

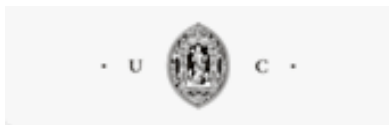


**European Master's Degree in Human Rights and Democratization  
2009/2010**

**THE UNIVERSAL PERIODIC REVIEW:  
EVOLVING THROUGH CHALLENGES**

**Liene Kondratjuka**

Supervisor: Prof. Vital Moreira



**UNIVERSITY OF COIMBRA  
Portugal**



Thanks to

My family for their enduring support and my father for his wise and valuable advice.

My E.MA – Coimbra family, Eva, Helle, and Jaime, for sharing the great moments and encouraging each other at all times.

Carla de Marcelino Gomes for the attention she did not spare.

Everyone who helped me through this process and, particularly, Amanda M. Grudinskas, Roland Chauville, Theresa Khorozyan, Isabel Ricupero, and Juan Pablo Vegas, for sharing their knowledge and giving their best wishes.

## **ABSTRACT**

This thesis focuses on the new mechanism of the United Nations Human Rights Council – the Universal Periodic Review (UPR) and its current and perspective role in the United Nations (UN) human rights machinery.

It starts by discussing the intergovernmental body of the UN, the Commission on Human Rights, and the reform that lead to the abolishment of the Commission and establishment of Human Rights Council. Then, it elaborates on the provisions stipulated for the UPR. Further, it analyses issues related to the practical implementation of the UPR and identifies contentious aspects that need to be resolved, offering possible options of addressing them. Finally, it looks towards the second cycle of the UPR, making suggestions that should be taken into account in the review of the mechanism that will take place after the end of the first cycle, and elaborates on the linkages between the UPR and the Treaty Bodies, the Special Procedures and the proposed World Court of Human Rights.

The thesis concludes that the UPR has the potential to serve as a mechanism through which human rights situation on the ground could eventually be improved and international accountability of States could be increased, provided that it is implemented in an effective and result-oriented manner and with full commitment and genuine will and involvement of all the relevant stakeholders, including States and the non-governmental organisations.

## TABLE OF CONTENTS

INTRODUCTION .....	1
1. SEEKING PROGRESS THROUGH REFORM: ABOLISHING THE COMMISSION ON HUMAN RIGHTS AND ESTABLISHING THE HUMAN RIGHTS COUNCIL .....	4
1.1. The Commission on Human Rights .....	4
1.2. Leading to the abolition of the Commission on Human Rights and establishment of the Human Rights Council .....	10
1.3. Main provisions for the new Human Rights Council .....	13
2. THE UNIVERSAL PERIODIC REVIEW MECHANISM: FRAMEWORK, METHODOLOGY AND SUBSTANCE .....	21
2.1. Reporting procedure under the Commission on Human Rights .....	21
2.2. The modalities of the Universal Periodic Review .....	25
3. THE UNIVERSAL PERIODIC REVIEW IN PRACTICE .....	36
3.1. General patterns and highlights of the Universal Periodic Review sessions to date .....	37
3.2. Contentious aspects in the implementation of the Universal Periodic Review .....	51
4. THE UNIVERSAL PERIODIC REVIEW IN A WIDER CONTEXT: PROSPECTS AND POSSIBILITIES .....	61
4.1. Looking forward to the second cycle of the Universal Periodic Review .....	61
4.2. The interaction of the Universal Periodic Review with the Special Procedures and the Treaty Bodies .....	66
4.3. The Universal Periodic Review and the proposed World Court of Human Rights .....	71
CONCLUSION .....	75
BIBLIOGRAPHY .....	79