



CIVIL SOCIETY GUIDE

Monitoring and follow-up of the China Universal Periodic Review (UPR)



ISHR

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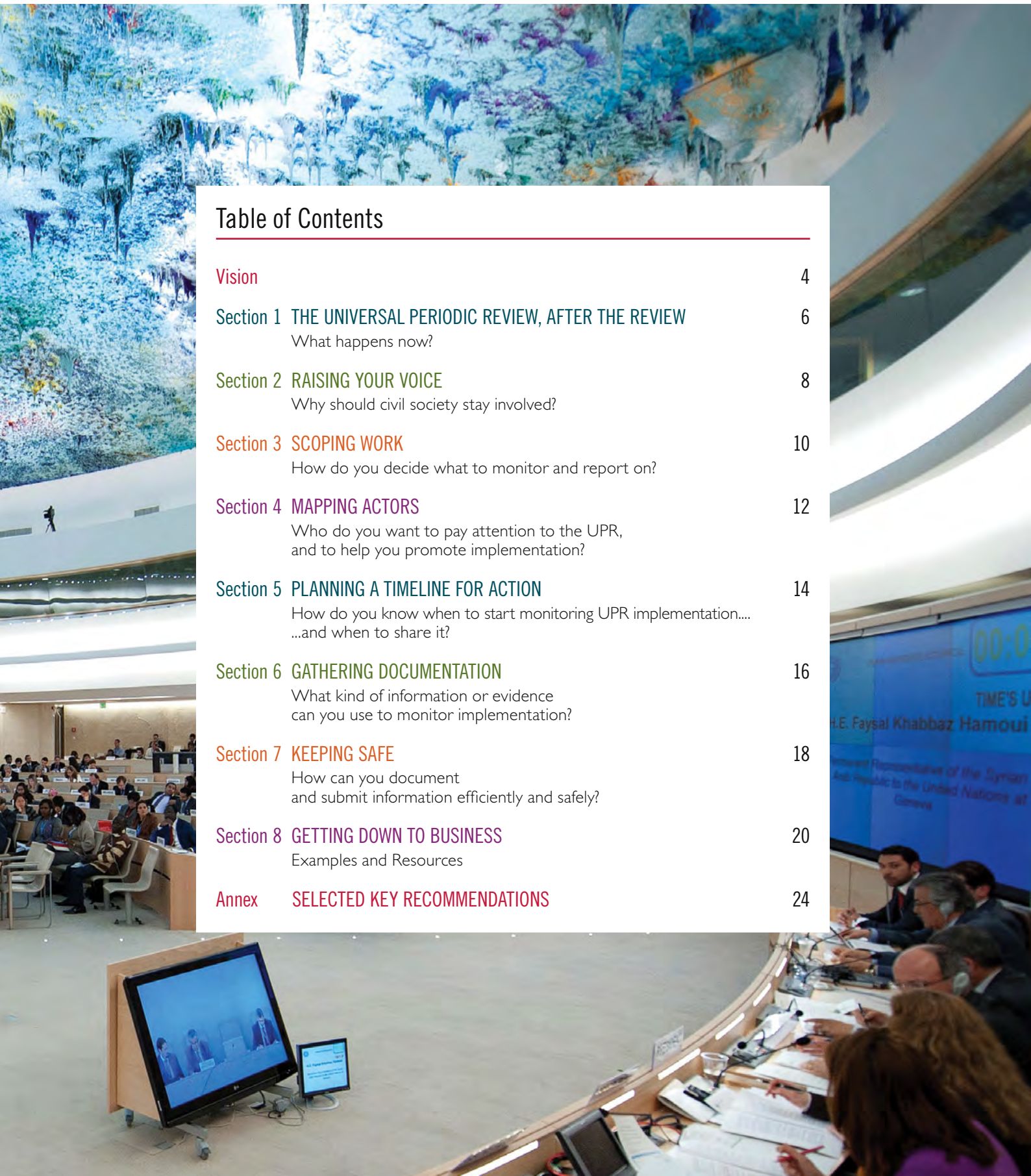


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VISION

Every day, people in China are working to make public employees more accountable, their society more inclusive, factories safer for workers, schools safer for students, and homes and public spaces safer for everyone, regardless of gender.

CONTEXT



In November 2018, the Chinese government underwent its third **Universal Periodic Review**, or UPR – a process by which

it presents its progress on all human rights to the international community, and receives recommendations from other governments for actions to take to continue to improve. During the review, China received 346 recommendations from 150 countries; in March 2019, the government agreed to accept 284 of them, with a number noted as 'accepted and already implemented'. In other words, the government has now made a commitment to take action on – or to continue to take action to comply with – recommendations on important human rights issues.

The High Commissioner for Human Rights, Michelle Bachelet, **sent a formal letter to the government of China in April 2019¹** to follow up on this review. It encourages them to **make progress over the next four and a half years** in specific areas, including cooperation with the UN system; an 'enabling environment' for civil society, where groups and organisations can carry out work, including on human rights, without facing threats or barriers; and the rights of religious and ethnic minorities. It also strongly encourages the government to submit a mid-term report on follow-up to the review by 2021.

IMPORTANCE OF CIVIL SOCIETY REPORTING



The government's official report is an essential part of the UPR process, along with reports from the

UN and from 'other stakeholders' – civil society groups, academia, communities, etc. These three reports form the basis for the main review – and therefore are important inputs to other governments about the key issues.

But what happens next?

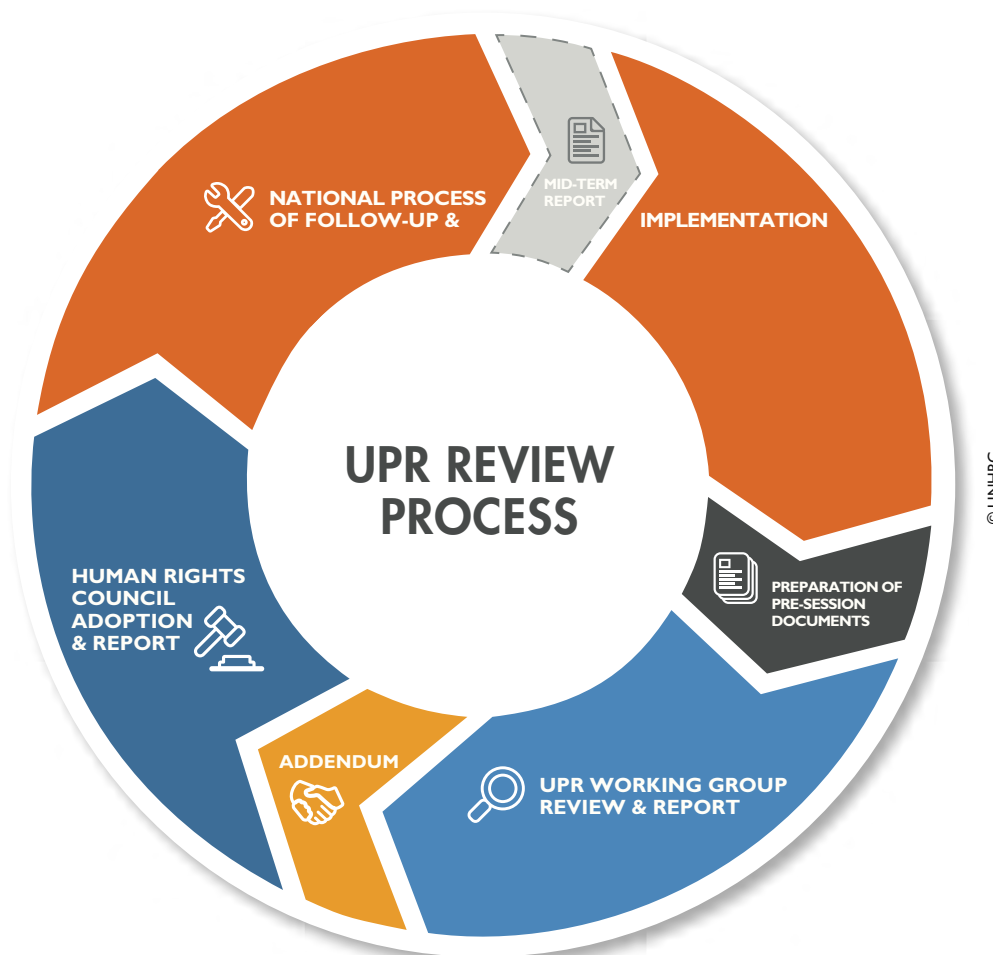
There is currently no requirement that States submit any reports documenting progress, until the beginning of the next cycle. Many States do send the UN a **mid-term report** anyway. These include not just economically developed countries, or countries with good human rights records, but a wide range of countries from every region of the world, and many different levels of economic development. Civil society can try to encourage governments to submit an interim report, highlighting it as an important practice for accountability. However, many governments still refuse to do this voluntarily, because they see it as too much work, or unnecessary, or because they think the UN should not 'interfere' in their internal affairs – which in their views include human rights.

In this context, **the role of civil society in follow-up reporting**, especially in the context of the 'UPR mid-term', is particularly important in contributing to timely and effective implementation.

What can human rights groups and civil society groups inside China, and those who support their work from outside the country, do to ensure that there is consistent reporting and that they draw attention to the successes and challenges of the Chinese government in implementing UPR recommendations?

“Many countries have accepted context-specific and precise recommendations [on these issues] by international human rights mechanisms such as the Universal Periodic Review. What we need now is action to follow through on those commitments.”

Michelle Bachelet
UN High Commissioner for
Human Rights (6 February 2020)



WHY A CIVIL SOCIETY GUIDE, AND WHO CAN USE IT?



In order to address the question of monitoring and reporting, and building on the work of other civil society groups to assist in UPR reporting, ISHR has compiled this UPR Civil Society Guide. The aim of the Guide is to provide a plain-language overview of the 2018 UPR of China, identify priority areas for follow-up reporting, and share strategies for accessing information and conducting advocacy.

Targeted at NGOs, researchers, and social and policy advocates, this guide encourages these individuals and groups to engage with the UPR throughout the full cycle.

As a result, this Guide hopes to contribute to **increased quantity, quality and effectiveness of civil society reporting – from monitoring, to mid-term reporting, to formal submissions** – over the next five years, until the next review of China.

Groups who conduct training with Chinese human rights defenders (understood to be anyone working to protect and promote human rights in and in relation to the People's Republic of China, whether Chinese national or not) are especially encouraged to use this Guide as a resource in their trainings and consultations. It may also be effective as an **education tool** for civil society to use with diplomatic and media contacts who want to learn more about the UPR process.

This is an **open resource**; ISHR is committed to making possible its translation into a broad range of languages used by defenders of human rights in China. ISHR also encourages groups who are based in non-Chinese/non-English settings, particularly those who were active in reporting during China's 2018 UPR review, to consider whether the Guide should be translated into local working languages, for example Spanish, French or Portuguese.



Our role as human rights defenders in these processes is to act as a sort of conduit – amplifying the voices of those at risk of not being heard; raising sometimes difficult issues; defending those whom others seek to silence."

Michelle Bachelet
UN High Commissioner
for Human Rights (2 October 2019)

THE UNIVERSAL PERIODIC REVIEW, AFTER 'THE REVIEW'

WHAT HAPPENS NOW?

It might seem like after the UPR process happens in Geneva, it's over for the next five years. But this isn't true!



All the information you collected in preparation for the review is still useful, and so are the contacts. Here are some ideas for how to make the impact of the UPR's formal meetings and documentation last longer and be **more meaningful for people on the ground**. Even though the government will not have to report, if you are keeping track – and using the mid-term reporting process yourself – it ensures there is still attention to important human rights challenges.

Did you engage with the Chinese government ministries, party organs or other authorities in the preparation of the UPR?

- What issues did the government include in **their oral statement to the Council**?² This can be a good opportunity to restart conversations about the UPR process.
- It can be useful to present what you see as key recommendations to the relevant ministries, at the **central level** and, just as importantly, **provincial levels**.
- Depending on your area of work, familiarising yourself with other plans, such as efforts for Green Credit of Healthy China 2025, can help provide a different way of talking about the value of advancing UPR objectives.
- In her letter to the Ministry of Foreign Affairs in April 2019, the High Commissioner strongly encourages the government to establish a **formal mechanism to report and follow-up**³ on the recommendations, and offers technical assistance from her Office (the OHCHR) to that end. You may ask the government what steps they have taken to start such a process, and to what extent have they been engaging with OHCHR.

Did you try to lobby (or advocate with) some diplomats to influence their recommendations?

- Get back in touch with those diplomats and ask to hear about their views on the process. What did they think about China's behaviour – was the government meaningful in its dialogue? Did they feel that they were successful in making their recommendations?
- If you know that a government's recommendations were accepted, you can ask them how they will support the implementation. You can encourage them to include this in their **bilateral discussions**, especially if there is a Human Rights Dialogue between that country and China.
- You can also encourage them to **provide some support to civil society organisations** who are working in the thematic areas in relation to which they made recommendations – the work of these groups can help improve respect for human rights and contributes to successful implementation of government commitments!
- Some of the most challenging issues for human rights defenders – freedom of association or expression, torture, etc. – were accepted, and supposedly "already implemented". Give the recommending diplomats your view on how true this is, and what they can do to keep up the pressure;

“My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all relevant stakeholders, in particular civil society organisations, and where necessary, with the support of international organisations....”

Letter by Michelle Bachelet,
UN High Commissioner for Human Rights,
to the Foreign Minister of China (29 April 2019)

This also is a good chance to ask them to make more concrete, **'SMART' (Specific, Measurable, Achievable, Relevant, Time-bound)** recommendations in the next cycle, since these are much easier to monitor than vague or ambiguous recommendations.

- Even if the recommendations were not accepted by China, the governments should still be urging China to take steps, and using opportunities **to encourage publicly and privately**. For example, maybe the government is not willing or able to fully implement a recommendation, but can consider a partial implementation.
- Which governments have submitted mid-term reports? You can ask them to encourage China to do the same, in line with best practice, to help make information about implementation of the UPR more transparent and public.

Did you collaborate with a UN agency in China as they prepared their inputs for the UPR?

- You can inform UN agencies about China's new commitments, especially if relevant to their area of expertise. You can also share views about the UN report, and where you think it would be good for them to track and monitor implementation and progress.
- They might be able to **host a meeting with key government agencies**, and introduce the UPR recommendations. Even though the Ministry of Foreign Affairs has the 'lead' in speaking at the UN about the government's human rights record, a lot of other ministries will be responsible for actually making changes to regulations or policies.

- On some issues which are less sensitive, there may be opportunities to **seek funding for projects** that are aligned with the UPR recommendations the government has accepted.

Do you think your UPR submission is really good, and you have new information to add?

- Whether or not your own report influenced the recommendations governments made to China, you've already done a lot of work. Think about whether you can **edit or 'up-cycle'** the report, maybe using it to share information with other UN mechanisms (for example, the [Treaty Bodies⁴](#) or [Special Procedure experts⁵](#) – which you can learn more about [here⁶](#)). Especially if you're disappointed with the outcome through the UPR process (which is mostly governments making recommendations to other governments), these independent experts might be better able to respond to your advocacy and, as a result, issue more detailed or robust recommendations.

- If you prepared fact sheets on human rights issues to share with governments before the UPR, those fact sheets can be used in the monitoring phase as well as in your engagement with other UN mechanisms.
- Even if you were **not** able to consult with UN agencies beforehand, you may see that there are recommendations that fall within their area of work (for example, labour issues would be advanced by the International Labour Organisation (ILO), or gender issues by UN Women). If you did a UPR submission, you can send it to these agencies **along with the recommendations China accepted**, and encourage the agency to involve civil society when thinking about how to talk with relevant ministries or assist them in implementation.



SECTION 2

RAISING YOUR VOICE WHY SHOULD CIVIL SOCIETY STAY INVOLVED?

As you probably know, the UPR is based on three documents:



This means that even if the government provides only positive information, or doesn't give enough statistics, or overlooks certain issues, there is a chance for both the UN and civil society to fill in the gaps. If the UN summary report seems vague, **civil society reports can supplement** this expert information with facts and testimonies from the ground. During the preparation for China's third UPR review, many groups from around the globe prepared and formally submitted reports.¹⁰

The information for the review itself must be submitted early, and so it can become outdated very easily. This is where information on follow-up and monitoring implementation is so important.

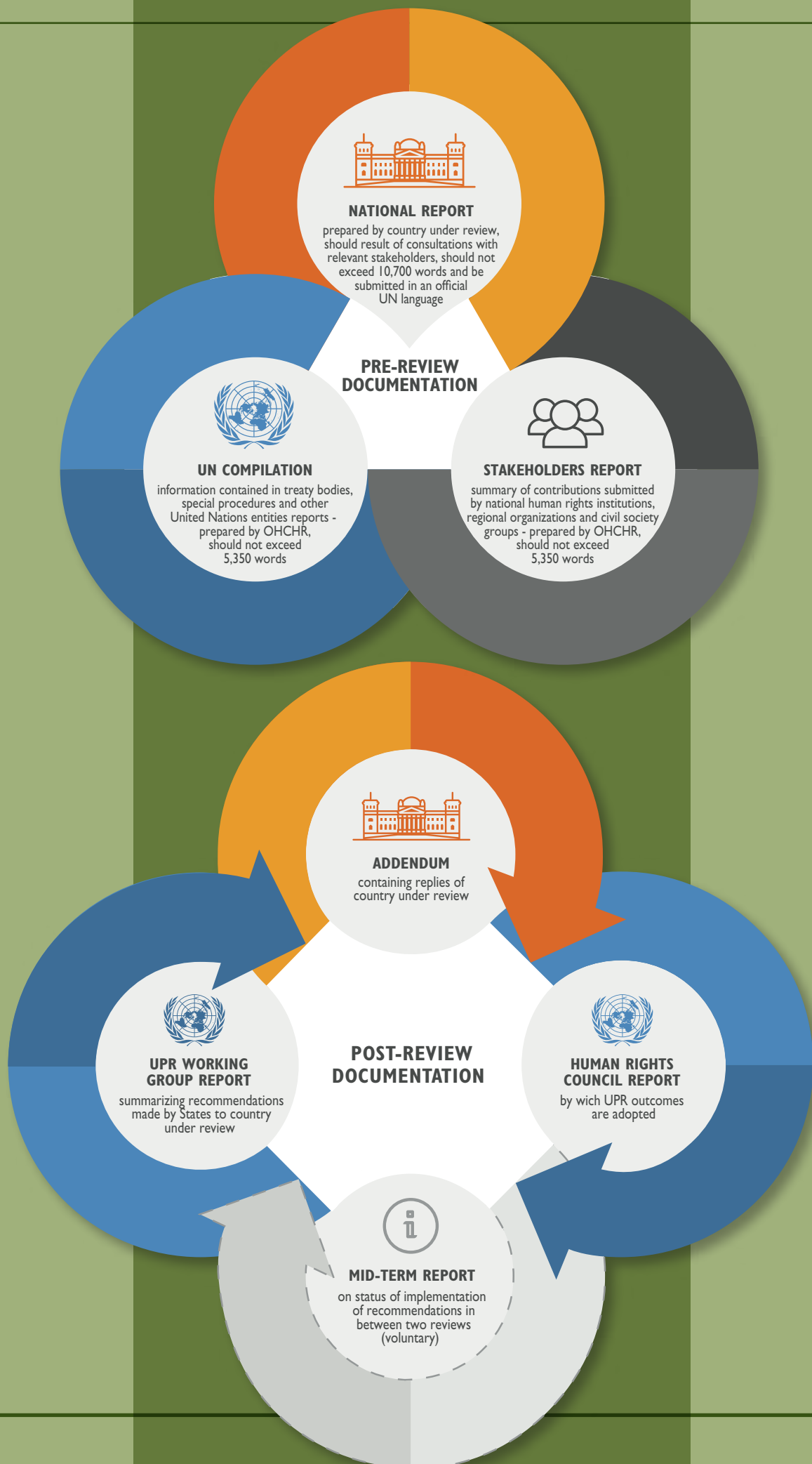
When doing research, you may have noticed there was a lot of information available about the extent of progress by the government in between the 2nd and 3rd UPR reviews (you can check out the UN's official report to see it all).

This is because between the 2nd and 3rd UPR reviews, in other words **between 2013 and 2018, China underwent five other reviews**, by the expert committees responsible for assessing compliance with international human rights treaties: these are known as the 'treaty bodies'. This contributed substantially to the information available about rights protection for key populations, or related to key issues; it also meant that the summary report from the UN was long and had information about serious challenges in human rights.

Many civil society actors contributed to these treaty reviews, so there is a lot of comprehensive information to help the international community understand if and how China is progressing on human rights.

However, during the third cycle (2018-2023), things will be a little different. Because of the reporting schedule of the treaty body committees, and a lot of delays in processing reports even if they are submitted on time, there is no guarantee that there will be as many, or as comprehensive, reviews by the treaty bodies. As a result, the **UN summary report for the 4th UPR might not be as detailed**. In practice, this could mean that the report overlooks some important issues about women's equality, rights of the child, rights of ethnic minorities, or concerns about torture and due process rights and economic, social and cultural rights.





SCOPING WORK

HOW DO YOU DECIDE WHAT TO MONITOR AND REPORT ON?

- 1 Open the **report of the UPR Working Group¹¹** and its **Annex.¹²**
- 2 Read.
- 3 Read.
- 4 Read. And think about highlighting the ones most relevant to your work.



One thing you can learn from reading the recommendations made to China in November 2018 is that China accepted many – 284 of 346! – but in many cases said, **'Accepted and already implemented'**. This was their answer to many of the very challenging issues that are essential to human rights defenders and civil society groups, like freedom of expression or association.



Any suggestion that the recommendations have 'already been implemented' is simply 'unwarranted, unfounded and unsubstantiated...Foreign governments would not have made the recommendations otherwise. Let alone, would civil society have advocated for so hard and so long if human rights concerns were just a misunderstanding?"

Spokesperson
for the Hong Kong
UPR Coalition, 2019

Does this mean the government doesn't have a commitment to show that they are implementing this, and to do it better?

No.

Can you use these recommendations to start talking with other governments about their efforts to protect human rights and best practices in addressing issues that are important to you, as well as share your views of China's record?

Yes.

Monitoring implementation while the UPR is still fresh in your mind is a good way to build a relationship with diplomats and other NGOs. You can thank the diplomats from governments you think made useful recommendations, and ask questions to those who made recommendations you don't understand or that were weak. You may find that, because diplomats change positions frequently, you know more than they do about specific human rights issues in China, and the work the UN has done to address them. You can use this to help them learn more.

Is this a guarantee that there will be steps taken to implement these recommendations?

Absolutely not.

These are issues that deserve a high level of engagement. Some countries may not know the truth, and may think that the government really has made efforts to implement these recommendations. What you work on and what you experience as a defender is a really important piece of information to ensure that governments **understand the whole story.**

Another thing you will find is that **many countries think China is doing a good job in protecting human rights.** Most of them made recommendations that start with 'Continue' or 'Enhance'. Others ask China to 'step up' efforts. Of course, the government accepted all of these, since they are more favourable and imply China is already working to take action on these human rights.

However, you can still find ways to use these recommendations, and measure government progress, if you think that it will help your advocacy.

If you want to focus on an issue where the recommendations say 'continue to,' you can start by highlighting any **difference between what the government says it is doing** – in its UPR report, or in other UN reports, or in the news – **and what your experience is.** This is even more important to focus on and document if, instead of helping to improve the protection of rights, the government is actually attacking rights.

Finally, you'll see a lot of strong recommendations that the Chinese government has '**noted**'. In the eyes of the government, they were not acceptable because they were from 'Western governments' or are 'politicised' – but often, this just means that these recommendations were very specific, measurable, actionable, realistic and time-bound... or what we call 'SMART' (and there's more about this in the Resources section!)

Does the government technically have an obligation to implement these?
No.

Should you therefore ignore them, or think that you cannot use them as a tool?
No!

Can you still use these recommendations to try and improve your work on certain human rights themes?
Absolutely.

Even though the Chinese government has not 'accepted' a recommendation, the State that made the recommendation went through a lot of internal procedures and decision-making to choose its words. That means that this State, to a certain extent, also has a **commitment to continue focusing on this theme in its discussions with the Chinese government** – even outside of the UPR!



SECTION 4

MAPPING ACTORS WHO DO YOU WANT TO PAY ATTENTION TO THE UPR, AND TO HELP YOU PROMOTE IMPLEMENTATION?

Monitoring the implementation of commitments made through the UPR serves many purposes.

- First, it can **raise awareness** about the fact that the government has engaged in this process, and that it should continue to do so in a transparent and responsible manner which includes taking credible steps to meaningfully address key areas of concern.
- Second, it can **provide tools for advocacy**, a practice which aims to provide information to the government to change its behaviours for the better and improve protection for human rights.

Here are some questions to get you started with a mapping of key stakeholders – who can help increase the importance of human rights issues and influence the Chinese government's behaviour to protect and promote these rights:

- **Legal reforms**

If there are **new laws or amendments** being considered at the level of your province, at the National People's Congress or at the Chinese People's Political Consultative Conference, can you contribute during the public comment period? Are there other allies who can provide research or other materials to the drafting committee?

- **Regulatory reform**

For issues that are under the mandate of particular ministries, is there a chance to encourage the adoption of **administrative measures**?

- **Government engagement**

Do you have better access or connection with officials in your home province? Although many recommendations are focused on the central government, provincial and lower level governments may also be inspired to change their practices because of this process – it is important that there be coherence in the approach to human rights, both between **central and local levels**, as well as between different provinces.

“

Some space does exist for LGBT advocacy, and international reviews, including UPR recommendations, can be incorporated into the domestic advocacy agenda.”

Chinese LGBTI activist





- **Academic engagement**

Are you a professor, or do you have connections with the education system? Academic institutions can **host conferences and help provide suggestions** for the detailed steps that would be necessary to implement key recommendations.

- **Other civil society engagement**

There may be other organisations that do not do advocacy, or that were not able to participate in the UPR. You can also try to organise with them, using some of the other actors we mention, **to help them learn about recommendations they can use in their work.**

This also applies to charities and foundations that might be interested in supporting more service delivery or action to work with government to meet the new UPR commitments.

- **UN engagement**

What are the main UN agencies that work on your issues – do they know about the recommendations that you think are important? The UPR in many countries can be a tool for structuring the focus areas for technical cooperation and dialogue between the UN Country Team and the host government.

- Are you familiar with the UN Sustainable Development Goals (SDGs)¹³? You can focus on these goals, which are broadly welcomed by governments, and align them with recommendations received through the UPR. Issues like gender equality, education, employment and environment are very important for both the development and the human rights agenda, and **making reference to the SDGs**¹⁴ may get a better response from government actors.

There may not be an established practice of dialogue with different kinds of civil society organisations, so it may take some time to build trust, but **every UN agency has a responsibility to work in line with the UN Charter, including for the protection and respect of human rights.**

- **Diplomatic engagement**

Which **embassies and consulates** in China represent countries that **made recommendations** that are aligned with your issues? Which foreign governments made strong recommendations, even if not focused on a human rights situation that you work on? In both cases, you may want to consider regular updates to these countries, emphasising the recommendations they made as a commitment to further engagement – whether or not they were accepted.

/ If you want to work on many topics, or on a very complex issue, you may end up with a long list for outreach; this may not be the best use of your time. Think about whether there is a way to focus on a smaller number of governments, or to work with other groups to share the work of briefing diplomats between many organisations.

/ **Ministries of foreign affairs** (in capital cities) and **diplomatic missions in Geneva** also have an important role to play. They often make important decisions about which recommendations to focus on, and can use your information in other ways – not just in the context of the UN.

- **Media engagement**

Do you have a **compelling story to tell**? Media outlets may be interested in hearing about your reports, what the government's commitments are, and why you think monitoring is so important.

- **Business engagement**

Are there recommendations that relate to the work of businesses? You may want to discuss possible implementation of recommendations on the **corporate responsibility of Chinese companies operating overseas**, or foreign companies operating in China, in particular when these have adopted human rights due diligence policies.

PLANNING A TIMELINE FOR ACTION

HOW DO YOU KNOW WHEN TO START MONITORING UPR IMPLEMENTATION...

As individuals and organisations who work on human rights and look for ways to use UN opportunities, we know it can be hard to find out what the right timing is. And it can be even harder to prioritise, when sometimes there are so many deadlines so close together.

With the UPR, however, there are a few benefits:

- The UPR happens **only once every five years**. So you *know* that once a review happens, there is plenty of time to follow up.
- The **pledges made by the government** during the UPR are a great way to help guide your choice about what timelines you can use for monitoring – often, they include references to National Action Plans on Human Rights, or to other processes that have clear timelines. This can help guide your choice about what timelines you can use.
- At the end of the day, 5 years go fast! The deadlines for civil society to provide official inputs *into the next cycle of the UPR* are important, and usually made very clear by the OHCHR and by NGOs who work on the UPR process. But as a rule, you can usually assume that the **official deadline is between 6 to 8 months before the official review**. If you've been collecting information and monitoring regularly, though, you'll be well prepared to submit an official report.

During the full five years of the UPR implementation, you can also try to get information to the relevant authorities directly; sometimes academic groups or mainstream think tanks can host discussions on topics that will be included in the UPR.

More likely, you'll try to make sure other governments have the information they need to help them track how the government is progressing on recommendations they have made. They will then be able to use this to help them decide which recommendations to make in the next cycle.

In the context of China, it is also key to **prioritise which issues are most important** not just for your organisation, but for the governments who have made, or will make, recommendations to China. You can do this by meeting with diplomats to ask them directly; by talking to other academics or NGOs who are from that country; or simply by looking at other recommendations the government has made (not necessarily to China).

You may find some governments have a theme (like women's equality, or migrant workers, or **National Human Rights Institutions¹⁵**) that they see as a key part of their human rights policies.

“An important measure that contributes positively to follow-up action is voluntary mid-term reporting... in this regard, I encourage China to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.”

Letter by Michelle Bachelet,
UN High Commissioner for Human Rights, to the Foreign Minister of China (29 April 2019)



... AND WHEN TO SHARE IT?

There is no clear rule on when to submit information to governments – it's really up to you and depends on your own work plans.



For information you plan to share with the UN and the international community, there is a 'mid-point' to the UPR process, which is meant to be an opportunity for a **mid-term review or assessment**, even if this is not a formal part of the process. That means that so long as you submit information approximately halfway through the time that China has been provided for implementation, your report can be considered as a contribution to a mid-term assessment.

UPR mid-term reports by governments are considered a 'best practice', but are not required by the UN. **China has not voluntarily reported under the mid-term review, which makes reports from civil society even more important.**

In terms of providing information to other governments, it may be useful to provide information **ahead of visits to China by heads of State or other high-level officials**. Make sure you have a clear description of which recommendations you have looked at, and what data you are using to support your assessment - and that you have shared it early enough to give them time to prepare!

Another strategy commonly used is to take a look at the other UN calendars. There may be times when China will be reviewed by **UN Treaty Bodies**, and you can prepare your work based on this timeline. In this case, the report can be 'dual use' – meaning, you can do the work once, but use your analysis twice, or more, depending on the topic. Even if it is a few years ahead, as long as you know what recommendations China accepted that are similar to the theme, you can also use this material to help the international community understand whether China is implementing promises it made during the UPR, or not.

The strategy mentioned earlier of 'upcycling' or re-purposing a report will not work for all issues – especially complex or sensitive ones. For example, the UPR covers all human rights, even if a country has not ratified a human rights treaty; in China, for example, this means that in general, **only a UPR can include the rights protected in the International Covenant on Civil and Political Rights** – there won't be a formal review by a UN committee of the specific rights protected by that treaty, as it has not been ratified by China.

The due dates for China's reports to treaties, where the government must report on what they are doing to meet their **treaty obligations**, are:

- Committee against Torture:
China's report was due on 9 December 2019.
- Committee on Economic, Social and Cultural Rights:
China's report was due on 1 May 2019.
It was submitted on 19 December 2019.
- Committee on the Elimination of Discrimination against Women:
China's report was due on 1 November 2018.
- Committee on the Rights of the Child:
China's report was due on 31 March 2019
- Committee on the Rights of Persons with Disabilities:
China's report was due, and submitted on, 1 September 2018.



The substantive issues raised in UPR reviews often mirror the recommendations issued by the Special Procedures and Treaty Bodies, as well as by [OHCHR]. Together, they form a cross-section of critical human rights gaps at the country level, which, if addressed, will build more resilient societies, and sustain development and peace."

Michelle Bachelet, UN High Commissioner for Human Rights (15 October 2019)

DATA GATHERING AND DOCUMENTATION: WHAT KIND OF INFORMATION OR EVIDENCE CAN YOU USE TO MONITOR IMPLEMENTATION?

Many of the materials that you use on a daily basis, as you do your human rights work, can be useful in documenting implementation of UPR recommendations. These could include official documents such as:

- official updates or reporting against **National Action Plans** on relevant issues
- **public records of measures or regulations** promulgated by the government at provincial and local levels, including budgets and other resource allocations
- publicly-available **court records** and databases of verdicts
- **official administrative or civil notifications**, such as from civil affairs, judicial or security organs, or official medical reports
- **State media reports** about relevant policies or important speeches that have an impact on the issues you work on
- **policy and political directives** within work units or professional associations
- **research reports and circulars** shared by public agencies or institutions, such as the State Council's Information Office
- databases that provide access to raw data, papers and other research from Chinese **academic institutions**
- **announcements from public or private companies** about denials of services or sales to individuals
- **reports from training activities** provided by other governments, intergovernmental organisations, etc.
- other information that the public can obtain through **Open Government Information** and other administrative procedures

“

The UPR also casts a spotlight on injustices, violations and abuses, which require action.”

Michelle Bachelet,
UN High Commissioner for
Human Rights (24 February 2020)



Useful materials also include research findings and data-gathering from civil society:

- **results of surveys or interviews** with affected communities or individuals, or groups of officials
- **social media posts** from human rights organisations and individuals
- **written accounts, videos and photographs** shared within trusted networks



IMPORTANT NOTE

Remember to remove or mask personal data that allow identification of an individual (such as identity card number, birthdate, address, full name, ...) in materials that will be shared publicly.



Many materials that we save digitally are hard to verify, store and maintain.

Using specialised applications, separate hard-drives, password-protected cloud accounts, or other means of increasing the **digital security** and integrity of this information can be an important strategy. Taking these steps can also help to protect the security of the devices that you use to store or access the information (this means your laptop, tablet, cell phone, etc).



It may be difficult to use all the information you collected, and you may have doubts about the accuracy of statistics provided by the government. Sometimes, you may also find that the statistics provided by the government don't even give you the kind of information you need – for example, they are rarely disaggregated (by income, ethnicity, region, etc). In these cases, it is helpful not only to use your data, but to **point out where official data or statistics are missing; inconsistent; or inappropriate for use.**



In other cases, it may be hard to make decisions about which recommendations to focus on for follow-up, and what to ask of governments, simply because there is so much information and so many options. It is really useful, especially if you are in a small group with limited resources, to **focus on those issues which you are best suited to follow-up on, or where you can add something that other groups cannot.** It might mean saying no to many developments and issues, but will in the long run be more helpful for you and for the people you are hoping to reach.



SECTION 7

KEEPING SAFE: HOW CAN YOU DOCUMENT AND SUBMIT INFORMATION EFFICIENTLY AND SAFELY?

Once you've decided what thematic issues you want to focus on, and what information you will be collecting, you're halfway there. But now, the challenge is to decide how to write these reports.

If you or your organisation already have a specific focus – say, on persons with disabilities, or on the death penalty – you can also borrow from reports that you will write for a domestic audience, or with university partners. **You are already doing important work at the national level, pushing for change.** Now, in addition to encouraging different actors in your own government to make reforms, you can also share that information with others.

Take stock of existing recommendations – which ones can be informed or assessed by the work that you are already doing?

If you are writing a report for other reasons – would this would be good information for follow-up to UPR?

Sometimes it can be hard to write a full report on your own. You might not have capacity; you might not have all the information; you might not be able to write fluently in English; or it might not be safe for you to do so. There are a few strategies that people have used successfully:



Partnering with law firms on a pro bono basis, or with academic institutions,

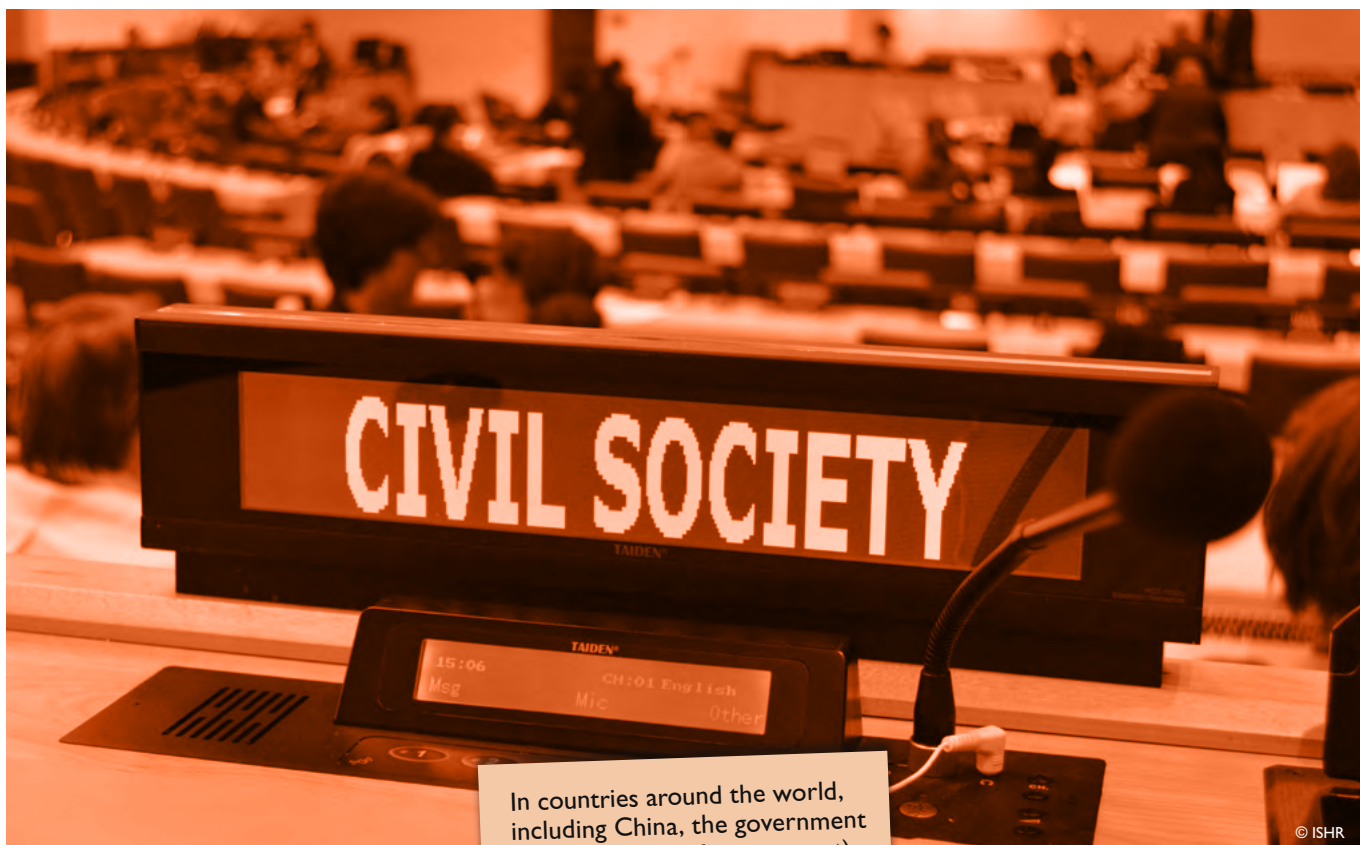
can be a great way of supporting research, whether in relevant legal frameworks or through accessing official statistics, academic research databases, coordinating consultations or surveys, or even simply for English translation or editing.



Because the UPR covers all human rights, for all persons, it can be important to **coordinate with other organisations** to ensure that the recommendations can reinforce each other.

“We need to build broader, safer spaces for civic participation and strengthen civic engagement.”

Michelle Bachelet,
UN High Commissioner
for Human Rights
(18 October 2019)



In countries around the world, including China, the government (or some parts of government) **may retaliate against organisations** for monitoring implementation of international recommendations and providing information about this to the UN, or even for talking about it with other groups in the country.

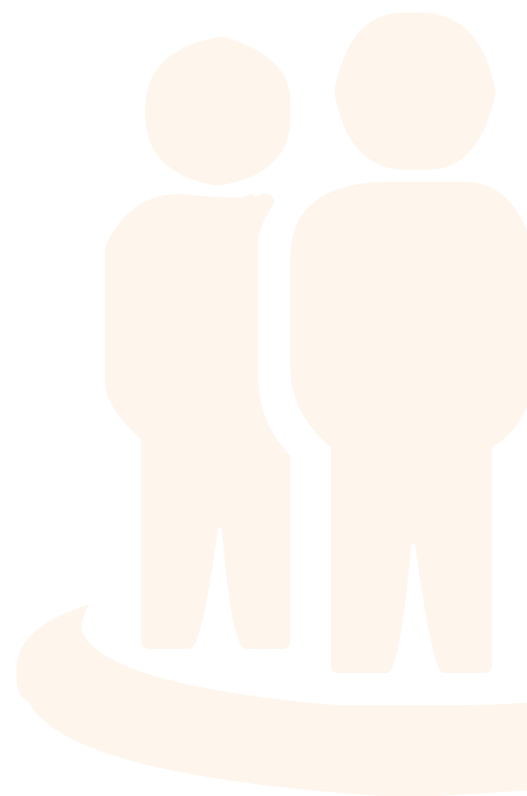
“LGBT groups in China face serious challenges. The space for Chinese civil society organisations to participate in the UN mechanisms is very limited and comes with a lot of risks. But more important is maintaining the space within China to do policy advocacy that will lead to real change in the country for LGBT people.”

Chinese LGBTI activist



It is important to always consider whether there are risks to conducting human rights work, and how you can minimise their impact.

- You may want to **consider when is a good time** to meet with contacts, as certain dates (holidays, anniversaries, other major conferences) may make it more complicated for you or for them to meet safely.
- In extreme cases, you may agree to let a **partner who is in a safe environment** submit information on your behalf, as a way of managing this risk.



GETTING DOWN TO BUSINESS: EXAMPLES AND RESOURCES

A. Sample analysis

Some of the recommendations you'll see, as we discussed in earlier sections, are not very clear. They ask the government to 'continue to undertake efforts', or to 'expand'. But others are very clear. Let's take an **example of a recommendation** accepted during the November 2018 review:

Ensure the full enjoyment of human rights for women, girls and individuals of all sexual orientations and gender identities by implementing the anti-domestic violence law and clearly defining its coverage (Sweden);



So how could you go about monitoring whether the government has implemented this recommendation?

1

First, it is good to **break down the recommendation** into its major elements.

- **What is its goal?**
'The full enjoyment of human rights'
- **By whom?**
'women, girls and individuals of all sexual orientations and gender identities'
- **How should the government reach this goal?**
This has two steps:
 - 1 Defining its coverage – **who are victims?**
who are perpetrators?
 - 2 And implementing the law, or putting it into practice.
- **What are the key benchmarks or indicators?**
If they already exist, how can you get them?
And if they don't exist (or not in a form you can use), this can become part of your monitoring.

2

Second, it could be good to **identify the key stakeholders** in the country. The Ministry of Foreign Affairs has to provide all the reporting, and may play a role in organisation or coordination, but **who would be in charge of actual implementation?**

For this recommendation, we could identify the main actors as the Ministry of Justice; Ministry of Public Security; and possibly the Ministry of Civil Affairs. The All-China Women's Federation (ACWF) will likely also have a role in promotion of information about the law. Within civil society, social work organisations, academic institutions, women's groups and charities that support alternative housing facilities for women and children fleeing domestic violence.

3

Many different kinds of documents may help you to demonstrate the kind of **actions taken to implement** this recommendation:

- Implementing regulations at the provincial- or city-level
- Administrative measures published by the Ministry of Justice and Ministry of Public Security
- Guiding cases identified by the Supreme People's Court and Supreme People's Procuratorate
- Case outcomes in lower courts
- Quantitative and qualitative data from academic institutions, the ACWF, mainstream charities and social organisations
- Reports in mainstream media
- Online coverage



“

The reports prepared for and by the human rights mechanisms carry a wealth of information and data that can help - help identify groups already behind and those most at risk of being left even further behind."

Kate Gilmore

former UN Deputy High Commissioner for Human Rights (3 December 2019)



“
Look within yourselves: recognise
your values, your principles, and
your hopes. And act on them. Act,
in the name of social justice and
equality before the law.”

Kate Gilmore
former UN Deputy High Commissioner for
Human Rights (3 December 2019)

4

The question of **timing and ensuring your work is efficient** is also important. Now that we've identified the key elements of the recommendation, **where else does the UN or international community collect information** on these issues, in general and on China specifically?

- Domestic violence is an issue very closely linked to the obligations China has under two international treaties – the Convention on the Elimination of Discrimination against Women (CEDAW¹⁶), and the Convention on the Rights of the Child (CRC¹⁷). So it could be good to check the status of the reviews by the two relevant treaty bodies – the CEDAW Committee and the Committee on the Rights of the Child. If there is an upcoming review, or if there has just been one, this can also be a way to get more information and to amplify your work – think of the old saying, ‘To kill two birds with one stone’.
- Since 2016, there has been a **UN expert¹⁸** specifically mandated to look at violence and discrimination on the basis of sexual orientation and gender identity (SOGI). If you focus on these issues, the reports by this expert can help you understand best practices, and give you tools for monitoring implementation by the government.
- At the same time, it's a two-way street – your reports to monitor the situation regarding SOGI in China, including in the context of domestic violence, can be used beyond the UPR, and sent directly to the **UN experts who are interested** – among the ‘Special Procedures’, this could include the Independent Expert on SOGI, the Working Group on Discrimination against Women, and the Special Rapporteur on Violence against Women, and maybe others.

5

This may be information that is easier to share – because the government has accepted the recommendation, and because there are many actors domestically who are interested in this issue. But still, there can be benefits from **working with other partners**: academic programmes inside China; rights groups and professors outside China; and law firms. Sometimes you may want to ask them to help edit or give feedback; other times, they may be able to translate. And sometimes, you may ask them to send the report jointly.

6

In using the reports for advocacy with other governments, you should certainly consider how to best **communicate your findings** with the government who made the recommendation (Sweden). But there may be other governments who made similar recommendations – which you can see in the UPR report – or governments who pay attention to women's rights in the country. UN Women has an office in China, as does UNICEF – would it be possible to send them copies of the reports, since this is also a major issue for their work?

B. Additional resources to get you started

Many organisations have materials that can help you better understand the UPR, and even prepare a report for the next cycle (in 2023). Some are generalist, and focused on the process (but may not be available in Chinese):

- The Office of the High Commissioner for Human Rights (**OHCHR**) has a general guide for the UPR, as part of its overall Handbook for Civil Society, in [English](#)¹⁹ and also in [Chinese](#)²⁰.
- The OHCHR also has produced a [Practical Guide](#)²¹ (no Chinese version) and some [good infographics](#)²².
- The OHCHR [practical guide for civil society](#)²³ on follow up to UN human rights recommendations includes a range of very useful tips and resources, including a dedicated section on the UPR.
- For China specifically, the OHCHR has [information about China's review](#)²⁴ that can help your initial research, as well as a matrix of recommendations made to China (only available [on the English site](#)²⁵).
- **UPR-Info** has a [useful database](#)²⁶, as well as a collection of official documents.
- One organisation has a handy video: <https://youtu.be/HVMx6XxY70k>
- The [Universal Human Rights Index](#)²⁷ is also a good place to start learning about how to use UPR recommendations to strengthen or improve efforts to follow up on other UN recommendations (like those from [Treaty Bodies](#)²⁸ or the [Special Procedures](#)²⁹). It is always good to check the English version of the website for updates, as sometimes there are translation delays.

Others are directed to a specific audience:

- The **Network of Chinese Human Rights Defenders** has published an [overview of the UPR](#)³⁰ in Chinese language.
- **Human Rights in China** has UN resources, including [coverage of the UPR](#)³¹, on its website.

The remainder of these are in English:

- **ILGA** – the International Lesbian, Gay, Bisexual, Trans and Intersex Association – has prepared a [UPR Advocacy Toolkit](#)³² for defenders working on issues of sexual orientation and gender identity, expression and sex characteristics. So has [ARC International](#)³³.
- **Save the Children**, an international non-governmental organisation, has also prepared a [guide on the UPR](#)³⁴ with a special focus on children's rights, which aims to inform their country teams.
- The **International Women's Rights Action Watch-Asia Pacific** has a [guide with useful visuals](#)³⁵.



SELECTED KEY RECOMMENDATIONS ACCORDING TO THEME

We provide below a selected list of UPR recommendations; the ones China accepted are in black, and the ones the government **'noted' (in other words, rejected)** are in red. Each recommendation has a number associated with it, and the government who made the recommendation is listed in brackets.

HUMAN RIGHTS DEFENDERS



- 28.337 Take the necessary measures to guarantee that human rights defenders can exercise their freedom of expression and peaceful association (Belgium);
- 28.338 Guarantee the full exercise of the freedoms of association and expression of human rights defenders and minorities, in accordance with international human rights law (Costa Rica);
- 28.340 Take immediate action to allow human rights defenders and lawyers to exercise their right to freedom of expression and opinion without threats, harassment or repercussions (Ireland);
- 28.335 Apply public policies to protect human rights defenders in line with international standards (Spain);
- 28.341 Adopt the necessary measures to provide a safe environment for those who work on the protection and promotion of human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them (Argentina);
- 28.342 Ensure that human rights defenders can conduct their work without being subjected to harassment, intimidation or any kind of reprisals (Liechtenstein);
- 28.336 Cease the harassment and extraterritorial abduction of human rights defenders and their family members, cease house arrest and travel restrictions for people based on their rights defence work, and release those imprisoned for such work, including Tashi Wangchuk, Ilham Tohti, Huang Qi and Wang Quanzhang (United States of America);

LAWYERS AND THE RULE OF LAW



- 28.218 Guarantee fair trials; allow all defendants unhindered access to their chosen lawyers, prompt notification of their families and transparent legal procedures (Germany);
- 28.216 Guarantee the protection of lawyers against any form of harassment, violence or attempts to impede or interfere with the defence of their clients, in accordance with national law (Finland);
- 28.221 Continue to promote openness of the judicial system and fully use the four major platforms for the openness of the approval process, trial procedure, judgment documents and information on the execution of judgments (Kyrgyzstan);
- 28.150 Amend the definition of subversion to remove all exercise of an individual's human rights and fundamental freedoms from its scope (United States of America);
- 28.213 Guarantee fair trials, an independent judiciary and access to legal counsel, release all human rights defenders, including lawyers, and refrain from persecuting those who exercise their rights or defend others (Czechia);
- 28.165 Continue reviewing national legislation to reduce the number of crimes punishable by the death penalty, and encourage a public debate on its abolition (Chile);
- 28.164 Take steps to establish a moratorium on the death penalty, while guaranteeing that those who may be subjected to this penalty are entitled to adequate legal representation and to a fair trial (Brazil);

DETENTIONS



- 28.171 Respect the rights of all detainees under the relevant human rights instruments and the Vienna Convention on the Law of Treaties, including due process (Sweden);
- 28.170 Strengthen measures preventing torture and ill-treatment (Australia);
- 28.181 End the arbitrary detention of those who defend and promote human rights (Iceland);
- 28.176 Put an end to the practice of “residential surveillance at a designated location”, specifically with regard to human rights defenders and lawyers (Switzerland);
- 28.180 End all unlawful detention, including the unconstitutional mass detention of Uighurs and other Muslims in Xinjiang, and residential surveillance at a designated location (Germany);

FREEDOM OF ASSOCIATION AND ASSEMBLY, EXPRESSION, AND DIGITAL RIGHTS



- 28.211 Expand the list of professional supervisory units to accommodate the registration of non-governmental organizations that seek to work in China (Denmark);
- 28.205 Guarantee freedom of expression, assembly and association including in Hong Kong, and remove obstacles to freedom of information on the Internet, in particular for human rights defenders (France);
- 28.206 Consider further measures to ensure a safe environment for journalists and other civil society actors to carry out their work (Greece);
- 28.207 Guarantee freedom of opinion and expression, enhancing efforts to create an environment in which journalists, human rights defenders and NGOs can freely operate in accordance with international standards (Italy);
- 28.208 Protect and guarantee respect for freedom of information and expression, in particular by journalists, bloggers and human rights defenders (Luxembourg);
- 28.199 Expedite the reforms necessary for freedom of expression to be fully protected in law and practice (Australia);
- 28.201 Remove restrictions on freedom of expression and press freedom, including on the Internet, that are not in accordance with international law (Sweden);
- 28.204 Enable unrestricted use of the Internet by all members of society by ensuring cybersecurity and the safe flow of information without violating freedom of expression (Estonia);
- 28.203 Repeal or amend laws and practices, such as censorship, which prevent the right to freedom of expression and free access to information (Czechia);

FREEDOM OF RELIGIOUS BELIEF



- 28.183 Respect, protect and fulfil the right to freedom of thought, conscience and religion, in accordance with general comment 22 of the Human Rights Committee (New Zealand);
- 28.195 Respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs and other minorities (Germany);
- 28.186 Take the necessary measures to allow all citizens to enjoy the free exercise of religion or belief and to ensure that ethnic minorities can freely practise their religion and exercise their culture (Austria);
- 28.182 Fully protect freedom of religion or belief by ensuring Chinese law supports the rights of individuals to freely practise their religion (Australia);
- 28.185 Ensure full implementation of its international human rights obligations regarding freedom of religion or belief (Poland);
- 28.24 Respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or belief (Poland);
- 28.190 End prosecution and persecution on the basis of religion or belief, including for Muslims, Christians, Tibetan Buddhists and Falun Gong (Canada);

CULTURAL RIGHTS AND RIGHTS OF MINORITIES



- 28.327 Prevent and combat all forms of discrimination and violence, especially against ethnic and religious minorities (Italy);
- 28.320 Respect all the human rights of the Tibetan people and other minorities, including the importance of an environment that is safe, clean, healthy and sustainable, which is essential for the enjoyment of many of these rights (Switzerland);
- 28.322 Fully respect the rights of ethnic minorities, freedom of religion and expressions of cultural identity (Croatia);
- 28.275 Strengthen the approach of respecting cultural differences within its territory (Peru);
- 28.191 Ensure freedom of religion or belief and end the detention, harassment and so-called re-education of ethnic minorities, including in Xinjiang (Czechia);
- 28.325 Protect and promote all human rights, especially the rights of ethnic and religious minorities, including the Xinjiang Uighurs. Discontinue all the Government's policies and activities, such as ethnic profiling, that are not in compliance with China's international human rights obligations, and allow the Special Rapporteur on freedom of religion or belief to visit the Xinjiang Autonomous Region (Finland)

NON-DISCRIMINATION AND EQUALITY



- 28.90 Adopt legislation within one year prohibiting discrimination on grounds of sexual orientation and gender identity in all public and private sectors and provide for positive duties on the part of government to promote equality on these grounds (Netherlands);
- 28.83 Ensure the full enjoyment of human rights for women, girls and individuals of all sexual orientations and gender identities by implementing the anti-domestic violence law and clearly defining its coverage (Sweden);
- 28.88 Prohibit all forms of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (France);
- 28.89 Take the necessary measures to offer adequate and effective protection against all forms of discrimination, including that based on sexual orientation (Argentina);
- 28.286 Take adequate measures to prevent all forms of gender-based discrimination and violence against women (Liechtenstein);
- 28.82 Ensure the development of a legal definition of discrimination in order to enhance equality between men and women (Portugal);
- 28.296 Give priority to protecting the rights of girl children by ensuring that all girls are registered at birth, implement wide awareness-raising campaigns on the human rights of girls and promote their education (Slovenia);

LABOUR RIGHTS



- 28.84 Adopt an anti-discrimination law for the public and private work environment that guarantees all people equitable and non-discriminatory treatment in their places of work (Uruguay);
- 28.244 Introduce appropriate amendments to the minimum wage and issue guiding principles for salaries (United Arab Emirates);
- 28.304 Develop a national plan to eradicate child labour, particularly in the mining, manufacturing and brick-making sectors, and guarantee school attendance (Costa Rica);
- 28.329 Increase knowledge of the law among workers, especially migrant workers (Plurinational State of Bolivia);
- 28.292 Continue the implementation of its policy on ensuring employment for women and enhancing the equal participation of women at the strategic and operational levels (Ethiopia);
- 28.19 Ratify the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol (United Kingdom);

ENVIRONMENT, BUSINESS AND HUMAN RIGHTS



- 28.132 Strengthen efforts, in accordance with the International Covenant on Economic, Social and Cultural Rights and the Guiding Principles on Business and Human Rights, to reduce the adverse environmental effects of industrialization including air pollution (Republic of Korea);
- 28.135 Continue extending Chinese laws, regulations and standards such as the Guiding Principles on Business and Human rights to Chinese companies operating beyond China's borders (Kenya);
- 28.131 Consider the establishment of a legal framework to guarantee that activities carried out by industries subject to its jurisdiction do not negatively impact human rights abroad (Peru);
- 28.134 Establish a regulatory framework to assess the human rights and environmental impacts of corporations headquartered in China so as to promote and respect human rights (Haiti);
- 28.133 Take further measures on business and human rights in line with its international obligations and ensure that companies operating in high-risk or conflict areas conduct human rights due diligence in line with the Guiding Principles on Business and Human Rights (State of Palestine);
- 28.130 Promote measures that ensure that development and infrastructure projects inside and outside its territory are fully consistent with human rights and respect the environment and the sustainability of natural resources, in line with applicable national and international law and the commitments of the 2030 Agenda for Sustainable Development (Ecuador);
- 28.143 Continue to take into account the vulnerabilities, needs and views of women, children and persons with disabilities in developing policies, projects or programmes on issues related to climate change, environmental protection and disaster risk management (Fiji);
- 8.140 Continue to intensify measures to implement the Paris Agreement in view of the undeniable impact of climate change on the enjoyment of fundamental human rights (Seychelles);
- 28.242 Increase its efforts to counter water pollution (Congo);

ECONOMIC, SOCIAL AND CULTURAL RIGHTS



- 28.97 Continue implementing policies directed towards poverty alleviation, with a particular focus on access to services such as education, health care and social security for all migrant workers from rural areas (Republic of Moldova);
- 28.233 Continue to give attention to urban residents who have migrated from rural areas, especially the issue of housing those in need (Serbia);
- 28.235 Gradually establish a mechanism to ensure safe housing for low-income rural residents (Plurinational State of Bolivia);
- 28.243 Guarantee children's health rights, namely by ensuring that they are protected against unsafe vaccinations and blood transfusions (Portugal);
- 28.255 Continue public health education consultations for the general public and support NGOs in providing health services in communities (Jordan);
- 28.256 Give more public health resources to the central and western regions and rural areas (Mozambique);
- 28.330 Continue promoting the rights to education of the children of migrant workers (Dominican Republic);

COOPERATION WITH THE UNITED NATIONS



- 28.339 Enable all members of civil society to freely engage with international human rights mechanisms without fear of intimidation and reprisals (Estonia);
- 28.41 Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights and the special procedures (Luxembourg);
- 28.25 Strengthen cooperation with the Human Rights Council special procedures, including by receiving the visits requested so far (Ukraine)
- As previously recommended, respond positively to pending visit requests by the special procedure mandate holders of the Human Rights Council and consider the extension of a standing invitation to all special procedure mandate holders (Latvia);
- 28.23 Implement all of the recommendations of the Committee on the Elimination of Racial Discrimination of August 2018 regarding Xinjiang, particularly on putting an end to mass internments in camps, and invite the Office of the United Nations High Commissioner for Human Rights and special procedure experts (France);
- 28.7 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Ukraine);

HONG KONG



- 28.346 That the Hong Kong Special Administrative Region introduce internal legislation to implement the Convention on the Rights of the Child (Croatia);
- 28.343 Uphold the rights, freedoms and rule of law embodied in the one country, two systems framework for Hong Kong (Australia);
- 28.345 Ensure the right of Hong Kong people to take part in government without distinction of any kind (Canada);
- 28.344 Enhance monitoring of the implementation of the Standard Employment Contract, particularly for migrant domestic workers in Hong Kong (Philippines).

“

The HRC (Human Rights Council) has just concluded China's UPR. During the review, officials bragged that 'protection for economic and social rights obtained huge achievements'; but soon after the review, they immediately started cracking down against defenders of economic and social rights (including land, housing, health, and work rights). They detained Chen Jianfang, He Meifang, Wei Zhili, once more exposing the absurdity of 'human rights with Chinese characteristics'."

Chinese Human Rights Defenders (CHRD)

ENDNOTES

- 1 <https://lib.ohchr.org/HRBodies/UPR/Documents/Session31/CN/LetterChina.pdf>
- 2 <http://webtv.un.org/watch/china-review-31st-session-of-universal-periodic-review/5858293845001>
- 3 https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf
- 4 <https://www.youtube.com/watch?v=exSA8KJeQAI>
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