

THE UNIVERSAL PERIODIC REVIEW PROCESS AND ITS POTENTIAL FOR PROMOTING HUMAN RIGHTS IN DIGITAL CONTEXTS





The Universal Periodic Review process and its potential for promoting human rights in digital contexts

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Executive summary

The Universal Periodic Review (UPR) of the United Nations Human Rights Council is an important mechanism for the promotion of human rights in digital contexts. From the UPR's inception as a human rights mechanism in 2008, APC has played an essential role in utilising it to raise awareness of the impact of the internet and digital technologies on human rights and to promote digital rights. Since then, there has been increasing attention paid to digital rights by all stakeholders within the UPR (civil society, UN agencies and states).

The value of the UPR for promoting digital rights comes from its ability to shape human rights norms (through the provision of a baseline of commitments from states on their human rights obligations, which are then reviewed cyclically) and the ability to share best practices via the interactive dialogues and the outputs of the reviews. Other benefits of engaging with the UPR for civil society include its ability to expand and strengthen civil society networks working on digital rights and to strengthen relationships with key stakeholders at national, regional and global levels.

APC members have different levels of experience engaging with the UPR. Most engagement has focused on submissions to the stakeholder report of country reviews, although some members are now engaging with the monitoring and implementation of the outcomes of the UPR (the recommendations). The provision of submissions has had a discernible impact on country reviews and digital rights recommendations from the APC network have been reflected in numerous country reviews.

The fourth cycle of the UPR (2022-2027) is focused on enhanced implementation of UPR recommendations. The UPR holds untapped potential for digital rights and in order to enhance the capacity of the UPR for promoting digital rights, increased attention should be given to using the UPR as a complementary mechanism to other human rights mechanisms at the national, regional and global levels, including via monitoring and supporting the implementation of UPR recommendations. This should continue alongside work to embed digital rights in UPR outputs through the adoption of UPR recommendations on digital rights. This report first provides context for the following two-track set of recommendations, before providing specific guidance and steps for implementing it:

- Continued advocacy for the adoption of UPR recommendations relating to digital rights and APC digital rights priorities within UPR country reviews.
- Advancing the utilisation of adopted recommendations as a complementary mechanism to advocacy for digital rights at the national, regional and global levels (including via their monitoring and implementation).

Introduction

This report is intended to support civil society organisations engaging, or intending to engage, with the Universal Periodic Review (UPR) as a mechanism to advance human rights in digital contexts. The report is based on a combination of desk research, interviews with APC network members and APC staff and feedback received through an online workshop with APC network members (see Annex 3 for more detail). It is divided into three main sections:

- An assessment of the impact of the UPR on the promotion of human rights more generally, as well as a review of how – and which – digital rights issues have appeared in the UPR so far.
- Three case studies that highlight how APC network members from different regions have utilised the UPR to further advocacy objectives and the impact their engagement achieved, with the expectation that these insights can be applied to other contexts.
- A series of recommendations that draw on the research and are intended to provide network members with actions that could be undertaken to improve the strategic use of this mechanism to advance the digital rights agenda.

An overview of the UPR with the potential for it to promote human rights in digital contexts

The UPR is the only mechanism within the global human rights system that assesses the human rights records of all UN member states on a periodic basis. Since it was established in 2008, the UPR is also distinctive in having universal engagement of UN member states.² Both the universal engagement and the cyclical nature of the review process provide a unique means by which to hold states to account in honouring the commitments they make (via recommendations, which are the main outcome of each state review).

2. Human Rights Council. (n/d). *Cycles of the Universal Periodic Review*. United Nations. <https://www.ohchr.org/en/hr-bodies/upr/cycles-upr>

What is the UPR and what is a UPR cycle?

The UPR is a human rights mechanism of the main human rights body of the United Nations, the Human Rights Council, which began operating in 2008. Unlike other UN human rights mechanisms, it is state-led, although there are opportunities for non-state stakeholders to engage and influence its outcomes (see box 2), and each state is reviewed on the basis of agreed human rights standards. This makes it unique compared to other human rights mechanisms (such as treaty bodies, which review compliance with UN human rights treaties that states have ratified and which are led by independent experts). It is also universal, which means it reviews the human rights records of all member states. This entails that even if a country has not ratified some core human rights treaties (see box 3), it will still be reviewed on the basis of international human rights standards.

The UPR is cyclical, which means that every state undergoes a review of its human rights record every four to five years. The fourth cycle began in October 2022 and lasts until 2027. Each review is made up of three main stages: preparation for the review; review and adoption by the Human Rights Council of the review outcome report; and implementation of the report.

To find out more you can visit the UPR basic facts page on the Human Rights Council website³ and the website of UPR Info, a non-governmental organisation dedicated to supporting the UPR.⁴

The UPR provides for high-level dialogue and for a baseline of documentation of commitments relating to the human rights obligations of states.⁵

As it is a peer-review mechanism, the cycles of the UPR (see box 1 for more information on the UPR cycles)⁶ have also shown that it is an important mechanism for promoting states' understanding of how international human rights law and standards are evolving. It does this, for example, by shedding light on a state's view of a particular human right and

3. <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>

4. <https://upr-info.org/en>

5. Lane, M. (2022). The Universal Periodic Review: A Catalyst for Domestic Mobilisation. *Nordic Journal of Human Rights*, 40(4), 507-528. <https://doi.org/10.1080/18918131.2022.2139076>

6. Human Rights Council. (n/d). Op. cit.

the scope of international human rights law.⁷ The main outputs of the UPR, which are the recommendations made to and accepted by states, can reveal how states perceive specific digital rights issues (e.g. disinformation, the digital divide, surveillance or gender-based violence online). In addition, both the submissions to the report and the interactive dialogue can help in the sharing of good practices and the building of capacity to understand how human rights apply in the digital age.

Engagement with the UPR

Over 45,000 recommendations were handed out to states in the third cycle of the UPR – an increase of more than 100% on the first cycle and 25% on the second cycle.⁸ The third and fourth cycles have also seen a significant increase in both the number of stakeholders – including national human rights institutions (NHRIs) and civil society organisations – submitting reports and mid-term reports to the UPR.⁹

Impact of the UPR

The ultimate aim of the UPR, as with any human rights mechanism, is to effect change towards the enjoyment and protection of people's human rights "on the ground". However, as noted by the non-governmental organisation UPR Info:

[I]mpact is relative and has to be considered based on a number of factors including baseline situations, institutional capacity of the country, etc. The broad nature of the mandate also makes it challenging to assess whether changes are a direct result of the UPR or other national and international processes.¹⁰

Consequently, the UPR should be seen as complementary to other mechanisms, or as an extra lever within the human rights system. Indeed, the resolution that set up the UPR was clear in that it was intended to be a complementary mechanism to other UN human rights mechanisms.¹¹ While its capacity to fulfil this role has yet to be fully realised,¹² the UPR has, for example, had a clear and direct impact on the ratification of UN human rights treaties and optional protocols, such as the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

7. Lane, M., & Cowell, F. (2024). Using Universal Periodic Review Recommendations in UK Courts. *Judicial Review*, 29(2), 119–137. <https://doi.org/10.1080/10854681.2024.2375940>

8. UPR Info. (2022). *The UPR. Beyond Reporting: Transformational Changes on the Ground*. <https://upr-info.org/sites/default/files/general-document/2022-07/Beyond%20Reporting-EN-Web.pdf>

9. Ibid.

10. Ibid.

11. Shah, S., & Sivakumaran, S. (2024). Complementing UN Human Rights Efforts Through Universal Periodic Review. *Journal of Human Rights Practice*, 16(3), 794–818. <https://doi.org/10.1093/jhuman/huae008>

12. "Thirteen percent of the recommendations made during the first three cycles of the UPR refer to UN entities or their work [in a way that reinforces their work]... The work of the UN treaty bodies, the special procedures, and the [General Assembly] is referred to most in UPR... [As observed by the Secretary General], '[t]he universal periodic review process of the Human Rights Council provides an invaluable forum to promote accountability on women and peace and security. Nevertheless, that important mechanism remains underutilized.'" Ibid.

leading to an alignment of more legal frameworks with international human rights standards. By the end of the second review cycle, some states had changed their position in relation to the protection of human rights, with the number of treaty ratifications increasing in part as a result of accepted recommendations.¹³

How can the UPR help develop human rights norms and standards in the digital age?

The role of the UPR in developing or enforcing human rights norms and standards comes from its ability to function as a mechanism for sharing information and best practices among states and its ability to exercise peer pressure (because it is states that review their fellow states). This is important for digital rights because understandings of how human rights apply in the digital age continue to evolve and new trends and challenges arise as technologies develop and are used.

For example, if the references to addressing disinformation or cybercrime present a pattern of protection of freedom of expression and access to information, this could be seen as forming a new acceptance of a particular practice by states in the interpretation of that right. Academic research on legal norms has suggested that patterns of UPR recommendations “may be indicative of an emerging consensus on a matter of human rights protection.”¹⁴

UPR Info has recently published research assessing the impact of the UPR on the ground over the course of its first three cycles.¹⁵ Examples of its impact include the creation of national human rights monitoring platforms, raised awareness of sensitive issues (e.g. relating to sexual and reproductive rights or addressing women’s rights in an intersectional manner), furthering the enactment of transformative legislation, contributing to the adoption of public policies and strategies and acting as a catalyst towards the ratification of international treaties.¹⁶

13. Cowell, F. (2018). Understanding the legal status of Universal Periodic Review recommendations. *Cambridge International Law Journal*, 7(1), 164-184. https://www.researchgate.net/publication/324495264_Understanding_the_legal_status_of_Universal_Periodic_Review_recommendations; Kothari, M. (2020, 24 June). The Universal Periodic Review (UPR) and Its Role in Enhancing the Work of the UN Treaty Body System. <https://opiniojuris.org/2020/06/24/the-universal-periodic-review-upr-and-its-role-in-enhancing-the-work-of-the-un-treaty-body-system/>

14. Cowell, F. (2018). Op. cit.

15. UPR Info. (2022). Op. cit.

16. Ibid.

UN treaties and treaty bodies

There are nine core international human rights instruments, which are also known as “treaties” or “conventions”. These treaties have evolved over time to include optional protocols to address issues that have arisen since they were first drafted. These instruments are:

- International Convention on the Elimination of All Forms of Racial Discrimination¹⁷
- International Covenant on Civil and Political Rights¹⁸
- International Covenant on Economic, Social and Cultural Rights¹⁹
- Convention on the Elimination of All Forms of Discrimination against Women²⁰
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²¹
- Convention on the Rights of the Child²²
- International Convention on the Rights of All Migrant Workers and Members of their Families²³
- International Convention for the Protection of All Persons from Enforced Disappearance²⁴
- Convention on the Rights of Persons with Disabilities.²⁵

Each has established a committee of experts to monitor implementation of the treaty provisions by its states parties.

The UPR can be an important process for states to receive international support to ratify treaties and to support national advocacy efforts to implement them via domestic legislation. For example, in the current fourth

17. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

18. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

19. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

20. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

21. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

22. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

23. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

24. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

cycle, at the 46th session of the UPR, Eritrea received the recommendation to “[a]ddress intersecting forms of discrimination against women and girls with disabilities and ensure their inclusion and enjoyment of all rights under the Convention on the Elimination of All Forms of Discrimination against Women (Malawi)”²⁶ and Vanuatu received the recommendation to “[r]eview the traditional and legal systems to ensure that provisions on women’s rights are consistent with the Convention on the Elimination of All Forms of Discrimination against Women (Namibia).”²⁷

It can also be used to highlight how these instruments and the standards they set out (such as, for example, General Recommendation 35 of CEDAW)²⁸ need to be applied to address digital rights issues, including cybercrime or technology-facilitated gender-based violence (TFGBV). In this way, the UPR plays a complementing role to the monitoring mechanisms of the treaty bodies.

Civil society and the UPR

The UPR has, like no other UN human rights mechanism, called upon states to engage in dialogue with civil society.²⁹ Civil society has multiple roles to play in supporting the UPR to advance human rights in digital contexts, for example, via:

- **Interpretation of existing human rights norms in the digital age and the evolution of international human rights law:** Civil society has a specific role to play in supporting the development of human rights norms by continued engagement through submissions to reviews and by linking the work of the UPR to relevant evolving standards elsewhere (e.g. treaty bodies, the Human Rights Council and regional human rights mechanisms).
- **Implementation of review outcomes:** Civil society has a role to play in supporting domestic mobilisation for the implementation of the outcomes of state reviews.

26. Human Rights Council. (2024). *Report of the Working Group on the Universal Periodic Review: Eritrea*. United Nations. <https://docs.un.org/en/A/HRC/57/14>

27. Human Rights Council. (2024). *Report of the Working Group on the Universal Periodic Review: Vanuatu*. United Nations. <https://docs.un.org/en/A/HRC/57/10>

28. CEDAW has made a few general recommendations (GR) that contain references to technology, including GRs 19, 35 and 40. General Recommendation No. 35 (2017) affirms that GBV, including TFGBV, is a form of discrimination that states are obligated to prevent, investigate and punish.

29. Lane, M. (2022). Op. cit.

- **Capacity building on human rights in the digital age via sharing information and best practices:** Civil society has a role to play by sharing resources and information with states during the reviews (e.g. via submissions and interventions during the adoption of the reports) but also during implementation of the review outcomes.

The fourth cycle of the UPR in particular offers an opportunity to build on the previous three cycles by addressing recurring issues, measuring progress, identifying incremental change and implementing review outcomes.

How digital issues have appeared in the four cycles of the UPR

A recent analysis of information available via UPR Info showed that over the first three cycles “only 483 recommendations out of 90,938 referred to terms such as ‘internet’, ‘online’, ‘technology’, ‘digital’ or ‘cyber’.”³⁰ While this seems low, it does not reflect the specific nature of many of the recommendations that are made in relation to digital technology.

Specific recommendations are important for promoting digital rights, because the more specific the recommendation, the more it is able to act as an effective means to promote human rights and be monitored. In addition, the majority of recommendations relevant to digital rights mirror or reflect the advocacy engagement of civil society groups (see the case studies below), and such recommendations have continued to grow over the four UPR cycles.

Research conducted by Global Partners Digital for the Freedom Online Coalition showed that the first cycle (2008-2011) saw minimal attention to freedom of expression and access to information online, while in the second cycle (2012-2016) there was a small number of references to internet access, freedom of expression and privacy online; but it was in the third cycle (2017-2021) that there was a more significant rise in attention to digital rights and concepts, including “illegal and harmful content online”, “disinformation and hate speech”, “cybersecurity and data protection” and “internet shutdowns”.³¹ The fourth cycle (2022-2027) has so far seen digital rights included more widely, with recommendations also addressing new and emerging technologies, such as “artificial intelligence”.³²

30. UPR Info, & Access Now. (2023). *The Universal Periodic Review and New Emerging Technologies*. <https://upr-info.org/sites/default/files/general-document/2023-10/How%20the%20UPR%20can%20help%20to%20strengthen%20digital%20rights%20website.pdf>

31. Based on internal Global Partners Digital research presented to the Freedom Online Coalition in October 2024.

32. For example, in the fourth cycle, the Republic of Korea accepted recommendation 139.89, from Costa Rica, to “[t]ake measures to prevent artificial intelligence systems based on big data, including surveillance systems, from violating human rights, including the right to privacy.” Human Rights Council. (2023). *Report of the Working Group on the Universal Periodic Review: Republic of Korea*. United Nations. <https://documents.un.org/doc/undoc/gen/g23/036/38/pdf/g2303638.pdf>

The low number of references to digital rights issues in the first and second cycles can be attributed to multiple factors including: 1) the low number of recommendations adopted overall in these cycles due to the initial attempt to differentiate the UPR from other human rights mechanisms by issuing smaller, more focused outputs; 2) the lack of reference to human rights online or in digital contexts elsewhere in human rights mechanisms; and 3) limited understanding of the issues and of digital technology and its impact on human rights among civil society and member states.

UPR recommendation categories

UPR recommendations can be classified into five categories,³³ widely used across stakeholder groups and by UN agencies, governments and academics to understand the nature and type of UPR recommendations. See Annex 1 for an analysis of recommendations spanning all four cycles, which indicates that recommendations relevant to digital rights reflect the full breadth of these categories.

Review of APC engagement so far

A review of APC's joint submissions and the submissions of other digital rights groups, combined with consultation with APC staff and network members, reveals three key findings:

- APC played a pivotal role in bringing attention to digital issues within the UPR, as part of a holistic and multi-pronged approach to informing the development of human rights norms: APC was the first civil society group to focus on issues related to digital rights – such as gender and women's rights online, internet access, freedom of expression, surveillance and privacy – in the first and second cycles. These were not widely reflected in the recommendations adopted by states under review in the first two cycles. However, their incorporation in the Office of the High Commissioner for Human Rights (OHCHR) stakeholder submission reports and within the interactive dialogue formed a basis not only for ensuring their inclusion in later cycles, but also for shaping the types of issues and their framing within the UPR (e.g. references to gender-sensitive and human rights-respecting approaches to closing the digital divide in the fourth cycle). APC also engaged with the UPR at a seminal period of time for the shaping of human rights norms in the digital age. For example, it worked closely with the then UN Special Rapporteur on freedom of opinion and expression, Frank La Rue, to raise awareness of the impact of digital technologies on the right to freedom of expression, it participated in a Human Rights Council high-level expert panel in 2012 on the

33. UPR Info. (2022). *UPR Database Action Categories*. https://upr-info.org/sites/default/files/general-document/2022-05/Data-base_Action_Category.pdf

promotion and protection of freedom of expression on the internet³⁴ and it worked with the sponsors of the seminal 2012 Human Rights Council resolution that affirmed that people enjoy the same rights online as they do offline.³⁵ These actions, together with the engagement with the UPR mechanism, reinforced each other and acted in a complementary manner to raise awareness of digital rights and develop human rights norms in the digital age.

- APC's support for network members has been critical to ensuring the effective representation of digital rights within the UPR: The support of APC at the different stages of the UPR, particularly in helping network members develop joint stakeholder submissions, has been essential in supporting the engagement of digital rights groups with the UPR. Transnational advocacy has proven especially critical in the UPR process when governments have restricted the contributions of domestic civil society, as was the case in Sudan.³⁶ APC joint submissions are regularly reflected in the inputs for the reviews, including the OHCHR stakeholder submission reports for state reviews wherever APC has provided a joint submission. They have also been reflected in recommendations adopted by the states under review (more details are provided in the case studies of this report). The APC network has engaged with the different aspects or stages of the UPR (the provision of stakeholder submissions, advocacy in pre-sessions, statements made upon the adoption of the report of a state under review and raising awareness of the adoption of the report), although this differs depending on the member. Engagement with the UPR has also helped APC network members to improve the profile of their work at the national level, strengthened relationships with other stakeholders and led to invitations to provide input in other human rights and digital technology policy processes.
- APC's work complements the efforts of other organisations that address digital rights: APC and its network's advocacy, including via joint submissions, complements the work of other organisations that address digital issues, most notably Access Now, Privacy International and Amnesty International. The engagement is complementary because APC and network members often collaborate with Access Now and Privacy International, in particular. These organisations also focus on particular issues (e.g. spyware and internet shutdowns in the case of Access Now, privacy and surveillance in the case of Privacy International), which are also reinforced in APC joint submissions. However, APC joint submissions are more comprehensive and also address a wider range of digital rights issues (e.g. gender-based violence online and TFGBV).

34. UN Human Rights. (2012, 29 February). Human Rights Council holds Panel discussion on the promotion and protection of freedom of expression on the internet. <https://www.ohchr.org/en/press-releases/2012/03/human-rights-council-holds-panel-discussion-promotion-and-protection-freedom>

35. Association for Progressive Communications. (2011, 19 May). Internet rights are human rights, claims APC before the Human Rights Council. <https://www.apc.org/en/pubs/internet-rights-are-human-rights-claims-apc-human-rights-council>; Association for Progressive Communications. (2014, 30 June). APC welcomes Human Rights Council resolution on human rights and the internet. <https://www.apc.org/en/pubs/apc-welcomes-human-rights-council-resolution-human>

36. Alternatives, Association for Progressive Communications, & coalition of Sudanese civil society and human rights organisations. (2015). *Stakeholder submission to the Universal Periodic Review of Sudan*. <https://www.apc.org/en/node/21165>

The above findings illustrate the value and impact of APC's engagement in the UPR thus far. However, the analysis of APC network submissions also indicates that engagement is sporadic across countries. There are few countries where members have consistently engaged in the UPR process across the four cycles and engagement with the implementation aspect of the process is unclear. Most submissions for the third and fourth cycles do not reflect whether the organisations have been tracking or monitoring specific digital rights recommendations, but rather provide a more general assessment of implementation.

CASE STUDIES

Chile

What happened: Derechos Digitales, an APC member, has engaged in the third cycle (2017-2022) and in the fourth cycle (2022-2027). In the fourth cycle, Derechos Digitales also partnered with local organisations in Ecuador, Brazil, Nicaragua and Bolivia to provide stakeholder submissions for those countries' reviews. For Chile's fourth cycle review, Derechos Digitales worked with APC, Miles Chile and Women's Link Worldwide on a joint submission.³⁷ A summary version of the report was also published.³⁸ The input was based on an analysis of seven recommendations that were received in previous cycles and were relevant to digital rights.

Impact within the UPR: At its fourth review, Chile received and supported three recommendations relating to closing the digital divide and addressing it in a way that is privacy-respecting, gender- and human-rights-based and guarantees the right to non-discrimination. These recommendations were adopted in April 2024.³⁹ They also reference low-income rural and urban areas, which are disproportionately affected, directly reflecting Derechos Digitales' input. Two of these recommendations came from countries in the region (Uruguay and Panama). Chile also received and supported two recommendations relating to privacy and data protection, which called on it to update relevant regulatory frameworks and establish the personal data protection agency.

37. Association for Progressive Communications, & Derechos Digitales. (2023). *Examen Periódico Universal 4to ciclo, sesión 46 del Consejo de Derechos Humanos. Contribución conjunta sobre derechos humanos en el entorno digital en Chile*. <https://www.apc.org/sites/default/files/upr-chile-final.pdf>

38. Association for Progressive Communications, & Derechos Digitales. (2024). *Universal Periodic Review of Chile – 4th cycle. Recommendations for Chile on human rights in digital environments*. https://www.apc.org/sites/default/files/upr_chile_summary_2024.pdf

39. <https://www.ohchr.org/en/hr-bodies/upr/cl-index>

Impact on the ground: In 2024, the government of Chile announced an initiative in collaboration with UN agencies entitled “Guaranteeing Coverage, Access, and Use of Digital Connectivity in Lagging Rural Territories to Improve the Quality of Life of the Most Vulnerable.”⁴⁰ The project commits to incorporating a gender perspective and implementation via a multistakeholder approach, working together with various Chilean government entities, the private sector and civil society organisations. While they cannot be uniquely attributed to this development, the UPR recommendations align with these commitments and can be used to ensure that digital divide policies are rights-respecting. With regards to the recommendations on privacy and data protection, Chile passed a law at the end of 2024 aimed at strengthening personal data protection and which established a personal data protection agency. Derechos Digitales utilised the recommendations relevant to data protection and privacy in national level lobbying with congress representatives in 2024. The additional pressure and visibility the UPR recommendations provided helped spur the adoption of data protection legislation that year in Chile. Therefore, while the UPR recommendations cannot be said to have caused this impact directly, they played an important role in reinforcing local advocacy efforts and created a basis for monitoring progress. This kind of impact reflects other examples of impact created by the UPR,⁴¹ which illustrate the complementary nature of UPR recommendations in bolstering national advocacy efforts.

Next steps: Derechos Digitales could develop a plan for monitoring and supporting the implementation of the UPR recommendations. Such a plan could include the following: writing to the relevant inter-ministerial coordination mechanism that has responsibility for international human rights reporting and implementation (the Directorate of Human Rights) to request information on the implementation plan; working with the NHRI to understand and inform their plans to monitor the government’s commitments; encouraging the government to report yearly at the Human Rights Council on progress on these recommendations (a recent practice of the United Kingdom, for example); and providing a mid-term report to the OHCHR. Derechos Digitales’ current efforts to develop indicators to monitor progress on the recommendations could draw on the UN good practices guidance for monitoring progress⁴² and specific digital rights frameworks, such as the ROAM framework in relation to the digital divide.⁴³

40. Joint SDG Fund. (2024, 11 October). Digital Transformation in Rural Areas: Government of Chile and UN Launch Innovative Connectivity Project. <https://www.jointsdgfund.org/article/digital-transformation-rural-areas-government-chile-and-un-launch-innovative-connectivity>

41. UPR Info. (2022). Op. cit.

42. United Nations Development Programme, Office of the High Commissioner for Human Rights, & UN Development Coordination Office. (2022). *UN Good Practices: How the universal periodic review process supports sustainable development*. https://www.ohchr.org/sites/default/files/2022-02/UPR_good_practices_2022.pdf

43. UNESCO. (2024). *Internet universality. Advancing inclusive digital transformation with ROAM-X Indicators*. <https://unesdoc.unesco.org/ark:/48223/pf00000392141>

Nigeria

What happened: For Nigeria's second cycle review (2013), APC member Fantsuam Foundation, partner Paradigm Initiative and APC collaborated on a joint submission. The submission included reference to Nigeria's cybercrime bill and a detailed account of its potential impacts on human rights.⁴⁴ The bill was later adopted and became the Cybercrime Act 2015. The recommendations in the joint submission were not reflected in the outcomes of Nigeria's review at the time. However, civil society advocacy continued nationally and at the international level, including via continued action in the UPR. For example, Paradigm Initiative collaborated with Privacy International for the third cycle of the UPR where the human rights impacts of the (then adopted) Cybercrime Act were included. This was reflected in the OHCHR's compilation of stakeholder submissions and therefore was included as an input for the review.

Impact within the UPR: The submission by Fantsuam Foundation, Paradigm Initiative and APC was not reflected in the second cycle, but it was included in the outcome report of the fourth cycle. This was done in a specific and concrete manner with a category 5 recommendation that called to "[a]mend section 24 of the Cybercrime Act, as ordered by the Economic Community of West African States (ECOWAS) Court of Justice in 2022, aligning it with regional and international legislation (Kingdom of the Netherlands)." Nigeria supported this recommendation, which signals a commitment to the international community of its intention to implement it. Therefore, while the initial incorporation of the impact of cybercrime legislation in Nigeria within joint submissions was not reflected in recommendations, continued reference to such legislation led to its incorporation in the fourth cycle.

Impact on the ground: In 2024, the Nigerian government passed the Cybercrime Amendment Act. While Nigeria's commitment to amend the Cybercrime Act came at a time when the ECOWAS order (2022) had already been passed, and the Nigerian government had already taken steps to implement it, the UPR recommendation signalled the attention the international community was paying to the issue. Importantly, this also highlights the type of specific recommendation on digital rights (e.g. relating to action on national legal instruments) that can be adopted in the UPR. This reflects the role of the UPR as a complementary lever to action elsewhere (e.g. at the national level, but also at the level of regional mechanisms, such as the ECOWAS in this case). The Amendment Act has been criticised, however, for not sufficiently protecting the right to freedom of expression, and in the same year the Nigerian NGO Socio-Economic Rights and Accountability Project

44. Fantsuam Foundation, Paradigm Initiative Nigeria, & and Association for Progressive Communications. (2014). *Universal Periodic Review of Nigeria. Joint Stakeholder Submission*. https://upr-info.org/sites/default/files/documents/2014-03/js1_upr17_nga_e_main.pdf

(SERAP) filed a lawsuit with the ECOWAS Community Court of Justice, challenging the legality and compatibility of the provisions of the Cybercrime Amendment Act 2024 with the rights to freedom of expression and information.

Next steps: The recommendation supported by Nigeria in relation to the Cybercrime Act can act as an advocacy lever for domestic civil society (including for APC partner Paradigm Initiative) in the implementation period of Nigeria's fourth review. While the government may argue it has implemented the recommendation through the Cybercrime Amendment Act (2024), the action undertaken by the government does not arguably comply with the recommendation, which requires that the amendment be aligned with international legislation, and the amendment is still open to interpretation that puts journalists at risk. Civil society groups could incorporate the recommendation into advocacy planning related to the law in Nigeria and to defending freedom of expression online, including via continued monitoring of the implementation of the law. In the fourth cycle, Nigeria also received a recommendation from the United States relating to the Press Council Act, which it noted.⁴⁵ While this means that Nigeria does not commit to the recommendation, there is precedent of governments taking action in relation to noted recommendations following domestic mobilisation.⁴⁶ With domestic mobilisation (e.g. engagement with the NHRI, parliamentarians and other stakeholders), the recommendation could still yield commitment to change in the next UPR cycle or changes on the ground. Civil society could provide, for example, a mid-term report on progress relating to the Cybercrime Act and in relation to the Press Council Act 1992. In doing so, it could leverage relationships with the NHRI and relevant standards developed through and enforced at regional mechanisms, including ECOWAS and the African Commission for Human and Peoples' Rights (ACHPR).

45. The recommendation is No. 152.113: "Amend the Nigerian Press Council Act of 1992 to remove undue restrictions on freedom of expression, specifically as they apply to online and citizen journalists." See: <https://www.ohchr.org/en/hr-bodies/upr/ng-index>

46. See the Botswana case study in UPR Info. (2022). Op. cit.

Philippines

What happened: APC member Foundation for Media Alternatives (FMA) submitted stakeholder reports to the Philippines review in the UPR's third cycle (2017)⁴⁷ and fourth cycle (2022),⁴⁸ jointly with APC. These submissions addressed a wide range of topics relevant to human rights in the digital environment, including online gender-based violence, freedom of expression online, online sex trafficking, privacy and data protection. FMA also presented joint submissions with Privacy International, which complemented those with APC.

Impact within the UPR: FMA's inputs into the Philippines third review were reflected in the OHCHR's stakeholder report, particularly in relation to online gender-based violence and the implementation of anti-child-pornography legislation.⁴⁹ These were reflected in the recommendations put forward in the third review and which were also supported by the Philippines, namely:

- Continue with strategies and programmes to put an end to violence against vulnerable groups, particularly women and children, ensuring child protection both online and offline (Bosnia and Herzegovina).
- Strengthen the fight against human trafficking in all forms, including by strengthening inter-agency coordination to combat cybersex in the community and by securing cooperation from the private sector to prevent and respond to online child abuse (Netherlands).
- Continue with strategies and programmes to put an end to violence against vulnerable groups, particularly women and children, ensuring child protection both online and offline (Bosnia and Herzegovina).

FMA's inputs were also reflected in the OHCHR's stakeholder report to the Philippines fourth review, particularly in relation to privacy and data protection and gender-based violence online.⁵⁰ The Philippines fourth review contains numerous recommendations, supported by the Philippines government, aimed at combating online sexual abuse and exploitation of children/minors and women. A number of these refer to specific acts of legislation.⁵¹

47. Foundation for Media Alternatives. (2017, 8 May). 3rd Cycle of the Philippines' Universal Periodic Review (UPR). <https://fma.ph/upr27-human-rights-philippine-digital-environment/>

48. Foundation for Media Alternatives, Association for Progressive Communications, Access Now, & Women's Legal and Human Rights Bureau. (2022). *Human Rights and the Philippine Digital Environment. Joint Submission to the Universal Periodic Review of the Philippines*. https://fma.ph/wp-content/uploads/2023/01/41st-UPR_FMA.pdf

49. Human Rights Council. (2017). *Summary of stakeholders' submissions – the Philippines*. United Nations. <https://documents.un.org/doc/undoc/gen/g17/046/69/pdf/g1704669.pdf>

50. Human Rights Council. (2022). *Summary of stakeholders' submissions – the Philippines*. United Nations. <https://undocs.org/en/A/HRC/WG.6/41/PHL/3>

51. Office of the High Commissioner for Human Rights. (2022). *UPR of Philippines (4th Cycle – 41st Session). Thematic list of recommendations*. https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session41/ph/UPR41_Philippines_Thematic_List_of_Recommendations.doc

The Philippines also noted a recommendation in its fourth review which refers to “red-tagging” and other issues raised in the FMA’s joint submissions, namely:

Prevent and respond to human rights violations and abuses against human rights defenders, and end incitement to violence and threatening rhetoric against human rights defenders, online and offline, including red-tagging, and ensure accountability for any acts of intimidation or reprisal (Liechtenstein).⁵²

Impact on the ground: FMA is not yet monitoring the implementation of the UPR recommendations received by the Philippines. However, the reference to specific acts of legislation in the recommendations adopted by the Philippines offers a vector for engagement to implement this legislation in a way that promotes national advocacy objectives relating to digital rights. For example, there are multiple references to the full implementation of the Anti-Online Sexual Abuse and Exploitation of Children Law in the recommendations adopted. This legislation includes a commitment to repeal the libel and cybersex provisions in cybercrime legislation, which is the result of FMA’s long-standing advocacy regarding the Philippines Cybercrime Prevention Act. The commitments made by the Philippines to implement that legislation (including the repeal of libel and cybersex provisions) could add extra momentum and pressure to these efforts to improve the regulatory landscape in the Philippines for digital rights and to protect freedom of expression and privacy online.

Next steps: FMA could develop a monitoring and implementation plan for the UPR recommendations. This could include reaching out to the National Mechanism for Implementation, Reporting and Follow-Up (NMIRF) towards understanding the efforts already underway to implement the recommendations, carrying out a mapping of relevant institutions and mechanisms that also have responsibility for monitoring the government’s implementation of the recommendations (such as the NHRI and the Philippines Commission for Women) and integrating the UPR recommendations in its advocacy planning with other UN mechanisms (e.g. CEDAW).⁵³ Specifically, FMA could utilise its engagement at CEDAW and relationships built with the NHRI to raise awareness of the recommendations accepted by the Philippines more widely and to work with other civil society groups in developing ways to link the UPR commitments to advocacy in other UN human rights mechanisms. It could also leverage its membership in Forum Asia, a regional coalition with a presence in Geneva, to support its UPR-related advocacy.

52. Ibid.

53. For example, it could also leverage the International Commission of Jurists’ submission to CEDAW in 2023, which contains references to online gender-based violence, for its monitoring efforts/indicators of progress. International Commission of Jurists. (2023). *Submission of the International Commission of Jurists to the Committee on the Elimination of Discrimination against Women in advance of the examination of the Philippines’ ninth periodic report under the Convention on the Elimination of all Forms of Discrimination against Women*. <https://www.icj.org/wp-content/uploads/2023/09/20231006-ICJ-Submission-to-CEDAW-PH-Final.pdf>

Practical recommendations for the APC network

General recommendations

In order for APC to amplify its engagement in the UPR to promote human rights in digital contexts, a two-track approach is recommended:

- Continued advocacy to support the adoption of UPR recommendations relating to digital rights and APC digital rights priorities within UPR country reviews (the recommendations below regarding submissions and advocacy related to the review are most relevant to this track).
- Increased utilisation of adopted recommendations as a complementary mechanism to advocacy for digital rights at the national, regional and global levels:
 - At the national level: Support the monitoring and implementation of UPR recommendations via domestic channels and institutions (see the recommendations below).
 - Amplify the UPR as a complementary mechanism to other relevant mechanisms regionally and internationally. This can include both UN and regional human rights mechanisms, as well as UN processes and frameworks, such as the Sustainable Development Goals (SDGs), CEDAW, the Women Peace and Security Agenda and the Global Digital Compact (see more in the recommendations below).

Both tracks would benefit from capacity-building activities. Suggestions for capacity-building activities drawing on the research are set out below.

Capacity building

- Peer learning: There is a range of capacity and experience among APC network members in engaging with the UPR. Mentorship (pairing of members in informal or semi-structured programmes) or workshops could be used to develop joint submissions; share information and good practices on monitoring and implementing UPR recommendations for national advocacy, build or leverage coalitions to engage with the UPR and showcase tools such as the Universal Human Rights Index (UHRI) and UPR Info databases⁵⁴ for monitoring and understanding the development of digital rights within the UPR. These could be organised online or in person.
- Advocacy materials: There are already numerous advocacy tools for civil society focused on the UPR. APC could supplement these by surveying network members on their capacity gaps with regards to the UPR and developing focused, “insider” tools to support members (e.g. sharing tips for lobbying and advocacy with diplomats in Geneva).
- Preparatory meetings: Organisation of strategy or “information-sharing” meetings in Geneva, especially for newcomers to the UPR, can be helpful before UPR pre-session attendance of the interactive dialogue or the adoption of a state’s report.

54. <https://uhri.ohchr.org/en> and <https://upr-info-database.uwazi.io/>.

Specific recommendations relating to the UPR stages

Network members face three main challenges in engaging with the UPR: 1) Resource challenges (particularly in engaging with the full cycle of the UPR, such as lobbying in Geneva and implementation); 2) Limitations relating to the domestic political context (e.g. limited civic space, government lack of buy-in or hostility to the work of digital rights activists); and 3) A lack of understanding or capacity in engaging with the UPR (including the implementation phase), particularly where members are new to participation in the Human Rights Council and UN system more generally. The recommendations here take into account these challenges.

For the submissions

- Continue to work within coalitions to develop submissions: This can include engagement with wider civil society (e.g. women's rights groups or development NGOs) or transnational alliances where this could be beneficial for gathering data on those issues or amplifying the submission. Network building can be beneficial but, due to its impact on resources and capacity, it should be considered on a case-by-case basis and based on a mapping of other stakeholders (including coalitions) working on the same issues that APC/network members plan to highlight in the submission.
- Find out which actors, including UN actors, are actively engaged in the UPR process: Reaching out to the local UN office or UN country team (UNCT) can help with providing guidance on the UPR process in the country and information on the UN agencies engaged with the UPR, and who inputs into the country's review.
- Participate in or support the organisation of national consultations to inform the submissions: These can be with other civil society groups (begin planning these around one year before the submission deadline). Find out if there are any other consultations planned (e.g. by the NHRI or the government).
- Include SMART (specific, measurable, achievable, relevant and time-bound) recommendations that can be easily lifted or adapted by reviewing states: The wording should reflect the recommendations as they would be put forth by recommending states and subsequently adopted.⁵⁵
- Integrate an understanding of the priorities of both the state under review and the recommending states: As the UPR is a political and state-driven process, when drafting recommendations consider states' interests in promoting a particular human rights issue, as well as their special strategic interests (see box 4).

55. UNESCO, & Amnesty International. (2022). *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*. <https://unesdoc.unesco.org/ark:/48223/pf0000382049/PDF/382049eng.pdf.multi>

- Capitalise on the ability of the UPR to act as a complementary lever to other human rights mechanisms by including explicit references to relevant entities and their outputs:
 - Include detailed and specific recommendations that acknowledge the contribution of an entity or an output (e.g. a report of a special mechanism, a Human Rights Council resolution or a framework, such as the Women, Peace and Security Agenda or the SDGs) to the enjoyment of human rights.⁵⁶ For example:
 - * Spain made four recommendations to other states during the third cycle of the UPR relating to the Women, Peace and Security (WPS) Agenda. An engagement with Spain in the fourth cycle could include digital and cyber-specific recommendations relating to the WPS.
 - * For member states of the ACHPR, include references to frameworks and resolutions, such as Resolution 522 on the Protection of Women Against Digital Violence in Africa (2022) and Resolution 580 on Internet Shutdowns and Elections in Africa (2024).
 - Consider including references to the SDGs, where appropriate, as these are more likely to be supported due to instruction to states and UN entities to refer to the SDGs when providing reports for the fourth cycle of the UPR.⁵⁷
- Include a section providing a detailed review of progress on previous recommendations: This section can be integrated into the main part of the submission or form a separate part (e.g. a table that includes indicators, benchmarks or a matrix).⁵⁸
- Include suggested questions for the interactive dialogue, or include suggested questions to share with recommending states, in an alternative or shorter version of your submission: For issues that may be sensitive or difficult and where recommendations may not be accepted by the state under review, encouraging recommending states to ask questions relating to the issue area can be part of an incremental approach to addressing the issue.⁵⁹

56. Shah, S., & Sivakumaran, S. (2024). Op. cit.

57. Ibid.

58. See examples in Amnesty International's submission annexes, such as the submission for Indonesia's fourth cycle. Amnesty International, & Aliansi Jurnalis Independen. (2022). *Indonesia. Amnesty International and the Alliance of Independent Journalists: Submission to the 41st session of the UPR Working Group, November 2022*. <https://www.amnesty.id/wp-content/uploads/2022/04/UPR-English.pdf>

59. Storey, A., & Oleschuk, M. (2024). *Empowering Civil Society Organisations at the UPR. Strengthening Implementation of Recommendations from the UN's Universal Periodic Review*. The UPR Project at BCU. <https://bcuassets.blob.core.windows.net/docs/empowering-csos-at-the-upr-full-report-133680282970363754.pdf>

Advocacy relating to the review

- Employ a multi-pronged approach: At the national level, reach out to the embassies of recommending states to share your submission and priorities, as well as to the NHRI and your government (e.g. the NMIRF). If you can, attend the UPR pre-sessions in Geneva to lobby recommending states prior to the review.⁶⁰ Even if you cannot attend, consider reaching out to any organisations or coalitions with a presence in Geneva who could champion your recommendations in their lobbying, and use digital channels to reach out to representatives in Geneva, pointing them to your published report on your website, for example.
- Target recommendations at recommending states who have an interest in that issue or are regional allies: It is helpful to understand patterns of issues that certain recommending states are interested in. Consider regional alignments: similar countries in certain regions will generally be more amenable to accept them or those from countries that share strong political, economic ties (box 4).
- Develop an “easy-to-digest” version of your submission: Condensing your submission or providing an infographic version that highlights the recommendations or key points can help your advocacy. Also, be prepared with data and statistics on the key issue areas and how they relate to your recommendations (e.g. if you are advocating for a recommendation to address the disproportionate impact of the digital divide on women or the value of a gender-based approach to address the digital divide, you can come prepared with data that showcases the need for that from your country’s context).
- Host a side event during a Human Rights Council session: Side events can be organised before the interactive dialogue of the review or after the interactive dialogue as a debriefing.⁶¹ They are useful for more substantive discussions on the issues you raise in your submission.

60. UPR Info. (2016). *UPR Info Pre-sessions. Empowering human rights voices from the ground*. https://upr-info.org/sites/default/files/documents/2016-12/pre-sessions_web.pdf; UPR Info. (2023). *United Arab Emirates. Timeline for UPR engagement in the current cycle*. <https://upr-info.org/en/review/united-arab-emirates>

61. ISHR Academy. (n/d). *UN Human Rights Council. Understand the structure, purpose and mandate of the Human Rights Council and the opportunities for effective engagement: How to plan a side event*. <https://academy.ishr.ch/learn/un-human-rights-council/how-to-plan-a-side-event>

Good practice: Research state priorities

When lobbying recommending states to put forward your recommendations to the state under review, it is helpful to carry out research on the recommending states. For example, it is useful to consider the following:

- The foreign policy priorities of the state: Does it have a feminist foreign policy, or does it champion digital rights issues like addressing shutdowns, spyware, gender-based violence online or the digital divide in regional and international policy spaces?
- Its regional positioning or global positioning: Does it have good relationships or take positions in a bloc through either regional mechanisms or multilateral mechanisms with the state under review? This is important to consider because the UPR is a state-to-state peer-review mechanism and political alignments can play a role in how likely a state is to support a recommendation.

When lobbying, whether at the national level through embassies or in Geneva prior to the review, it is also helpful to provide data and research to back up your recommendations. Consider how you will frame the issues you are presenting to the state (e.g. “We are aware that this particular issue is a priority for your country and its foreign policy and that is why we think this recommendation would be of particular interest.”).

Monitoring and implementation

A monitoring plan can involve national, regional and international engagement and include recommendations from previous cycles.

At the national level

Develop a monitoring and implementation plan for the relevant recommendations (including those from previous cycles).

- Understand “who is who” or what the plans of the key implementation actors are:
 - Reach out to and understand the government’s plans for implementing the outcomes of its review report: Every country will have a different mechanism for

human rights implementation and follow up. Some will have dedicated and inter-ministerial NMIRFs,⁶² while others locate the responsibility for human rights implementation and follow up within ad-hoc ministerial coordination mechanisms or a single ministerial mechanism (like the Ministry of Foreign Affairs). You may already have engaged with the mechanism when putting together your submission. The development of the NMIRF situation is evolving, with added momentum from the United Nations and member states to institutionalise specific NMIRFs that, among other duties, have the responsibility of implementing the outcomes of international human rights mechanisms such as the UPR.⁶³ For that reason, it is important to reach out to the government and understand its plans for implementation.

- o Understand the NHRI's plan for monitoring and supporting implementation of the UPR: NHRIs have different capacities and levels of focus on international mechanisms and follow up, so it is useful to understand their role in monitoring, follow up and implementation of the UPR recommendations. An important part of NHRI mandates is the domestication and integration of human rights standards (e.g. advising on human rights action plans). You could offer to raise awareness of digital rights among NHRI staff via trainings and workshops and you can offer to help with the development of implementation plans, matrices or other relevant roadmaps or frameworks for the monitoring of UPR recommendations.⁶⁴
- o Contact the local embassies of relevant recommending states: When a state has made a recommendation to the state under review that is relevant to your work, the corresponding embassy could provide support for implementation activities.⁶⁵
- o Integrate the UPR outcomes into your own advocacy strategy:
 - * This can include integrating voluntary pledges by states into advocacy strategies (voluntary commitments by states may be made at the beginning of the review, during the interactive dialogue or after the dialogue).
 - * Utilise existing tracking tools, implementation recommendation indices and matrices in the development of the monitoring plan.⁶⁶ You can liaise and integrate information received from the government and the NHRI into your monitoring plan.

62. Universal Rights Group. (2024). *The Emergence and Evolution of National Mechanisms for Implementation, Reporting, and Follow-Up*. <https://www.universal-rights.org/urg-policy-reports/the-emergence-and-evolution-of-national-mechanisms-for-implementation-reporting-and-follow-up/> <https://www.universal-rights.org/urg-policy-reports/the-emergence-and-evolution-of-national-mechanisms-for-implementation-reporting-and-follow-up/>

63. See Human Rights Council. *Implementation of resolution 51/33 on promoting international cooperation to support national mechanisms for implementation, reporting and follow-up. Report of the Office of the United Nations High Commissioner for Human Rights*. United Nations. <https://docs.un.org/en/A/HRC/57/73>

64. Civil society worked in partnership with other stakeholders to develop the Government of Kenya's matrices in the second UPR cycle. See, for example, Office of the Attorney General and Department of Justice of Kenya. (2016). *Universal Periodic Review. 2nd Cycle Implementation Matrix (2015-2019)*. https://upr-info.org/sites/default/files/documents/2016-06/kenya_2nd_cycle_final_matrix_2016.pdf

65. Storey, A., & Oleschuk, M. (2024). Op. cit.

66. Human Rights Measurement Initiative. (n/d). *How to use HRMI data in submissions for the Universal Periodic Review process*. <https://humanrightsmmeasurement.org/data-for-upr/>

- * Socialise the report and the adopted recommendations: If you have worked within a national coalition you could work with interested groups in the coalition to create a shared understanding of what successful implementation of digital-rights related recommendations looks like.
- * Assess possible actions you could take to support implementation of the recommendations:
 - For example, if the government has committed to the passing of legislation or policy: Are there actions you could take to advance this implementation (e.g. capacity-building activities, lobbying of policy makers or parliamentarians to remind them of their commitments), or could you provide implementation guidance to local or domestic bodies regarding what local and state agencies can do to implement recommendations?⁶⁷

Regional and global level

- Use high-visibility events, such as World Press Freedom Day or International Women's Day, to highlight UPR recommendations.
- Link to other UN processes in a way that reinforces and complements relevant obligations and commitments:
 - Consider UN internet governance processes, such as the Global Digital Compact or the Internet Governance Forum, to raise awareness or strategise around the implementation of UPR recommendations.
- Engage regional rights bodies, such as the Inter-American Commission on Human Rights (IACHR) and the ACHPR:
 - Reach out to these mechanisms to raise awareness of UPR commitments (e.g. by requesting audiences or meetings with relevant bodies or mechanisms, such as special mechanisms or commissioners). These can include discussions on integrating UPR commitments into those bodies' country evaluations, or discussions on how to implement UPR recommendations through national mechanisms.
- Submit mid-term reports for the fourth cycle⁶⁸ and provide updates during the UPR general debate sessions at the Human Rights Council.⁶⁹
- Lobby governments of countries that have accepted digital rights recommendations to provide a yearly update on their progress at the Human Rights Council.⁷⁰

67. Consider the toolkit developed by Columbia Law School regarding the implementation of recommendations made to the United States and which includes recommendations to domestic implementing actors. Columbia Law School Human Rights Institute for the International Association of Official Human Rights Agencies. (2011). *Implementing Recommendations from the Universal Periodic Review A Toolkit for State and Local Human Rights and Human Relations Commissions*. https://hri.law.columbia.edu/sites/default/files/publications/UPR%2520Toolkit_0.pdf

68. <https://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports>

69. <https://www.ohchr.org/en/hr-bodies/hrc/ngo-participation>

70. Providing yearly updates became more common in the third cycle (e.g. it is a practice of the United Kingdom). Office of the High Commissioner for Human Rights. (2022). *Universal Periodic Review (UPR). The 3rd Cycle, 2017-2021 (2022)*. United Nations. https://www.cbd.int/doc/presentations/tc-imrr/PPP_UPR_3rd_cycle_EN.pdf

Annex 1 Examples of UPR recommendation categories as they relate to digital rights recommendations

Category	State under review (SuR)	Recommending state	Recommendation	Cycle	Accepted
Category 1: Calling upon the SuR to request technical assistance, or share information (Examples of verbs: call on, seek, share).	Bhutan	Kuwait	Oversee the strengthening of technical cooperation between Bhutan and various United Nations organs to enhance capacity in the field of exchange of technology and information.	1 (2008-2012)	Yes (supported)
Category 2: Emphasising continuity (Examples of verbs: continue, maintain, perpetuate, persevere, persist, pursue, remain, sustain).	Cuba	Tunisia	Continue efforts to implement actions to strengthen the access of persons with disabilities to information and communications technology.	3 (2017-2021)	Yes (supported)
Category 3: Consider change (Examples of verbs: analyse, assess, consider, envisage, envision, examine, explore, reflect upon, revise, review, study)	Tanzania	United Kingdom	Undertake a thorough review with key stakeholders and civil society of its existing Cybercrime and Statistic Acts and proposed Media Services and Access to Information bills, to meet human rights obligations.	2 (2012-2016)	No (noted)
	Chile	Peru	Assess surveillance and personal data collection technologies from a human rights approach, in particular considering the right to privacy and taking into account the principle of non-discrimination.	3 (2017-2021)	Yes (supported)
Category 4: Contains a general element (Examples of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures or steps towards).	Ireland	Fiji	Take the necessary steps to combat racial discrimination and racism, including by addressing the prevalence of racist hate crimes, racist hate speech, particularly online, and racial profiling by the police.	3 (2017-2021)	Yes (supported)
	Laos	United Kingdom	Ensure that the right to freedom of expression and its other international human rights commitments are upheld in any move to adopt a cyber law.	2 (2012-2016)	Yes (supported)
	Vietnam	Finland	Ensure that Decree 72, concerning the management, provision and use of Internet services and information online, is implemented in a manner that does not limit individuals' rights to voice their opinions online.	2 (2012-2016)	Yes (supported)
	Turkey	Brazil	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.	3 (2017-2021)	No (noted)
Category 5: Recommendation of specific action (Examples of verbs: conduct, develop, eliminate, establish, investigate, undertake; as well as legal verbs: abolish, accede, adopt, amend, implement, enforce, ratify).	Gambia	Germany	Reform legislation on personal data protection and privacy in order to provide safeguards on the use of personal data and provide equal access to technology and communications to all citizens.	3 (2017-2021)	Yes (supported)
	Chile	Panama	Integrate a gender- and human-rights-based approach into public policies aimed at closing the digital divide in all its facets, guaranteeing the privacy and security of people in digital environments.	4 (2022-2027)	Yes (supported)

Annex 2 Useful resources

Storey, A., & Oleschuk, M. (2024). Empowering Civil Society Organisations at the UPR. Strengthening Implementation of Recommendations from the UN's Universal Periodic Review. UPR Project at BCU.

- Access here: <https://bcuassets.blob.core.windows.net/docs/empowering-csos-at-the-upr-full-report-133680282970363754.pdf>

UNESCO and Amnesty International. (2022). The Universal Periodic Review (UPR) and its potential to foster freedom of expression, access to information and safety of journalists.

- Access here: <https://unesdoc.unesco.org/ark:/48223/pf0000382049/PDF/382049eng.pdf.multi>

UPR Info. (2022). The UPR. Beyond Reporting: Transformational Changes on the Ground.

- Access here: <https://upr-info.org/sites/default/files/general-document/2022-07/Beyond%20Reporting-EN-Web.pdf>

Office of the High Commissioner for Human Rights. (2019). Maximising the use of the Universal Periodic Review at Country Level. Practical guidance.

- Access here: https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf

Geneva Academy. (2019). The Universal Periodic Review Mid-Term Reporting Process. Lessons for the Treaty Bodies.

- Access here: <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Universal%20Periodic%20Review%20.pdf>

Brown, D., & Kumar, S. (2016). Using the Universal Periodic Review for Human Rights Online. Global Partners Digital.

- Access here: <https://www.apc.org/sites/default/files/Using-the-universal-periodic-brief-for-human-rights-online-1.pdf>

UPR Info and Child Rights Connect. (2015). Follow-up to the Universal Periodic Review. Information for NGOs.

- Access here: https://upr-info.org/sites/default/files/documents/2015-01/upr_info_fs4_follow-up_e.pdf

UPR Info E-Hub

- Access here: <https://upr-info-ehub.thinkific.com/>

Geneva Digital Academy: Digital Human Rights Tracking Tools and Databases. The Directory.

- Access here: <https://www.geneva-academy.ch/geneva-humanrights-platform/tracking-tools>

Annex 3 Methodology

This research was based on desk research (analysis of APC joint submissions, submissions of other digital rights organisations, peer-reviewed journal research, capacity-building tools and reports by NGOs and think tanks), as well as:

1. Semi-structured interviews with staff from APC network members (Derechos Digitales and Foundation for Media Alternatives) and previous APC staff (Joy Liddicoat) and current APC staff (Veronica Ferrari).
2. A questionnaire on UPR engagement which was completed by APC network member TEDIC.
3. An online workshop with representatives from APC staff and representatives of APC network members, including members who provided interventions on experience engaging with the UPR.

THE UNIVERSAL PERIODIC REVIEW PROCESS AND ITS POTENTIAL FOR PROMOTING HUMAN RIGHTS IN DIGITAL CONTEXTS