
Annex 1

Methodology

Methodology for themes

The HRU reviewed all UPR recommendations received by Commonwealth countries in 2008 and 2009 and categorised them into themes, where possible, or identified specific national cases. In total there were 111 themes and all are listed here for reference, with examples given for clarity where themes may be open to interpretation:

UPR recommendation/theme	Example/clarity
Anti-corruption	
African peer review mechanism	
Boat people/vulnerable groups	
Case of Teonea v Kaupule	
Caste	
Central Kalahari game reserve communities	
Child labour	
Child soldiers	
Children's rights	
Chittagong hill tracts accord	
Clemency petitions	
Climate change/environment	
Conflict resolution	
Constitutional reforms	
Consumer rights	
Corporal punishment	
Counter-terrorism and human rights	

Civil and political rights	Theme was used where recommendation referred generally to 'civil and political rights'.
CSOs	
Custom and human rights	e.g. 'Take more concrete measures with a view to fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious backgrounds' (Islamic Republic of Iran during the UPR of Brunei Darussalam).
Death penalty	
Democratisation process	e.g. 'To continue the democratisation process on which it has embarked so courageously' (Holy See during the UPR of Tonga).
Detainee rights	
Disappearances	
Domestication	
Durban review conference	
Economic and financial crimes	e.g. Pursue its efforts in order to ensure the efficient working of the Economic and Financial Crimes Commission (Côte d'Ivoire during the UPR of Nigeria).
Emergency regulations	e.g. 'As the nominal state of emergency has unintended consequences for government accountability, review it and produce a timetable on how it might be ended' (UK during the UPR of Brunei Darussalam).
Equality and non-discrimination	
Economic, social and cultural rights	Theme used where recommendation referred generally to 'economic, social and cultural rights'.
Extra-judicial killings	
Fair elections	

Fair trial

Freedom of assembly/association

Freedom of expression/opinion

Freedom of movement

Freedom of the press

Freedom of religion

Gender equality

General e.g. 'Continue its endeavours towards better serving its people by securing a higher standard of human rights' (Turkey during the UPR of Tonga).

Genocide

HIV/AIDS

HR and armed conflict

HR education/awareness
raising/training

HR monitoring/OHCHR presence

HRC

Human Rights Defenders

Humanitarian assistance

ILO conventions

Indigenous rights

Internal Security Act

Internally displaced persons

International standards e.g. 'Implement international human rights obligations within Federally Administered Tribal Areas and refrain from detention that contravenes international standards of due process' (Canada during the UPR of Pakistan).

Justice

Juvenile justice

Labour rights/decent work

Land rights

e.g. 'Provide access to land and support for the residents of the Reserve, as specified in the United Nations Declaration on the Rights of Indigenous Peoples, and work with the land boards of the various districts to ensure equity in land allocation' (Denmark during the UPR of Botswana).

Marriage rights

Including polygamy, forced marriage.

Millennium Development Goals

Migrant rights

Minority rights

National action plan

National institutions

NHRIs

Ombudsman

Peace process

Poverty reduction and eradication

Prison conditions/standards

Racism

Ratifications

Refugee/asylum seekers' rights

Religious tolerance

Representation of the People's Act

Resources to address human rights

Right to education

Right to food

Right to health

Right to housing

Right to information

Right to life

Right to property

e.g. 'Protect Mayan customary property rights in accordance with Mayan customary laws and land tenure in consultation with affected Mayan people of Toledo district' (Slovenia during the UPR of Belize).

Rights of persons with disabilities

Rights of religious minorities

Rights of senior citizens

Rights of young people

Rome statute

Rule of law

Safe drinking water and sanitation facilities

Sectarian violence

Sexual education

e.g. 'Formulate a national policy on sexual education' (Finland during the UPR of Malta).

Sexual orientation

e.g. 'Follow the Council of the European Union Asylum Qualification Directive in future cases with regard to sexual orientation as a ground for asylum-seeking' (Canada during the UPR of UK).

Sexual offences

e.g. 'Strengthen enforcement legislation and programmes regarding prohibition of commercial sexual exploitation of children' (Philippines during the UPR of Canada).

Share experience

e.g. 'Share experience and efforts on religious harmony' (Sudan during the UPR of Cameroon).

Sharia law

Special procedures

State agents

Technical assistance

e.g. 'Seek the support and advice of the various United Nations agencies in order to meet its international commitments in the protection and safeguarding of human rights' (Mexico during the UPR of The Bahamas).

Torture

Tourism

e.g. 'Continue to reinforce its jurisdiction in relation to the human rights of consumers in general and more particularly as applicable to the tourism sector' (Morocco during the UPR of Malta).

Treaty bodies

Treaty of Waitangi

Tribal rights

Turkish–Cypriot relations

UN human rights mechanisms

UPR follow-up

Violence against women

Violence against women includes all recommendations pertaining to female genital mutilation, rape in marriage, domestic violence, rape, trafficking.

Victims support

Vulnerable groups

e.g. 'Take measures to ensure access to humanitarian assistance for vulnerable populations and take further measures to protect civilians, including human rights defenders and humanitarian workers' (Ireland during the UPR of Sri Lanka).

Withdrawal of reservations

Women's rights

Yogyakarta principles

Methodology for theme break-down

Every recommendation submitted to the state under review was analysed to identify the themes raised. Each recommendation did not necessarily equate to one theme, because in many instances recommendations received by the state under review relate to multiple themes. For example: Take measures to eliminate corporal punishment as a legitimate sanction in the law and to discourage its use in schools with a view to its eventual and total abolition, conduct public awareness initiatives to change people's attitudes to corporal punishment.

In this particular recommendation, two themes were identified: corporal punishment and awareness raising on the issue.

A total number of 111 themes were identified in this process. The table below displays the 111 themes against the 25 Commonwealth countries that underwent the UPR working group in 2008 and 2009. The table shows only the themes that were raised in the recommendations, but does not give a count of the number of times each theme was raised.

For the purposes of graphical representation, the 111 themes were grouped under eight headings, as follows:

- 1) International treaties and standards
- 2) National/international process and mechanisms
- 3) Specific national cases/national legal and constitutional concerns
- 4) Civil and political rights and freedoms
- 5) Economic, social and cultural rights and freedoms
- 6) Human rights principles
- 7) Special groups
- 8) Other

UPR recommendations – levels of action

In pursuing analytical research on the UPR, the Secretariat has found it useful to draw upon a ranking according to the level of action required by the recommendation in question. This method was developed by Professor Edward McMahon of the University of Vermont and UPR Info, an NGO based in Geneva. The methodology involves an assessment of the first verb and the overall action contained in the recommendation and ranks it on a scale from 1 (minimal action) to 5 (specific action). The following is taken from the UPR Info website:²⁷

²⁷ www.upr-info.org

	The Bahamas	Bangladesh	Barbados	Belize	Botswana	Brunei Darussalam	Cameroon	Canada	Cyprus	Dominica	Ghana	India	Malaysia	Malta	Mauritius	New Zealand	Nigeria	Pakistan	South Africa	Sri Lanka	Tonga	Tuvalu	United Kingdom	Vanuatu	Zambia
Anti-corruption	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
APRM																									
Boat people / vulnerable groups													X												
Case of Teonea v Kaupule																									X
Caste												X													
Central Kalahari Game Reserve Communities																									
Child labour	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Child soldiers													X												
Children's rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Chittagong Hill Tracts Accord	X																								
Clemency petitions																									
Climate change/environment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Conflict resolution																									X
Constitutional reforms																									
Consumer rights																									
Corporal punishment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Counter terrorism and human rights																									
CP rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
CSOs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Custom and HRs																									
Death penalty	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Democratisation process																									
Detainee rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Disappearances	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Domestication	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Durban review conference																									X
Economic and financial crimes																									
Emergency regulations																									X

	The Bahamas	Bangladesh	Barbados	Belize	Botswana	Brunei Darussalam	Cameroun	Canada	Cyprus	Dominica	Ghana	India	Malaysia	Malta	Mauritius	New Zealand	Nigeria	Pakistan	South Africa	Sri Lanka	Tonga	Tuvalu	United Kingdom	Vanuatu	Zambia
Equality and non-discrimination	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
ESC rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Extra judicial killings																X									
Fair elections																									
Fair trial					X								X												
Freedom of assembly/association					X								X									X			
Freedom of expression/opinion					X								X									X			
Freedom of movement								X																	
Freedom of press					X								X									X			
Freedom of religion		X			X								X									X			
Fundamental freedoms					X								X									X			
Gender equality		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
General		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Genocide					X																				
HIV/AIDS	X	X	X	X	X				X													X			X
HR and armed conflict																						X			
HR education / training / awareness raising	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
HR monitoring / OHCHR presence																						X			
HRC					X								X	X	X	X	X	X	X	X	X	X	X	X	X
Human Rights Defenders	X				X								X									X			
Humanitarian assistance																						X			
ILO conventions	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Indigenous rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Internal Security Act					X								X												
Internally displaced persons								X														X			
International standards		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Justice	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Juvenile justice	X	X			X								X									X			X

	The Bahamas	Barbados	Belize	Botswana	Brunei Darussalam	Cameroon	Canada	Cyprus	Dominica	Ghana	India	Malaysia	Malta	Mauritius	New Zealand	Nigeria	Pakistan	South Africa	Sri Lanka	Tonga	Tuvalu	United Kingdom	Vanuatu	Zambia
Labour rights/decent work	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Land rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Marriage rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MDCs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Migrant rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Minority rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NAP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
National institutions	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NHRIs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ombudsman	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Peace process	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Poverty reduction and eradication	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Prison conditions/standards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Racism	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ratifications	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Refugee/asylum seekers rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Religious tolerance	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Representation of People's Act	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Resources to address HRs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to education	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to food	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to health	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to information	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to life	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Right to property	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rights of persons with disabilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rights of religious minorities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	The Bahamas	Bangladesh	Barbados	Belize	Botswana	Brunei Darussalam	Cameroon	Canada	Cyprus	Dominica	Ghana	India	Malaysia	Malta	Mauritius	New Zealand	Nigeria	Pakistan	South Africa	Sri Lanka	Tonga	Tuvalu	United Kingdom	Vanuatu	Zambia
Rights of senior citizens																									
Rights of young people																									
Rome Statute																									
Rule of law																									
Safe drinking water and sanitation facilities																									
Sectarian violence																									
Sexual education																									
Sexual orientation																									
Sexual offences																									
Share experience																									
Sharia law																									
Special procedures																									
State agents																									
Technical assistance																									
Torture																									
Tourism																									
Treaty bodies																									
Treaty of Waitangi																									
Tribal rights																									
Turkish Cypriots relations																									
UN HR mechanisms																									
UPR follow-up																									
VAW: inc FGM, RIM, DV, Rape, trafficking																									
Victims support																									
Vulnerable groups																									
Withdrawal of reservations																									
Women's rights																									
Yogyakarta Principles																									

Categories

1. Recommendation directed at non-state under review states, or calling upon the state under review to request technical assistance or share information (example of verbs: call on, seek, share).
2. Recommendation emphasising continuity (example of verbs: continue, maintain, persevere, pursue).
3. Recommendation to consider change (example of verbs: analyse, consider, envisage envision, explore, reflect upon, revise, review, study).
4. Recommendation of action that contains a general element (example of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures or steps towards).
5. Recommendation of specific action (example of verbs: conduct, develop, eliminate, establish, investigate, undertake, as well as legal verbs: abolish, accede, adopt, amend, implement, enforce, ratify).

Principles

When there is an equal rationale for two different actions in a recommendation, emphasis is generally placed on the first one.

When a recommendation is starting with two verbs, the second one is taken into account.

Example: '*Continue and strengthen*' – category 4.

When a recommendation starts with a general action, but then provides examples of specific actions, it is considered as category 5. Example: 'Improve women's rights by amending the family code'.

The Secretariat accepted this formulation for assessing UPR recommendations. These levels of action have been used by the HRU for all recommendations received by Commonwealth countries. Then we compared the levels against the responses the countries gave to those recommendations (accepted, rejected, pending/unclear, noted).

Responses to recommendations

The HRU also chose to look at the responses given by the state under review to the recommendations received. HRC Resolution 5/1 states that 'Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations,

together with the comments of the State concerned thereon, will be noted.' Despite this provision, states' response to recommendations have not always been clear. In light of this, we have chosen to group responses as follows: accepted, rejected, noted/unclear, pending. The responses have been taken from statements made by the state under review during any stage of the UPR working group or in oral statements or written submissions made at the time of the UPR plenary session.

Accepted is used only where a state has given a clear indication of acceptance of a recommendation, including phrases such as 'accept', 'supports' and 'enjoy the support of'. An example of this is: *X accepts all recommendations, except those mentioned in section D.*

Rejected is given as a position where states have provided clear indications that a recommendation is not accepted, including phrases such as 'reject', 'not accepted' and 'does not enjoy the support of'. An example is: *X does not accept the recommendation to consider ratifying the remaining two fundamental ILO conventions.*

Noted/unclear is used to indicate where states have not offered a clear position of their response to recommendations or where the response given was ambiguous in terms of explicit acceptance or rejection. An example is: *X takes note of recommendations 12 and 13.*

Some states have chosen not to give an outright response of acceptance or rejection to a recommendation during any stage of the UPR working group, and instead state that the recommendation is noted/unclear. We do not interpret this recommendation to be accepted or rejected; instead, this is seen as no position being given and that the state in question is reserving judgement.

Pending is used where states have either not provided the HRC with an individual response to the recommendation in question.

As mentioned above, the responses given by states to recommendations are sometimes unclear and this topic has been the subject of much discussion, particularly in the run-up to the review of the HRC and its mechanisms. Therefore, while the Secretariat follows the methodology above for determining a state's response to the recommendations received, the determination does not necessarily reflect the official position of individual states.

The HRU makes a determination of state responses from statements and written contributions made to the HRC, including the UPR working group, the UPR plenary session and addendum documents.