because it puts the issues you want to raise on the table for consideration in the review but providing a submission is not an end in itself. It's one element of a process, and needs to be complemented by advocacy with member states and ongoing implementation of recommendations (see more on implementation in section 3) if you want to have any long-term impact and use the UPR to change the human rights online situation in your country.

Once you know what stage of the review cycle your government is in, think in greater detail about what will be required, in terms of resources and capacity, to get involved. Make sure you create a strategic plan with objectives. Then decide activities tailored to the achievement of the objectives. Include milestones (such as submitting a report to the OHCHR stakeholder summary report) and indicators of success (such as having a certain number of human rights online-recommendations included in your country's adopted report). This will help ensure that you use your resources efficiently.

If you are new to the UPR, research can help you find out if other civil society organisations in your country are already engaged. If there is a coalition or network of groups already involved, then you can reach out to them and see if you can support their efforts - whether they are preparing a submission (see section 1.1), preparing for the review in Geneva (see section 2), or working on the implementation of the recommendations (see section 3). If there isn't, consider using your existing relationships to build one. Forming a coalition can strengthen civil society links, and also provide a stronger base from which to change to the human rights online situation in your country.

### 2.1 PREPARING A SUBMISSION

Sending a submission to the OHCHR's stakeholder summary report (one of the three inputs into the review) is an important way to get human rights online included in the summary report, and can complement advocacy with member states (see section 1.2 and 1.3). Your submission is essentially a report on the situation of human rights online in the country, and should address and build on relevant recommendations from previous UPR cycles. It will also form the basis for your advocacy with states and your outreach with other civil society organisations and media. If your submission is included in the OHCHR stakeholder summary report, it will feed directly into the review.

1. [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_fs3\\_supplementaryadvocacystrategytable\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs3_supplementaryadvocacystrategytable_e.pdf)

2. [http://www.upr-info.org/sites/default/files/general-document/pdf/ippf-sri\\_sexualrightsandtheupr\\_atoolkitforadvocates\\_2012\\_en.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/ippf-sri_sexualrightsandtheupr_atoolkitforadvocates_2012_en.pdf)

### MALAYSIAN CIVIL SOCIETY EXPERIENCE ON THE VALUE OF COALITION BUILDING

“Beyond Geneva and the Human Rights Council, the Malaysian experience points to coalition-building as an important outcome of civil society participation in the UPR process. Civil society organisations should not overlook opportunities to build allies in the process of negotiating a joint submission to the HRC for the UPR, even if they decide to also send in individual submissions on specific issues. This is especially true for those working on issues seen as contentious and those seen as too technical or too disconnected from the everyday realities on the ground (such as, unfortunately, human rights online). At a time when available funds for human rights work are shrinking, strong alliances capable of pooling together resources can make the difference between success and failure.”

- Persatuan Kesedaran Komuniti Selangor (EMPOWER) on its involvement in the Coalition of Malaysian NGOs in the UPR Process (COMANGO).

- The first step is to check the deadline for submitting a stakeholder report to the OHCHR. You can find this information on the official [OHCHR website](#)<sup>3</sup> or on the [UPR Info website](#).<sup>4</sup> Through outreach at the national level, you can also find out if your government is conducting a consultation to input into its national report, and whether it’s possible for civil society to input.
- If your UPR is a year or just over a year away, you can start preparing a submission. It may take anywhere between a few weeks and six to eight months to prepare a submission, depending on the scope of your submission, whether you will be drawing on existing resources or developing new ones, and whether you’re submitting the report as part of a coalition.
- You should consider whether you want to submit a joint submission with other civil society organisations or submit as an individual group. Joint submissions are encouraged and the value of collaboration and networking at the various levels should not be underestimated. Since the change you ultimately want to achieve is at the national level, building a broad-based coalition – including national, as well as regional or international organisations - can increase your influence and result in longer-term collaboration for change. Coalition work can be useful for bringing together groups that have a presence in various regions with those with representation in the capital. In addition, since human rights online are relatively new and not necessarily well understood by national governments and member states at the UN, linking with traditional human rights organisations can place internet issues in context and draw out connections between human rights issues to strengthen the case for including human rights online in the Working Group report.
- Even if you are going to submit as an individual group, consulting with like-minded or relevant human rights defenders is a good idea, and will help make sure your messaging is consistent. A coalition can submit a longer submission than an individual group. There are other advantages to forming a coalition – see p. 2 of the UPR Info/Child Rights Connect [NGO Written Submission](#)<sup>5</sup> for the Universal Periodic Review for more information.
- Since all governments have gone through at least one review, it is important to note all relevant recommendations from the last review and report on the status of their implementation.

### ACCESSING STAKEHOLDER SUBMISSIONS TO THE OHCHR IN PREVIOUS CYCLES

You can check which civil society organisations participated in previous UPR cycles by visiting the [UPR Info website](#)<sup>6</sup>, searching for your country in the ‘UPR by country’ drop down menu under the ‘UPR Process’ tab, and selecting the session you want to view.

All submissions are similarly on the [OHCHR website](#)<sup>7</sup>: Select the country, click on ‘GO’, then on superscript number 3 just above ‘Summary of Stakeholders Submissions’.

- The main body of your submission should contain information on the human rights situation in your country. The submission should also include an executive summary (including a list of keywords) and concrete recommendations. The executive summary is a very important part of

3. <http://www.ohchr.org/EN/HRBodies/CAT/Pages/NGOsNHRIs.aspx>

4. <http://www.upr-info.org/en/how-to/role-ngos>

5. [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_factsheet\\_2\\_ngo\\_submission\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_factsheet_2_ngo_submission_e.pdf)

6. [www.upr-info.org](http://www.upr-info.org)

7. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

your submission, as the OHCHR will often focus on this section when preparing the stakeholder summary report. Each issue in your report should be summarised in one to two sentences within the executive summary. A list of keywords at the beginning of the executive summary is also helpful to clearly identify the issues contained in the submission. For more guidance, see p. 33 of the Sexual Rights Initiative [Sexual Rights and the UPR: A Toolkit for Advocates](#).<sup>8</sup> There are examples of human rights online-related submissions in annex 2 of this guide.

The top ten countries that made internet-related recommendations from the beginning of the UPR through to the 22nd session are: Estonia, Sweden, France, Czech Republic, the Netherlands, Germany, Iran, Canada, United States, and Hungary.

Once you've completed your submission, you will have the necessary basis for your advocacy efforts. Effective advocacy outreach, mainly directed at the state under review (SuR) and other UN member states who will make recommendations to the SuR during the review, happens at two levels: in the capital and in Geneva, where the review is conducted.

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### NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIS)

Does your country have a NHRI? You can check if it is accredited by the [International Coordinating Committee \(ICC\)](#).<sup>9</sup> The OHCHR stakeholder summary report reserves a section for the input of the NHRIs. They are also consulted by states preparing their submission, so raising human rights online with them is an important way of raising human rights online with states.

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## 2.2 ENGAGEMENT AT HOME

Because the UPR is a state-led review of the full spectrum of human rights issues in a country, there will be many other issue-groups working to get recommendations included in the review. Engagement domestically and, if resources permit, with missions in Geneva, is important both for keeping up pressure and for making sure that human rights online remain a priority of states in the review.

For all your advocacy efforts, develop a one to two-page advocacy briefing document, with key information, questions and recommendations. You can see an example of this type of briefing document for human rights online related issues in annex 3 of this guide. There's also a link for a model advocacy briefing template included in Select Resources.

You should conduct an assessment of which member states you want to target with your advocacy based on the types of questions and recommendations you are advocating for. Your assessment can be based on recommendations made in previous reviews, the examples of recommendations on internet issues included in annex 1 of this guide, and [UPR Info's database](#),<sup>10</sup> which allows you to search recommendations using keyword searches for various issues.

**State consultations with civil society:** States are encouraged to hold consultations with civil society and include input from these in their own report. They could take the form of in-person meetings or a request for written submissions:

- Check if there are state consultations for civil society by contacting a government representative in your country.
- The state is encouraged by the Human Rights Council to consult with civil society on the drafting of its national report - some examples of how states have gone about doing this are included in a report prepared by Universal Rights Group on different national experiences of participating in the UPR (see the [Universal Periodic Review: Sharing National Experiences](#)).<sup>11</sup>
- Consider asking your government to have a hearing within its Parliament, Parliamentary Committees or Senate to review the draft national report and consult before it is submitted to the OHCHR.

8. [http://www.upr-info.org/sites/default/files/general-document/pdf/ippf-sri\\_sexualrightsandtheupr\\_atoolkitforadvocates\\_2012\\_en.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/ippf-sri_sexualrightsandtheupr_atoolkitforadvocates_2012_en.pdf)

9. <http://nhri.ohchr.org/EN/Pages/default.aspx>

10. <http://upr-info.org/database>

11. <http://www.universal-rights.org/wp-content/uploads/2015/07/UPR-17-July-side-event-draft-report-1.pdf>

In addition to state-facing advocacy, once the submission is done you can hold a briefing to raise awareness to the issues and recommendations, inviting embassy representatives and others. See the UPR Info/Child Rights Connect [Model Advocacy Strategy](#)<sup>12</sup> for more information.

Direct engagement with relevant embassies of UN member states is central to your advocacy. Because the UPR is a peer review, states participating in the review, or ‘the recommending states’ will prepare comments, questions and recommendations for the SuR.

Advocacy towards the recommending states should be focused on sharing your concerns about the human rights online environment in your country and getting them to raise human rights online in your state’s review.

At home, your advocacy with the recommending states will be targeted at embassies. Most countries begin working on their recommendations two to three months before the review so you should be in contact with them and have your advocacy briefing document ready around that time.

Realistically, not all 193 UN member states will be open to making recommendations on human rights online, and - due to resources - you will want to be selective in what embassies you reach out to.

You should be targeted and prepare a list of countries on which to focus your advocacy:

- Check the table in annex 1 of this guide for a list of the countries which have made internet-related recommendations.
- Consider what their relations with your country are, and for other indicators – for example - whether they are a donor on the issues around which you are advocating.

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### UPR INFO REGIONAL OFFICES

UPR Info has regional offices in Africa (Nairobi) and Asia (Bangkok), which periodically organise workshops with civil society to prepare advocacy strategies and follow up after the review. If you are from either of those regions you could reach out to UPR Info’s regional office for potential support.

Contact info: [office-africa@upr-info.org](mailto:office-africa@upr-info.org) and [office-asia@upr-info.org](mailto:office-asia@upr-info.org).

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### 2.3 ADVOCACY IN GENEVA

Although not required, if you have resources to travel to Geneva, you can reinforce your advocacy at home by engaging directly with government representatives who will be participating in your government’s UPR, as well as Geneva-based organisations participating in the review. Even without traveling to Geneva, you can reach out to UN missions in Geneva – by, for example, sending briefing documents over email. A list of contacts for UN missions in Geneva can be accessed on the [UN Office at Geneva website](#).<sup>13</sup>

UPR Info, a Geneva-based NGO, organises UPR pre-session meetings on a regular basis, which aim at strengthening collaboration between different actors engaged with the UPR process. The UPR pre-sessions bring together Permanent Missions, NHRIs and civil society organisations to discuss the human rights situation of states under review (SuRs) one month prior to their review at the UPR Working Group session. These sessions can be very useful, as they give civil society the opportunity to brief representatives of recommending states on the implementation of recommendations made during the previous review, and provide space for lobbying several delegations at once on questions to raise and recommendations to ask in the review. One hour is allocated for each SuR, during which NHRIs and civil society organisations are given the floor for between five to eight minutes each.

- Direct meetings with missions: Aside from the pre-sessions organised by UPR Info, it can be helpful to organise meetings with missions if you are able to travel to Geneva in the months ahead of the UPR - for example, during a regular session of the Human Rights Council (HRC). As with the in-

12. [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_fs3\\_supplementaryadvocacytemplate\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs3_supplementaryadvocacytemplate_e.pdf)

13. [http://www.unog.ch/80256EE600582E34/\(httpPages\)/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000](http://www.unog.ch/80256EE600582E34/(httpPages)/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000)

country meetings with government representatives, you should bring a briefing document and be prepared to share your concerns about the human rights online situation in your country, as well as questions and recommendations for them to raise during the review. An example of how to reach out to and set up a meeting with government representatives is included on p. 3 in the UPR Info/Childs Rights Connect Fact sheet: [NGO Advocacy in the Universal Periodic Review](#).<sup>14</sup>

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#### LINKING WITH GROUPS IN GENEVA

If you can't attend the Working Group session, or go to Geneva to lobby the Geneva missions in person one to two-months before the review, consider linking up with groups that are already there or that attend the sessions. Establish contact with them first; if they are willing and able to work with you, share your advocacy briefing paper and ask them to join a call to agree on concrete steps for working together. International organisations that are active on human rights online in the UPR include: Article 19, Human Rights Watch, PEN International, Association for Progressive Communications (APC) and Privacy International.

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<sup>14</sup>. [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_fs3\\_ngoadvocacy\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs3_ngoadvocacy_e.pdf)

## 03

## THE REVIEW ITSELF

The review takes place in Geneva in two stages: an interactive dialogue of the Working Group and the adoption of the report in a Human Rights Council (HRC) session about six months after the dialogue.

### 3.1 THE INTERACTIVE DIALOGUE

This is the three and a half-hour session where the state undergoes its review based on the three input documents. First, the state presents its report orally and this is followed by responses from other member states including recommendations (and where hopefully the human rights online recommendations you have advocated for are part of the recommendations made)!

About two days after the interactive dialogue, a report is prepared by the troika (made up of representatives of three member states of the HRC) which is a summary of the interactive dialogue and includes all the recommendations. Civil society organisations can't make any statement during the review itself. However, if you have the resources, and are ECOSOC accredited or can be accredited by another civil society organisation, it is worth attending the UPR session because:

- You can complement the lobbying done with member state missions at their embassies in your country with meetings with the missions in Geneva. To give enough time for advocacy can feed into the state's preparations for the review, you should be in Geneva for meetings with missions there two to three months, and at least one month, before your country is due to be reviewed.
- You can meet with your government's delegation, which may give you the opportunity to meet high-level government representatives whom it may be difficult to have access to at home.
- You can attend, participate in, or organise a side event on your country and human rights online. This takes time and preparation well before the event (see textbox on p. 15).

If you are not in Geneva, you can watch the review live and organise a broadcast of the session so that it reaches a wider audience, particularly if you have been working as part of a coalition.

Another strategy for engaging remotely is to utilise social media, specifically Twitter. If you are working within a coalition, you can coordinate around key messages and agree on a common hashtag to give visibility to the issues you want to see raised in the review. You can also tag the Twitter handles of UN missions in order to ensure they see your messages.

Most states will accept or note recommendations immediately and flag which they will defer until the adoption of the report by the HRC. While the SuR is considering the recommendations before the next UPR session in the Human Rights Council (HRC), depending on the openness of your state, this is a great opportunity to advocate with your government back home to accept the human rights online recommendations that were put to them in the interactive dialogue. You can also bring attention to any recommendations they may have initially 'noted'. You can request that they hold a consultation with civil society where you can also ask the government to respond to questions it did not answer during the interactive dialogue.

### SIDE EVENTS AT THE UPR

**EMPOWER**<sup>1</sup> developed a joint submission with a coalition of civil society organisations, COMANGO, which participated in the review of the country in [October 2013](#).<sup>2</sup> In early 2014, several groups issued statements inciting citizens in the country to take aggressive action against COMANGO. The coalition responded by issuing a [statement](#)<sup>3</sup> deploring all forms of intimidation and violence, and welcoming engagement on issues raised by COMANGO in the March 2013 report. At the adoption of the report in March 2014, COMANGO held a [side event](#),<sup>4</sup> made an [oral statement](#)<sup>5</sup> and expressed their disappointment over weak promises on human rights by the Malaysian government.

Timing is important: try not to organise your side event the day before the review, early in the morning or later in the day as people may be less likely to attend.

Alternatively, you can organise it after the interactive to debrief on the review. You can use it to highlight or complement your advocacy work, as EMPOWER did.

There are practical things which you will need to consider for organising a side event, more info can be found in the official [OHCHR Practical Guide for Civil Society to the UPR](#).<sup>6</sup>

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As part of your advocacy in this period, you can also compare the outcome report from the interactive dialogue to the two input reports prepared by the OHCHR for the interactive dialogue, in order to identify gaps. You can ask for these to be addressed in a letter to the OHCHR, to the troika and to the SuR delegation in Geneva. You can also refer to these in a two minute statement to the Council if you attend the adoption of the Working Group report.

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### OUTREACH TO THE MEDIA

Reaching out to media is one way to rally support for the UPR process and put pressure on your country to pay attention to human rights online. Be creative in your media outreach - communication about UN mechanisms (which can feel far removed) isn't always easy to 'sell' to media. Here are some tips:

- Invest time to get the media effectively involved. You may need to train the media on what the UPR is and why it is relevant.
  - Tie the situation on the ground in your country to the recommendations. For example, the organisation 'Impact Iran' created a video which features [nine real-life stories](#)<sup>7</sup> of people who have been impacted by the human rights situation in their country. They also released a [fact-checker analysis](#)<sup>8</sup> of each recommendation, illustrating each with an example of the actual situation in the country.
  - Whether you are attending the session in Geneva or not, you can issue a press release to national media following the interactive dialogue when your government is under review and at the following session, when the report is adopted.
  - Hold a press conference for media where you can answer questions.
  - Reference the Working Group report where and when you can in your external communications. For example, on relevant days like Human Rights Day, World Press Freedom Day, or International Day for the Universal Access to Information. You can also reference it in articles and blogs on your website.
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### 3.2 THE ADOPTION OF THE REPORT

The formal adoption of the outcome report happens six months after the interactive dialogue at one of three annual regular sessions of the Human Rights Council. At this point, the state under review (SuR) either accepts or notes each of the recommendations that were put to it during the dialogue.

If you travel to Geneva, you will either need to have ECOSOC status or get accredited through an organisation that has ECOSOC status to attend the session. At the adoption of the outcome session you

1. <http://empowermalaysia.org/>

2. <https://www.youtube.com/watch?v=tpboMrLnBjw#t=132>

3. <http://www.sistersinislam.org.my/print.php?news.1260>

4. <https://www.apc.org/en/blog/adoption-malaysia's-second-universal-periodic-revi>

5. <https://www.apc.org/en/news/ngos-disappointed-weak-promises-human-rights-malay>

6. [http://www.upr-info.org/sites/default/files/general-document/pdf/practicalguidecivilsociety\\_en.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/practicalguidecivilsociety_en.pdf)

7. <https://www.iranhumanrights.org/2014/10/upr-2014-2>

8. <http://impactiran.org/iran-upr-countdown/>

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can make a statement (see textbox) – which, although not able to influence the outcome report, will be recorded and included in the transcript of the dialogue, and can be a stepping stone for advocacy between review cycles. If you cannot attend, consider linking up with other groups that are attending and working with them on a statement. Alternatively, you can make a statement by video. This is subject to certain restrictions, which you can check on the [UPR Info website](#).<sup>9</sup>

Whether you attend the adoption of the report or not, it is recommended to follow up with member state government representatives who made human rights online-related comments, questions or recommendations by sending a letter to the people you were in contact with either at the embassies in your country or the missions in Geneva. This is important for maintaining good relations with these member states and can support the implementation of recommendations between reviews.

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#### TIPS ON MAKING AN ORAL STATEMENT AT THE ADOPTION OF THE WORKING GROUP REPORT

- Thank the Council for the opportunity.
- Acknowledge the progress made by the state, if any, on recommendations from the previous cycle as well as its accepted recommendations on human rights online at this review.
- Refer to the recommendations rejected/not accepted by the state.
- Ask the state how the government will implement the UPR recommendations and how civil society will participate in this process.

See an example of a statement read during the adoption of a report in annex 4 of this guide.

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9. <http://www.upr-info.org/sites/default/files/general-document/pdf/-guidelinesgovideostatements.pdf>

# 04

## THE IMPLEMENTATION PHASE

If the UPR is to change the human rights online situation in your country, following up with the recommendations your country receives is crucial. The adoption of the report (see section 2.2), which includes the recommendations is just the beginning; civil society need to provide support and pressure to translate them into action on the ground. See the UPR Info/Child Rights Connect Fact sheet: [Follow-up to the Universal Periodic Review](#)<sup>1</sup> for a detailed outline on what you can do.

### 4.1 HOW TO GET STARTED

- **Analyse the recommendations:** Sort through and analyse the recommendations related to human rights online which your state accepted. Decide which you will address, and how, in a follow-up plan. Even for those which weren't accepted, suggest how they can be followed up. Keeping up dialogue and advocacy on the noted recommendations is important, as the state can change its position. In fact, 19 per cent of noted recommendations triggered some form of action by government by the mid-term in the first cycle (see UPR Info's [Beyond Promises](#)).<sup>2</sup>

Check the adopted report: there may be an explanation for why a state accepted, or noted instead of accepted, a particular recommendation and which may help guide your follow-up.

- **Write a detailed follow-up plan:** If you have been working within a coalition, organise a debrief with your colleagues. You may want to use this meeting to consult on and draft the follow-up plan, which can serve as the basis of your UPR follow-up discussions with the target states.

The follow-up plan should be detailed and include awareness-raising activities like organising a press conference with media, dissemination (and if necessary, translation of the adopted report) and orientation sessions on the UPR for groups who are less familiar with it.

In your follow-up plan, develop a series of indicators to help track progress against the government's commitments and a suggested timeline for implementation of recommendations within the four to five year cycle. You can use the monitoring tool template in annex 5 of this guide.

You could also include a plan to initiate a multistakeholder follow-up mechanism to jointly monitor the implementation of the UPR recommendations. Follow-up is more effective if undertaken jointly, as governments are more likely to act on recommendations when they are being pressured to do so by multiple domestic stakeholders.

Work with your civil society colleagues to include UPR country follow-up, like advocacy meetings with your government and member state embassy representatives in their strategies. Embedding UPR work into the existing advocacy work of civil society organisations and your coalition is important to ensure sustainability.

Your follow-up plan could include preparation of a mid-term review report to be published two years

1. [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_fs4\\_follow-up\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs4_follow-up_e.pdf)

2. [http://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)

after the review. The mid-term review assesses what has been implemented and where progress has or has not been made. There are examples of civil society and government mid-term reports in Select Resources.

Implementation happens at the national level, so organise follow-up meetings with people in the relevant institutions and departments. Ask yourself which are the relevant ministries for implementation of the recommendations and are they already working to a human rights action plan?

- **Lobby the government to implement a national action plan for the UPR recommendations:** Check the recommendations themselves - your country may have received a recommendation to implement a national action plan (NAP). Request that the government develop the plan through an inclusive consultation process with civil society and that it includes a programme of work with concrete and measurable milestones. National Action Plans allow for recommendations to be clustered under themes and make them more actionable as well as easier to follow up on. Remember, the action plan is not an end in itself, it's a means to an end – and it's important that civil society is consulted so that it's a strong action plan which can be continually used to monitor progress.

Some examples of countries which have recent NAPs include [Mexico, Indonesia, Morocco, and Germany](#).<sup>3</sup> The NAP may include the establishment of a national coordination mechanism to follow up with recommendations – for example, an inter-ministerial committee, or another type of coordinating committee. There is no 'one size fits all' approach for a state to follow up with the recommendations, and any mechanism will be suited to the political context.

- With the member state embassies that made the recommendations, apart from thanking them you can also send targeted letters, asking them to take up the recommendations in their bilateral talks.
- Reach out to the NHRI in your country and offer yourself as a source of expertise in the implementation of UPR recommendations related to human rights online. One of the roles of the NHRI is to organise regular post-UPR consultations with governments and civil society. See pp. 9-10 of the UNDP/OHCHR report [International Conference on Responding to the Recommendations of the Universal Periodic Review: Challenges, Innovation and Leadership](#)<sup>4</sup> for more information on what a NHRI can do to support implementation of recommendations.

3. <http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx>

4. <http://hrbportal.org/wp-content/files/UPR-Conference.pdf>

# 05

## SELECT RESOURCES

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### COMPREHENSIVE RESOURCES THAT ADDRESS THE FULL CYCLE OF THE REVIEW

- Sexual Rights Initiative: [Sexual Rights and the UPR: A Toolkit for Advocates](#)
- Save the Children: [Universal Periodic Toolkit: A Guide for Country Programs](#)
- Conectas: [Roadmap for Engagement with UPR for Civil Society](#)
- UPR Info/Child Rights Connect: [Fact Sheet: the UPR Process](#)
- UPR Info: [The Role of NGOs at the UPR](#)
- OHCHR: [A Practical Guide to the UPR: Universal Periodic Review](#)

### ON ADVOCACY

#### *General guidance on advocacy*

- UPR Info: Fact sheet: [NGO Advocacy in the Universal Periodic Review](#)
- UPR Info/Child Rights Connect: [NGO Written Submission for the Universal Periodic Review](#)
- UPR Info/Child Rights Connect: [Model UPR Advocacy Briefing Document](#)
- UPR Info/Child Rights Connect: [Model UPR Advocacy Strategy](#)

#### *Examples of advocacy briefings prepared by coalitions (intended as briefing notes for stakeholders in preparing their recommendations)*

- Kenya: [Kenya Advocacy Charter \(2015\); Kenya Human Rights Balance Sheet](#)
- Iraq: [Iraq UPR Review 2014 - Civil Society Briefing Document](#)
- Myanmar: [Myanmar UPR 2016 - UPR Advocacy Factsheets: Information on the Status of the Human Rights Situation in Myanmar](#)
- Mongolia: [Mongolian Human Rights NGO Forum UPR-Universal Periodic Review Factsheet](#)
- Tanzania: [Tanzanian Stakeholders Human Rights Advocacy Charter](#)
- Thailand: [Thailand UPR 2016 - UPR Advocacy Factsheets: Information on the Status of the Human Rights Situation in Thailand](#)

- Uganda: [Uganda Lobby Guide](#)

#### ON FOLLOW UP

- UPR Info/Child Rights Connect: [Fact sheet: Follow-up to the Universal Periodic Review](#)
- International Organisation of La Francophonie: [Practical Guide on the Implementation Plan of UPR Recommendations and Pledges](#)
- Franciscans International: [UPR Follow-up Strategy Practical Advocacy Initiatives](#)
- India Working Group on Human Rights: Tracking Implementation: [A Monitoring Tool for Recommendations from the United Nations Universal Periodic Review for India](#)
- OHCHR: [How to Follow Up on United Nations Human Rights Recommendations](#) (UPR specific guidance on p. 48)
- UNDP/OHCHR: [International Conference on Responding to the Recommendations of the Universal Periodic Review: Challenges, Innovation and Leadership](#)

#### *Examples of mid-term reports*

Example of a civil society mid-term report: [Zimbabwe](#)

Example of a government mid-term report: [Netherlands](#) and [Poland](#)

#### OTHER RESOURCES

- UPR Info: [Database of UPR Recommendations and Voluntary Pledges](#)
- UPR Info: [Beyond Promises - the Impact of the UPR on the Ground](#)
- UPR Info: [Training Tutorials \(video\)](#)
- UPR Info & The Carter Center: [Training Manual for Civil Society](#)
- UNDP/OHCHR: [International Conference on Responding of the Universal Periodic Review: Challenges, Innovation and Leadership](#)
- Universal Rights Group: [The Universal Periodic Review: Sharing National Experiences](#)
- Association for Progressive Communications (APC): [APC's work at the Universal Periodic Review](#)
- Privacy International: [Privacy International's Submissions to the UN](#)

#### RESOURCES ON COMPLEMENTARY UN MECHANISMS

- UN Welcome Desk: [NGO Formal Participation in the Human Rights Council](#)
- International Service for Human Rights: [A Simple Guide to the UN Treaty Bodies](#)

# Annex 1

## INTERNET RELATED RECOMMENDATIONS TABLE

This table includes internet-related recommendations from the first two UPR cycles. The list is not exhaustive, but includes every country that received an internet-related recommendation, with the aim of selecting a broad range of examples in terms of specificity and type of right addressed. In cases where the SuR received multiple recommendations, a roughly proportionate number of recommendations is provided.

Search all recommendations here: <http://www.upr-info.org/database>

Consult a guide to using the recommendations database: [http://www.upr-info.org/database/files/Database\\_Help\\_Guide.pdf](http://www.upr-info.org/database/files/Database_Help_Guide.pdf)

Consult recommendation-ranking criteria (developed by UPR Info): [http://www.upr-info.org/database/files/Database\\_Action\\_Category.pdf](http://www.upr-info.org/database/files/Database_Action_Category.pdf)

State under review	Recommendation	Recommendation State	Response
Algeria	Following the lifting of the State of Emergency in February 2011, promptly take measures to bring all other legislation and decrees in conformity with its international obligations aimed at fully ensuring freedom of expression, including on the internet, and freedom of peaceful assembly and of association	Canada	Noted
Andorra	Ratify the Convention on Cybercrime and the Arms Trade Treaty within a reasonable period of time	Georgia	Accepted
Armenia	Guarantee the protection of the right to freedom of expression offline and online	Estonia	Accepted
Australia	Implement additional measures to combat discrimination, defamation and violence (including cyber racism) against the Arab population and Australian Muslims, against recently arrived migrants (primarily from Africa) and also foreign students (essentially coming from India)	Russian Federation	Accepted
Azerbaijan	Take effective measures to ensure the full realization of the right to freedom of expression, including on the Internet, of assembly and of association as well as to ensure that all human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal	Czech Republic	Accepted
Bahrain	Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes	Mexico	Accepted
Belarus	Amend its legislation to guarantee that freedom of expression on the Internet cannot be limited by the arbitrary decision of authorities	Sweden	Noted
Belgium	Not relax its efforts to eradicate practices such as incitement to hatred and violence from certain far-rights groups, wherever they appear, including on the Internet, where they are especially prevalent	Indonesia	Accepted
Bosnia and Herzegovina	Take steps to further ensure freedom of speech and freedom of access to information both online and offline.	Latvia	Accepted
Brazil	Consider freedom of expression concerns when drafting cybercrime legislation.	Estonia	Accepted

State under review	Recommendation	Recommendation State	Response
Brunei Darussalam	Further promote the proper use of technologies, with particular attention to the Internet, based on human values, respect for self and others and children's rights.	Iran	Accepted
Bulgaria	Give a strong response to hate speech, including in offline and online media, as well as systematically denounce expression of intolerance by opinion leaders in the country.	Macedonia FYR	Accepted
Cambodia	Approach the issue of regulating freedom of expression on the Internet through consultations with all stakeholders	Sweden	Accepted
Cambodia	Develop an action plan ensuring that Internet laws comply with Cambodia's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users and NGOs to play a full and active role in promoting and protecting human rights	Netherlands	Noted
Canada	Implement and enforce national uniform standards of access to buildings, information, and communications for persons with disabilities	United States	Accepted
China	Take steps that all persons including bloggers, journalists and human rights defenders can freely exercise their right to freedom of expression, online as well as offline, without fear from censorship or persecution	Austria	Noted
China	Continue the spread of internet connections throughout the rural areas	Ethiopia	Accepted
China	While guaranteeing this freedom of speech, strengthen Internet governance to make sure the contents that incite war, racial hatred or defamation of religions are prohibited, and pornographic websites that are harmful to children and minors are banned or restricted	Iran	Accepted
Costa Rica	Guarantee the effective protection of children's rights offline as well as online by amending the relevant national laws if necessary and providing adequate resources	Estonia	Accepted
Cuba	Lift restrictions on the rights to freedom of expression that are not in accordance with the Universal Declaration of Human Rights, and to ensure affordable and unhindered access to the internet for all	Hungary	Noted
Cuba	Take further measures to improve freedom of expression by allowing for an independent media and improving access to information through public access to the internet by taking advantage of the recent investment in the fibre optic network	Canada	Noted
Cuba	Enhance the information infrastructure for the Cuban society and share its experience in broadening access to information and communications technology	Vietnam	Accepted
Cuba	Improve access to the Internet	Japan	Accepted
Czech Republic	Set up national mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia, including hate speech and racist and xenophobic acts committed on the internet and through political platform	Egypt	Accepted
Denmark	Strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet and to inform children and their parents about the safe use of the Internet	Iran	Accepted
DPR Korea	Allow the establishment of independent newspapers and other media, allow its citizens to access the Internet and the international media, and abolish compulsory indoctrination sessions	Australia	Noted
Egypt	Immediately release persons detained or imprisoned for exercising their freedom of expression on the Internet	Sweden	Accepted
Eritrea	Lift severe restrictions on freedom of expression, both online and offline, and take concrete measures to protect journalists and media workers from violence and arbitrary detention without an official charge	Czech Republic	Noted
Ethiopia	Review its legislation to ensure that any limitations on the right to freedom of expression, both online and off-line, are in full compliance with article 19 of ICCPR, in particular by providing for a defence of truth in all defamation cases	Ireland	Accepted
Finland	Strengthen efforts to restrict the outbreaks of racism and xenophobia, especially the manifestations of racism on the Internet, as was recommended by CERD	Spain	Accepted
Finland	Take effective measures to eliminate widespread sexual misuse and harassment against women and girls, including on the Internet and via mobile phones	Iran	Accepted
France	Use every means possible to combat the rise of racism and xenophobia, including in the Internet	Uruguay	Accepted
Gambia	Repeal legislation that does not comply with international human rights law, in particular the amendment to the Information and Communication Act, enacted in 2013 and the amendment to the Criminal Code, enacted in 2013	Slovakia	Noted
Germany	Repeal any legislation that infringe upon individuals' right to privacy such as the video surveillance of private homes	Pakistan	Noted
Germany	Take effective legal measures to prevent and combat the dissemination of racist, xenophobic and Islamophobic propaganda, particularly in the press and on the internet	Iran	Accepted

State under review	Recommendation	Recommendation State	Response
Guyana	Respect and protect the right to freedom of expression online and offline and bring its national legislation fully in line with international standards, including by decriminalizing defamation, and to develop self-regulatory mechanisms of the media	Estonia	Noted
Hungary	Take all appropriate measures to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet	Pakistan	Accepted
India	Ensure that measures limiting freedom of expression on the internet is based on clearly defined criteria in accordance with international human rights standard	Sweden	Noted
Iran	Guarantee freedom of speech and eliminate restrictions to the free flow of information, including through the Internet, and stop arrests, prosecution and sanction of individuals for expressing views and opinions	Netherlands	Noted
Iran	Give further account to its measures to ensure public access to the Internet as well as progress being made thereon	Japan	Accepted
Italy	Ratify the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature, including holocaust denial, committed through computer systems	Israel	Accepted
Japan	Continue its protection measures in response to infringements of human rights of other persons, such as defamation and invasion of privacy committed through the internet	Bangladesh	Accepted
Jordan	Fully ensure the right to exercise freedom of expression, including Internet freedom, and, in this respect, amend the regulations for online media	Estonia	Accepted
Jordan	Amend the Press and Publications Law to promote an open and free press, including by broadening the definition of a journalist and by removing fines and the requirement for permission prior to publication, and ensuring freedom of Internet media	Canada	Noted
Kazakhstan	Ensure freedom of expression online and offline, including media freedom, by repealing or amending the Criminal Code of Kazakhstan to be compatible with international human rights law	Estonia	Noted
Kazakhstan	Revise its legislation on criminal libel, to limit defamation awards and to refrain from restricting access to the Internet	Netherlands	Noted
Kenya	Review its national laws and policies in order to ensure that surveillance of digital communications is consistent with its international human rights obligations and is conducted on the basis of a legal framework which is publicly accessible, clear, precise and non-discriminatory	Liechtenstein	Noted
Kuwait	Ensure that media and internet laws fully comply with Kuwait's obligations to protect freedom of expression under international agreements	United States	Accepted
Kyrgyzstan	Ensure freedom of expression online and offline, including guaranteeing freedom of the press and decriminalizing all defamation in the Penal Code	Estonia	Noted
Laos	Decriminalize defamation and misinformation and remove all undue restrictions on freedom of expression from the Penal Code, the Law on Publications and the newly adopted Internet law in conformity with the country's international human rights obligations	Latvia	Noted
Laos	Re-examine recent legislation that limits dissemination of certain information via the Internet, including through social media	New Zealand	Accepted
Libya	Take measures to protect freedom of expression and association, by pursuing its reforms of the law on the press and of the Penal Code to bring them into conformity with its fundamental law and international standards, by putting an end to the restrictions on Internet access, and by allowing the free establishment of associations	France	Accepted
Macedonia FYR	Give a strong response to hate speech, including in offline and online media and systematically denounce expressions of intolerance by opinion leaders	Bulgaria	Accepted
Monaco	Amend privacy legislation so as to bring it in line with recommendations on video surveillance of 11 March 2009 by the Human Rights Commissioner of the Council of Europe	Netherlands	Accepted
Mongolia	Ensure full respect of human rights, including the right to privacy and the right to freedom of expression, in all aspects of internet regulation, and adherence of any restrictions of those rights to the principles of legality, necessity and proportionality	Germany	Accepted
Montenegro	Intensify the fight against cybercrime, especially child pornography on the Internet	Moldova	Accepted
Namibia	Review its legislation on communications and bring it in line with international standards	Sweden	Accepted
Nauru	Establish freedom of information laws, including by amending the Official Information Act of 1976, and increase access to Internet	Italy	Accepted
Netherlands	Intensify efforts to combat the dissemination of ideas based on the racial superiority through Internet	Poland	Accepted
New Zealand	Ensure that the new legislation on surveillance of communications by the intelligence service complies with international law, particularly with the principle of proportionality	Switzerland	Accepted

State under review	Recommendation	Recommendation State	Response
Norway	Strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet and inform children and their parents about the safe use of the Internet	Iran	Accepted
Oman	Review legislative measures restricting freedom of opinion and expression, including the Communications Law	Australia	Noted
Pakistan	Remove restrictions on accessing internet in the country, which runs counter to the criteria of the ICCPR and the principle of proportionality	Netherlands	Noted
Poland	Make more efforts in law making and law enforcement to combat incitement to racial and religious discrimination in the internet	China	Accepted
Portugal	Closely monitor developments relating to extreme right and racist movements, including skinhead groups, and reinforce efforts to counter the dissemination of racist and xenophobic propaganda by a section of the population through the Internet	Nigeria	Accepted
Qatar	Amend those articles of the draft media law and the draft cybercrime law that are inconsistent with international standards of freedom of expression	Austria	Accepted
Republic of Korea	Take further actions to ensure freedom of expression on the Internet, including opinions which are different from the positions of the Government	Japan	Accepted
Russian Federation	Fully ensure everyone's right to exercise freedom of expression, including internet freedom, strengthen the dialogue with civil society and respect the rights of NGOs by eliminating all restrictive impediments	Estonia	Accepted
Serbia	Bring the legislation against sexual exploitation of children fully in conformity with the principles and provisions of CRC, the Palermo Protocol and the Council of Europe Convention against Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Portugal	Accepted
Slovenia	Step up efforts to prevent or limit hatred, racist and xenophobic acts and speeches, including on the Internet	Malaysia	Accepted
Sweden	Keep monitoring the application of the 2008 Surveillance Act to prevent interference with the right to privacy and to implement reforms to comply with its obligations under EU law as set out in the International Principles on the Application of Human Rights to Communications Surveillance	Netherlands	Noted
Sweden	Combat hate speech, in particular in the media and on the internet, and punish perpetrators	Bahrain	Accepted
Syria	Lift its ban over censored websites and revoke the newly-adopted law which introduced an even stricter media censorship	Czech Republic	Noted
Tonga	Take measures to reinforce protections for freedom of expression in practice, including guaranteeing freedom of the press and Internet freedom	Canada	Accepted
Tunisia	Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet	Greece	Accepted
Turkey	Amend Law No. 5651, widely known as the Internet Law, to ensure the right to seek, receive, and impart information in the exercise of freedom of opinion and expression	Canada	Noted
Turkey	Favourably consider revising the new Internet Law in order for its citizens to enjoy better access to the Internet thereby further ensuring their right to freedom of expression and opinion	Republic of Korea	Accepted
Turkey	Strengthen protection of the freedom of expression by allowing discourse and greater access to information, both online and offline, and ensure the penal code and anti-terror laws are consistent with international obligations	United States	Accepted
Turkmenistan	Ensure freedom of expression and access to information by ending the practice of interfering with access to the internet and the practice of censorship in online and print media	Germany	Accepted
Turkmenistan	Continue its efforts in the area of physical interconnection regarding the technology and transport, which would ensure a better use of the resources of the country and would benefit the vulnerable sectors of the population	Paraguay	Accepted
United Arab Emirates	Conduct a public consultation on the Cybercrime law to ensure that the law does not prevent free speech and expression, including religious expression	United States	Accepted
United Kingdom	Adopt necessary actions to prevent impunity and further violations of privacy committed by private media companies such as News Corporation, through hacking into telephone communications, emails, and voicemails	Ecuador	Accepted
United States	Strengthen the independent federal-level judicial and legislative oversight of surveillance activities of all digital communications with the aim of ensuring that the right of privacy is fully upheld, especially with regard to individuals outside the territorial borders of the United States	Hungary	Noted
United States	Cease spying on communications and private data of people in the world	Venezuela	Noted

State under review	Recommendation	Recommendation State	Response
United States	Take all necessary measures to ensure an independent and effective oversight by all government branches of the overseas surveillance operations of the National Security Agency, especially those carried out under the Executive Order 12333, and guarantee access to effective judicial and other remedies for people whose right to privacy would have been violated by the surveillance activities of the United States	Switzerland	Noted
United States	Review their national laws and policies in order to ensure that all surveillance of digital communications is consistent with its international human rights obligations and is conducted on the basis of a legal framework which is publicly accessible, clear, precise, comprehensive and non- discriminatory	Liechtenstein	Accepted
Uzbekistan	Promote the role of independent non-governmental organizations and take effective measures to ensure the full realization of the rights to freedom of expression, including on internet, assembly and association	Czech Republic	Accepted
Venezuela	Continue to build its technological independence through the adoption and consolidation of measures to optimize the access of all Venezuelans to technologies of communication and information	Dominican Republic	Accepted
Viet Nam	Repeal or modify the Penal Code relating to national security particularly Articles 79, 88 and 258, in order to prevent those articles from being applied in an arbitrary manner to impede freedom of opinion and expression, including on the Internet	France	Noted
Viet Nam	Lift restrictions on Internet usage such as filtering and surveillance	Netherlands	Noted
Viet Nam	Revise "Decree 72" and "Decree 174" relating to the management, provision and use of the Internet, to ensure their consistency with international human rights obligations, and in particular with Articles 19, 21 and 22 of ICCPR	Ireland	Accepted
Viet Nam	Take the necessary measures to protect freedom of expression and press freedom, including through the Internet	Brazil	Accepted
Zimbabwe	Ensure that freedom of speech and of the press is not further restricted as a result of the Interception of Communications Act	Czech Republic	Noted

# Annex 2

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## EXAMPLES OF SUBMISSIONS TO THE OHCHR STAKEHOLDER SUMMARY REPORT FOCUSING ON HUMAN RIGHTS ONLINE

- The International Partnership Group on Azerbaijan, coordinated by ARTICLE 19, with inputs from Association for Progressive Communications (APC) and Freedom Now, along with the Baku-based Institute for Reporters' Freedom and Safety and the Media Rights Institute developed a joint submission, which was also endorsed by the Committee to Protect Journalists, Freedom House, the Human Rights House Foundation, Index on Censorship, the Institute for War and Peace Reporting, the Media Diversity Institute, the Norwegian Helsinki Committee, PEN International, Reporters Without Borders, the World Association of Newspapers and News Publishers (WAN-IFRA), and the Baku-based Human Rights Club. The [joint submission](#)<sup>1</sup> focused on Azerbaijan's compliance with its international human rights obligations in respect to freedom of expression, and including freedom of expression online, which was ultimately the subject of three recommendations, two of which the government of Azerbaijan accepted.
- Privacy International, together with the Association for Freedom of Thought and Expression (AFTE), Association for Progressive Communications (APC), and the Egyptian Initiative for Personal Rights, submitted a [report](#)<sup>2</sup> for Egypt's second UPR. The report expresses concern over increasing communications surveillance in the country, as well as restrictions on anonymity, and the right to assembly. In November 2014, at the 20th session of the UPR, Egypt received recommendations from more than [10 states](#),<sup>3</sup> calling for the government of Egypt to repeal or amend Act No. 107/2013 on the Right to Public Meetings and Peaceful Assemblies, which is responsible for the ongoing detention of human rights defenders in the country. Egypt also received advanced questions on the human rights situation in the country, including questions from Liechtenstein on the establishment of an independent oversight mechanisms to ensure transparency and accountability of communications surveillance policies and practices.
- Access Now submitted a report for Sudan's second UPR: <https://www.accessnow.org/cms/assets/uploads/2016/05/SouthSudanUPR.pdf>

1. [http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/JS7\\_UPR\\_AZE\\_S16\\_2013\\_JointSubmission7\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/JS7_UPR_AZE_S16_2013_JointSubmission7_E.pdf)

2. [https://www.privacyinternational.org/sites/default/files/UPR\\_Egypt.pdf](https://www.privacyinternational.org/sites/default/files/UPR_Egypt.pdf)

3. <https://www.apc.org/en/news/upr20-egypt-iraq-should-revise-laws-violating-huma>

# Annex 3

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## CIVIL SOCIETY BRIEF FOR THE EMBASSY IN KHARTOUM, SUDAN UPR (25TH SESSION)

Troika Members: Albania, Indonesia, Togo  
May 2016

### Background

This briefing document was prepared by a coalition of Sudanese human rights and civil society organizations, in collaboration with the Association for Progressive Communications (APC).

### Repression of civil society and human rights defenders in Sudan

At its first review, the government of Sudan accepted the recommendation to:

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**Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law.**

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Since the first review of Sudan in 2011, the country has witnessed massive crackdowns on civil society organisations and human rights defenders. Seven civil society organisations have been shut down, while many others face suspension of activities, and restrictions on funding. A growing number of human rights defenders, political dissidents and journalists have been arrested and are facing trial, while many others have been restricted in freedom of movement.

### Reprisals against civil society engagement in the Universal Periodic Review

In December 2014, the National Intelligence and Security Services (NISS) raided the offices of the Sudanese Human Rights Monitor (SHRM), a prominent human rights organisation working on monitoring and documentation for human rights in Sudan. The raid took place while SHRM, local civil society and journalist associations were conducting a workshop for journalists on the UPR process and civil society engagement. The NISS seized computers and documents (SHRM, 2015).

### Restrictions on freedom of the press

Media ownership, licensing of media outlets, strict media registration rules, and extensive security interventions are major factors shaping media policy in Sudan. National media have been prevented from covering stories of national conflict, mass displacement and extreme poverty, with international media filling the information vacuum. Since its last review, the government of Sudan has issued a new draft of the Press and Publications Act, which increases pressure on media, including online media. The draft law dictates punishments for journalists that include work suspensions of two months, and revocation of their license. The draft law retains many of the repressive elements of the 2009 Press and Publications

Act, including the special court for press, which has a high level of power, including imposing very high fines, imprisoning journalists, and banning them from writing.

### **Case of Madiha Abdalla, editor-in-Chief of Al-Midan**

In January 2015, Madiha Abdalla, the editor-in-Chief of Al-Midan, was charged by the National Intelligence and Security Services (NISS) with crimes against the State.

The charges against Abdalla include acts of (1) criminal conspiracy, (2) undermining the constitutional system, (3) encouraging violent or criminal opposition to public authority, and (4) publication of false news (articles 21, 50, 63 and 66 of the criminal code). NISS has claimed that a report by Al-Midan on the rights of Christians in Sudan includes false and harmful information that undermines stability, religious cohesion and peaceful coexistence in the country.

According to Abdalla, the report was based on information provided by the Sudan Council of Churches (SCC), which can be considered a reliable source of information on Christian's rights in Sudan. Christians in Sudan face systemic violations and are targeted by authorities, which negatively impacts on their rights and freedom of belief.

As of February 2016, Madiha continues to be prosecuted on four criminal charges, in clear violation of international human rights law, and the commitments made by Sudan during the first cycle review.

### **Exposure of women journalists to violence**

Incidents of sexual violence against women journalists, particularly those who work with print media, are dramatically increasing. A 2015 research study with women journalists from 20 newspapers revealed that 85% of respondents have experienced sexual violence. Newspaper institutions have no policies for protection measures, or for raising awareness of violence against women journalists.

### **Online Surveillance**

In 2011, Sudan established a special unit called the "Cyber Jihadist Unit", and imported remote control systems and sophisticated computer spyware. A report published in February 2014 by the Citizen Lab has documented the Cyber Jihadist Unit's use of advanced equipment, often imported from Italian companies, to filter web content, censor internet communication, and spy on the political opposition, human rights defenders, and journalists. The use of surveillance technology has a chilling effect on freedom of expression, association and assembly online, placing human rights defenders at an even greater risk of reprisal.

### **Internet Service Interruptions**

On 25 September 2013, during demonstrations against the government's economic policies, the NISS shut down access to the internet throughout the country for more than 24 hours. In the following days, the internet was slowed down drastically. The government of Sudan has denied responsibility, claiming that the blackout and slowdown resulted from a major network problem.

Authorities have sporadically blocked access to YouTube, as well as media sites, such as Sudanese Online, Al Rakoba, Al Tareeg, and Hurriyat Sudan online newspapers.

### **Suggested Questions**

1. What steps have the government of Sudan taken to ensure the safe participation of Sudanese civil society in the Universal Periodic Review?
2. What steps have the government of Sudan taken towards developing fair media polices and legislation, in order for the Sudanese people to exercise their right to freedom of expression?
3. What measures have the government taken to stop sexual harassment of female journalists and to secure safe working environment?

4. What steps are the government taking to protect freedom of expression, association and assembly online and offline?

**Suggested Recommendations**

1. Release and drop charges against all journalists and media workers arrested in the context of performing their duties.
2. Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals.
3. Take immediate steps to ensure a climate in which all citizens are able to freely express their opinions and beliefs, without fear of reprisal or retribution.
4. Amend, without delay, the Press and Publications Act, to bring it in line with international standards and best practices on freedom of expression, including online expression.
5. Allow journalists and civil society to fully participate in the process of media law reform.
6. End impunity for all those who threaten the safety of journalists, and ensure that all attacks are investigated by an independent body.

# Annex 4

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## A STATEMENT READ DURING THE ADOPTION OF THE WORKING GROUP REPORT OF NIGERIA'S UNIVERSAL PERIODIC REVIEW

### 25th Session of the Human Rights Council (March 2015)

The Association for Progressive Communications speaks on behalf of a coalition of national and international civil society organisations concerned with the protection of human rights in Nigeria.

We welcome Nigeria's acceptance of recommendations to fully implement CEDAW, improve policies and practices to combat violence against women and children, to address gender and regional disparities regarding the right to education and to guarantee a favorable climate for the activities of human rights defenders, journalists and other actors in civil society. We note that Nigeria accepted similar recommendations during its 2009 review, with no significant progress made.

We request that the government of Nigeria consider the impact of new technologies in implementing these recommendations, to include access to the internet in its strategies to address disparities in the right to education, and to work with civil society to extend laws proposed to protect the rights of women, children and other marginalised groups to include online protections.

In accordance with the Human Rights Council resolution 20/8, supported by Nigeria, the same rights that human rights defenders, journalists and other civil society actors have offline "must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice". We appeal to the State of Nigeria, to uphold this resolution, and we recommend that the government discontinue any interference online through internet intermediaries, and that efforts to conduct internet surveillance in the country be halted.

We call for a national dialogue on internet intermediary liability and copyright law reform. The State needs to give assurance that termination of internet access will no longer be a penalty for violating intellectual property laws. Constitutional protections should be established stating clearly that freedom of expression in Nigeria includes internet-related expression, in accordance with the Human Rights Council Resolution 20/8.

We are deeply concerned by the rejection of a number of important recommendations by Nigeria, including recommendations to "ensure the universality of human rights, safeguarding and protecting human rights of all Nigerians irrespective of gender, age, sexual orientation, gender identity or religious affiliation", and to establish policies and procedures that protect the human rights and security for all Nigerians including LGBT persons, their families and associates.

We urge the government of Nigeria to reconsider policies and practices that are in clear violation of international human rights standards and commitments.

Thank you Madame President.

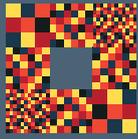
# Annex 5

## MONITORING TABLE OF THE UPR RECOMMENDATIONS: GLOBAL TEMPLATE

Number of recommendations on a specific issue.	Summary of the recommendations	Was the same recommendation made by other mechanisms?		Possible Indicators/Data to Track Progress of Implementation	Current Status: Type of Measure/Intervention Made by the State			Current Status: Type of measures/interventions made by the Independent Institutions	Who is responsible for the implementation?
		National	International		Policy/Budget	Law/Judicial	Monitoring Mechanism		
Both UPR 1 and UPR 2	What do these recommend exactly?	Official documents: Guidelines from relevant Ministries and Constitutional Bodies, Reports of Commissions and Government Committees etc.	Concluding Observations (UN Treaty Bodies) Recommendations (UN, Special Procedures) Recommendations from other relevant UN Bodies (such as ILO) Millennium Development Goals and sub-goals.	Specific indicators (both statistical and qualitative) which can be used to track the progress of the implementation of the relevant UPR recommendations. This section is critical for the UPR mid-term review, as it could be the basis for tracking the progress of implementations after 2 years.	Information that gives an overview of the current status of implementation of the relevant UPR recommendations and any other monitoring mechanism.	Information that has been provided in guidelines/statements/specialized documents/reports produced by these independent institutions. NB: Independent state institutions included here!	Specific Ministry/ Department/ Government Institution which is accountable for implementation of the relevant recommendation, other government bodies such as those responsible for training, etc.		

Source: [Working Group on Human Rights in India and the UN](#).<sup>1</sup>

1. [http://www.upr-info.org/sites/default/files/general-document/pdf/wghr\\_tracking\\_implementation\\_monitoring\\_tool\\_2013.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/wghr_tracking_implementation_monitoring_tool_2013.pdf)



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Second Home  
68–80 Hanbury Street  
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+44 (0)23 818 3258

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