



# The Universal Periodic Review (UPR) and its potential to foster freedom of expression, access to information and safety of journalists

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## FACTSHEET ON SMART RECOMMENDATIONS FOR CIVIL SOCIETY ORGANIZATIONS

### ABOUT THIS FACTSHEET

This document is a part of a joint project between [Amnesty International](#) and [UNESCO](#) to provide guidance to civil society on advancing freedom of expression, safety of journalists and access to information when engaging with the UN Universal Periodic Review (UPR). We recommend that you first read the companion document [The Universal Periodic Review \(UPR\) and its potential to foster freedom of expression, access to information and safety of journalists: Guidelines for civil society organizations](#) if you are not familiar with the UPR process, or would like to refresh your knowledge, as it will help you understand some of the terms and processes referred to here.

This factsheet, produced with the collaboration of [UPR Info](#), gives a brief introduction to civil society organizations, community groups, activists and concerned individuals on how to formulate more useful recommendations to improve protection of the right to freedom of expression, safety of journalists and access to information. One easy way to do this is to use the **SMART** methodology that is presented below.

## ABOUT THE UPR

The UPR is an important cyclical mechanism of the UN Human Rights Council (HRC) in which the human rights record of every UN Member State is reviewed by other States about every five years.<sup>1</sup> During the review, States receive recommendations from other States. The receiving State (the “State under Review”) either supports or notes these recommendations. If a State supports a recommendation made during its UPR, it commits to implement that recommendation before the next review. Civil society organizations, community groups and concerned individuals play a key role in the UPR process as information they provide from the ground gives an alternative point of view to States’ own analyses. They can also suggest recommendations to improve the human rights situation that States can then make during a review. As these recommendations are the main tool through which the UPR can contribute to the improvement of human rights in the State under Review, it is important for States to make well-structured recommendations that clearly define the actions needed that could lead to improved protection of human rights on the ground.

## WHAT ARE SMART RECOMMENDATIONS?

**SMART** stands for **SPECIFIC, MEASURABLE, ACHIEVABLE, RELEVANT** and **TIME-BOUND**.

While the term has its origins in corporate management, it has also been recognized as a useful approach in the development and public policy sectors. Since these criteria are especially used for objective setting, this factsheet will demonstrate how they can be applied to UPR recommendations in order to advance the promotion and protection of safety of journalists, freedom of expression and access to information.

### SMART UPR recommendations<sup>2</sup>

To make sure your UPR recommendations are precise and action-oriented, each one should be guided by the following criteria:

**SPECIFIC:** The specific dimension is meant to address a well-defined action in relation to a specific right or violation. A specific recommendation should address the following question: Is the violation and the solution clearly identifiable in the recommendation?

**MEASURABLE:** A measurable recommendation is a recommendation that can be assessed. A measurable recommendation should address the following questions: How can I know whether the recommendation was implemented or not? If so, to what extent was it implemented – partly or fully? Did the implementation have the intended effect?

<sup>1</sup> The cycle of reviews last 4.5 years and there is usually a six-month break between cycles.

<sup>2</sup> This box is adapted from UPR Info, The Butterfly Effect: Spreading Good Practices of UPR Implementation, 2016, [upr-info.org/sites/default/files/documents/2016-11/upr\\_info\\_the\\_butterfly\\_effect\\_2016.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/upr_info_the_butterfly_effect_2016.pdf), p. 8.

## WHY DOES THE UPR NEED SMART RECOMMENDATIONS?

States often make general recommendations to another State in a UPR Working Group session. If recommendations are very general, it is often hard to identify constructive action to implement them and the significance of the recommendation is undermined. The potential of the mechanism to improve the human rights situation on the ground may therefore be reduced if some elements of the SMART methodology are not taken into account when drafting recommendations.

It is therefore highly desirable for recommending States to be as specific as possible in their asks to ensure that their recommendations have the best chance of having an impact on the ground. This need has been recognized since the second cycle of the UPR, when groups of States pledged at different sessions of the UN HRC to make recommendations that are more precise.<sup>3</sup> The Office of the High Commissioner for Human Rights (OHCHR) also encourages States to make SMART recommendations. Using the SMART approach can be a useful tool to create more effective recommendations, as the resulting recommendations are more likely to be clear and reduce confusion as well as increase the chance of implementation.

**ACHIEVABLE:** The achievable aspect is determined by the capacity of a State to comply with the recommendation. Such a limit should be defined only by material means, not by political will. An achievable recommendation should address the following question: Is the recommendation something that the State in question could realistically achieve within the next five years, given budgetary and human resource constraints?

**RELEVANT:** Relevance refers to the link between the recommendation and the current situation in the country. Relevance also refers to the link between the recommendation and the improvement of human rights on the ground. A relevant recommendation should address the following questions: Is the recommendation providing a solution to an important human rights concern in the State in question? Is it something that local actors and rights-holders would like to see implemented?

**TIME-BOUND:** Time-bound is related to a time frame during which the recommendation is expected to be implemented. It is understood that all recommendations should be implemented by the next review, but shorter deadlines can be suggested. Is there a clear date that can be identified by which a proposed action should be taken?

<sup>3</sup> UN HRC, 22nd session, UK-Morocco-Brazil Joint Statement on the Universal Periodic Review, Item 6 General debate, 15 March 2013, [hrcmeetings.ohchr.org/HRCSessions/RegularSessions/22ndSession/OralStatements/uk%20morocco%20brazil%20new.pdf](http://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/22ndSession/OralStatements/uk%20morocco%20brazil%20new.pdf) and UN HRC, 34th session, Item 6 General debate, Joint statement by 63 states, [gov.uk/government/news/human-rights-council-34-joint-statement-under-item-6-universal-periodic-review](http://gov.uk/government/news/human-rights-council-34-joint-statement-under-item-6-universal-periodic-review)

## WHY ARE SMART RECOMMENDATIONS IMPORTANT FOR CIVIL SOCIETY?

The UPR can provide a valuable opportunity for governments and civil society to engage in constructive dialogue on how to improve the human rights situation. Civil society organizations, community groups and concerned individuals who plan to engage in advocacy before the review can suggest UPR recommendations in their UPR submissions and these can then be used for advocacy with recommending States.

Suggesting SMART recommendations is important for civil society for two main reasons: (i) SMART recommendations are easier to monitor and this will help you and other civil society actors in your role of holding the State you work on accountable for its human rights commitments; (ii) SMART recommendations that set out clear actions can help frame the contribution of civil society organizations if they act as implementing partners.

## HOW IS THIS RELATED TO FREEDOM OF EXPRESSION?

The right to freedom of expression is a key right that plays an enabling role for other human rights. It is closely connected to civil and political rights as well as to economic social and cultural rights. Freedom of expression and the associated rights of freedom of association and peaceful assembly are cornerstones of civic space that allow for civil society engagement. Due to its importance, freedom of expression often faces restrictions in many parts of the world. As such, SMART recommendations on freedom of expression in the UPR and other forums are key for the protection and promotion of this right.

According to a 2021 research project undertaken by SciencesPo under the supervision of UNESCO, out of 79,387 UPR recommendations made up to that time,<sup>4</sup> about 4% (3,205) related to freedom of expression in general. Recommendations on the safety of journalists constituted almost 23% of the freedom of expression-related recommendations, highlighting the importance of the issue on the international human rights agenda and the international political will to protect journalists. It is clear from this that freedom of expression remains a controversial issue for many States and that it needs continued advocacy and campaigning, including for States to make meaningful and SMART UPR recommendations, to advance its protection.

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<sup>4</sup> This research was carried out for UNESCO's internal use and analysis. At the time of this research, Cycle 3 was still ongoing, with 126 out of 193 States reviewed by the HRC.

## WHAT TO CONSIDER WHEN USING THE SMART TECHNIQUE?

Human right concerns can be very diverse, and it is unlikely that a general recommendation will address all the complexities they present. It is useful to keep this in mind when attempting to apply the SMART technique, as it facilitates more thought on structuring recommendations in a practical and impactful way. However, it is important to use it strategically as some contexts may present complications that need flexibility and ingenuity that go beyond the scope of the SMART technique.

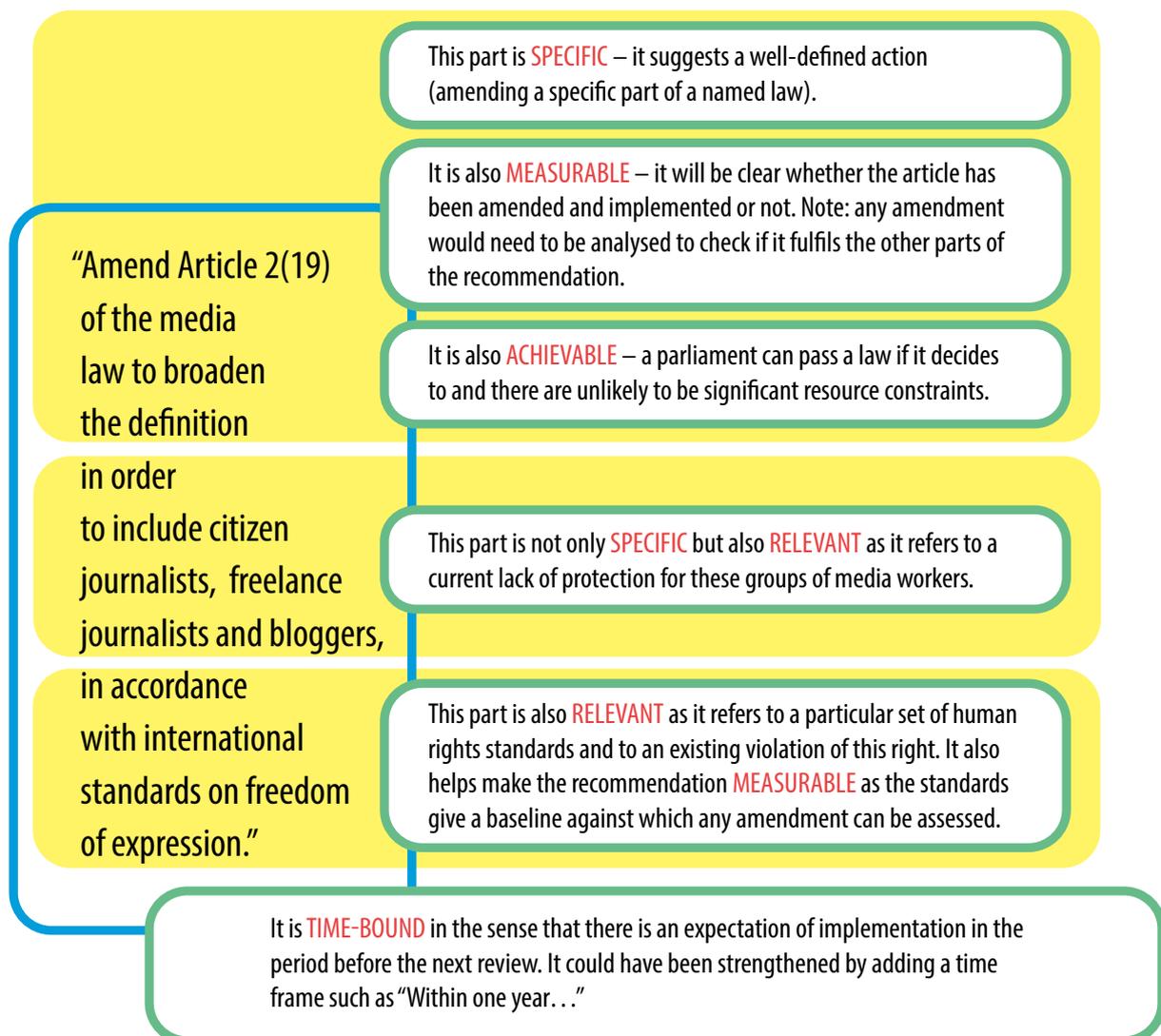


Figure 1: The parts of a SMART recommendation

## APPLYING THE SMART TECHNIQUE FOR UPR RECOMMENDATIONS<sup>5</sup>

### 1. SPECIFIC

Recommendations will be more effective if they refer to a specific problem or concern and suggest a clear solution or remedy. This could involve naming issues, rights, violations, legislation, policies and the specific steps to be taken. It is good practice to start the recommendation with a relevant action verb that would help achieve the proposed solution. You can see examples of these below.

#### Example recommendations:



**3rd Cycle:** “Enhance freedom of expression by amending the 2018 Penal Code to repeal the offence of spreading false information or harmful propaganda with intent to cause hostile international opinion against the government and insults or defamation against the president.”

**3rd Cycle:** “Decriminalize defamation and treat it with strictly proportionate civil penalties and introduce a more balanced sanction for disclosing pretrial information.”



**3rd Cycle:** “Guarantee the freedoms of assembly, association and expression by, *inter alia*, increasing the space for dissent and discussion and ensuring a safe and enabling environment for everyone to exercise these rights.”

**3rd Cycle:** “Ensure freedom of expression in all forms and take concrete steps to ensure the independence of the media, prevent censorship and promote transparency in public affairs.”

### 2. MEASURABLE

Making the realization of a recommendation measurable can make it effective. This can be done by clarifying the steps needed to be taken. Simply stating a goal that is to be achieved without identifying steps on the way can make the implementation of recommendations less measurable. A recommendation can also be made more measurable if you add reference to a baseline against which progress can be assessed. For example, this could be a relevant international standard, or an indicator for one of the UN’s Sustainable Development Goals, or a numerical target to be reached.

#### Example recommendations:



**3rd Cycle:** “Release all persons detained for peacefully exercising their rights to freedom of expression, online and offline, association and assembly and

close case 173/2011 against NGOs and human rights defenders, in line with international human rights obligations.”

<sup>5</sup> The following recommendations were given throughout the three first cycles of the UPR. The names of Member States have been omitted in order to help illustrate how the SMART methodology can be applied to freedom of expression in general, rather than looking at country specific situations.



**3rd Cycle:** “Ensure freedom of expression and freedom of peaceful assembly and a conducive environment for journalism, notably by decriminalizing defamation and

amending the Media Act and the law on anti-extremism so that they do not disproportionately limit freedom of expression.”



**3rd Cycle:** “Guarantee freedom of expression, association and peaceful assembly, and protect the persons who exercise these rights.”

**3rd Cycle:** “Fully guarantee freedom of expression and freedom of assembly and protect journalists and human rights defenders against threats and aggression.”

### 3. ACHIEVABLE

This is a difficult element to factor in, as perspectives on achievability and available economic and political resources all vary and there can be differing points of view on these topics. For this reason, some people choose to refer to this element of the framework as “actionable”. With this in mind, it may nevertheless be worthwhile to think about the achievability of a recommendation for the recipient State. Care should be taken to look at practical achievability and not questions of political will. Setting out a series of small steps leading to larger change can be a way to counter pushback in terms of achievability. Bringing national legal structures in line with international human rights standards is an obligation for States and can often be achievable within reasonably short time frames. Given the challenges in identifying elements for this category, we have not provided any examples of recommendations to avoid.

#### Example recommendations:



**3rd Cycle:** “Take steps to ensure conditions for the full exercise of freedom of expression, including by: (i) ensuring effective investigation and prosecution of alleged threats and attacks on journalists; and (ii) ensuring an equal opportunity for all media to access funding available from government sources.”

**2nd Cycle:** “Cease the intimidation, harassment and arbitrary detention of human rights defenders, NGO groups and journalists and provide guarantees for the rights to freedom of expression and peaceful assembly, as well as ending its restrictions and surveillance of the internet, namely by amending its legislation in order to remove extrajudicial procedures for blocking websites. This is in line with recommendations made by the OSCE Representative on Freedom of the Media, whose visit authorized by the authorities in 2013 was a step in the right direction.”

## 4. RELEVANT

This can also be a difficult element to factor in as there may be multiple and contentious views on what is relevant and what is not. In general, it is useful to make sure that there are clear links between what is proposed and the human rights context in the country as well as progress in the human rights situation in the country. For example, for a country where safety of journalists is a pressing human rights concern, a recommendation to strengthen the mechanism to protect journalists and human rights defenders would not be relevant if no mechanism exists yet. However, a recommendation to create such a mechanism would be relevant. Another aspect to consider is whether the recommendation addresses an issue of importance to local civil society actors and rights-holders.

### Example recommendations:



**3rd Cycle:** “Protect freedom of expression for those speaking out against government policies, including by amending national security laws that inhibit the speech of journalists, whistle-blowers and lawyers.”

**3rd Cycle:** “Commute the sentences of the inmates currently sentenced to death and, having already acceded to the Second Optional Protocol to the

International Covenant on Civil and Political Rights, speed up the adoption of the new Criminal Code to abolish the death penalty.”

**3rd Cycle:** “Strengthen freedom of expression and privacy online and offline, including by refraining from blocking online content without judicial oversight and from resorting to internet and mobile shutdowns.”



**3rd Cycle:** “Take specific and additional measures aimed at strengthening its national unity and internal domestic security and fostering cooperation in order to disseminate the culture of social peaceful coherence and guarantee freedom of expression that ensures social justice among all components of society.”

**3rd Cycle:** “Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).”

**Note:** the country in question had already ratified the Second Optional Protocol to the ICCPR before the review took place, so this recommendation was not relevant.

## 5. TIME-BOUND

It is useful to include language that indicates a timeline for implementing the recommendation. While recommendations are expected to be implemented in the period before the following review, an incremental timeline for the various steps would strengthen the recommendation.

### Example recommendations:



**3rd Cycle:** "Amend, within one year, the 2015 Penal Code, Decree 174/2013, Decree 72/2013, Decree 27/2018, the 2018 law on cybersecurity and articles 4, 9, 14 and 15 of the 2016 press law to guarantee offline and online freedom of the press and expression, and the right to privacy, in line with articles 17 and 19 of the ICCPR."

**2nd Cycle:** "Extend, before the end of 2016, a standing invitation to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression as well as to the Working Group on Enforced or Involuntary Disappearances."



**3rd Cycle:** "Adopt new measures to guarantee freedom of expression on the internet."

**3rd Cycle:** "Ensure that all journalists can report freely on government activities without threat or harassment."

## RESOURCES

For more information see [A Guide for Recommending States at the UPR](#), which was the main source for this factsheet. This factsheet was developed in consultation with UPR Info.



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[UPR Info](#) is a non-profit, non-governmental organization (NGO) based in Geneva, Switzerland. The organization aims at promoting human rights through the UPR. It raises awareness and provides capacity-building tools to all UPR stakeholders, including UN Member States, CSOs, and NHRIs. UPR Info is the first and only NGO entirely dedicated to the UPR.

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