

#ausUPR20

AUSTRALIA'S HUMAN RIGHTS SCORE CARD

Australia's Universal Periodic Review: NGO Briefing Paper

Australia's human rights record will face intense scrutiny in 2020 when the Australian Government appears before the United Nations Human Rights Council in Geneva for its major four yearly human rights review, called the Universal Periodic Review (UPR).

The Review will examine the extent to which Australia is complying with its international human rights obligations under the UN Charter, Universal Declaration of Human Rights, international treaties and other commitments. It will be based on information provided in a government report; information from independent UN human rights experts and other UN entities; as well as information from the Australian Human Rights Commission and NGOs.

This will be Australia's third UPR review, having previously been reviewed in 2011 and 2015. The 2015 review resulted in the Australian Government committing to ratifying the Optional Protocol to the Convention against Torture, as well as committing to work with the Australian Human Rights Commission to develop a public and accessible process for monitoring Australia's progress against UPR recommendations.

This Briefing Paper sets out how you can get involved, and provides background information about the UPR process and the role of NGOs.

Get involved

The UPR presents an opportunity for Australian NGOs to encourage and influence the Australian Government to improve its protection and promotion of human rights consistent with its international legal obligations. It is also an opportunity to engage across the sector and set priorities for improving human rights in Australia.

Australian NGOs are coming together to collaborate on a **joint NGO report**, due **19 March 2020** in a process coordinated by the Human Rights Law Centre, Caxton Legal Centre and Kingsford Legal Centre, working with an Advisory Group, lead authors, contributing authors and supporters.

The most effective way for NGOs to influence the final document and recommendations is to coordinate efforts and provide the UN with a single, collaborative report. The [2015 NGO report](#) was endorsed by over 190 organisations.

[Sign up here](#) to join the #ausUPR NGO Coalition.

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Background: UPR Process

Each State is reviewed by the Human Rights Council once every four and a half years. The reviews are carried out by the UPR Working Group composed of the 47 Council members. Each review is facilitated by groups of three UN Member States, called “troikas”.

Working Group The Working Group conducts an “interactive dialogue” with the State being reviewed in Geneva. For Australia, this is scheduled for **November 2020**.

Any of the 193 UN Member States may participate in the Working Group. The troikas compile questions submitted in advance by other States to be shared with the State under review.

The “interactive dialogue” lasts for 3.5 hours for each country. The Working Group then adopts an “Outcomes Report” for each country.

Outcomes Report The Outcomes Report from the review is considered at the next regular session of the UN Human Rights Council (up to one hour per State). For Australia, this will be in **March 2021**. States, as well as NGOs and other stakeholders, may participate in these meetings.

The final outcome of the review is adopted by the entire membership of the Human Rights Council at this meeting.

Follow up to the review The outcome of the UPR should be implemented primarily by the State concerned and, as appropriate, by other stakeholders. The next cycle of the UPR should focus on the State’s implementation of previous recommendations. An implementation matrix is used to track this.

Basis of Review

Three reports serve as a basis for the review of each State:

1. *Information prepared by the State (country) under review.* The “national report” should include information on achievements and best practices, as well as challenges and constraints, in protecting and promoting human rights.
2. *Information prepared by the Office of the High Commissioner for Human Rights,* based on reports of the treaty bodies, special procedures and other relevant official UN documents.
3. *Additional credible, reliable information provided by other relevant stakeholders,* including from national human rights institutions and NGOs. This is summarised by the OHCHR into a single report.

Reviews should focus on the implementation of previous recommendations and developments in human rights situations. Other bases of the review include UN Charter, Universal Declaration of Human Rights, human rights treaty obligations, the State’s voluntary pledges and applicable international humanitarian law.

Background: Role of NGOs

The UPR mechanism allows for active engagement of NGOs throughout the process. The opportunities for NGO participation include:

Australian Government’s preparation of the National Report

States should consult broadly to prepare the information they submit. Based on our previous experience, we expect that the Australian Government will invite NGOs to submit initial views on information that they would like to see included in the national report (due **3 August 2020**). There will also likely be a formal period of public consultation on the draft report where NGOs will be invited to provide their comments on the draft national report.

In addition to participating in formal consultations, NGOs may also lobby the Australian Government to make “voluntary commitments”, or concrete pledges to take certain action to promote human rights, prior to appearing before the UPR.

NGO Report

NGOs wishing to submit information for consideration in the UPR process may send a report to the Office of the High Commissioner for Human Rights. The OHCHR produces a summary of all information received by relevant stakeholders.

NGOs must limit their submission to 2815 words (individual submissions) or 5630 words (joint submissions). The most effective way for NGOs to influence the final document is to coordinate their efforts and provide the OHCHR with a single report. The tentative deadline for NGO written submissions is **19 March 2020**.

UPR Working Group and Outcomes Report

NGOs can play a crucial role in lobbying other States – at embassies in Canberra and Geneva – to ask questions of the State under review during the Working Group. Australian NGOs have previously worked closely with the Australian Human Rights Commission to do this. NGOs may attend the review in the Working Group.

Adoption of UPR Outcomes Report by Human Rights Council

Before the adoption of the Outcome Report by the plenary of the Council, NGOs have the opportunity to make very brief oral submissions to the Council.

Follow up and implementation

Like all other UN process, NGOs can and should play a substantial role in ensuring that States implement the recommendations that are made by the UPR.