Innovations for the 5th cycle of the Universal Periodic Review

Submission to the Office of the High Commissioner for Human Rights

27 February 2026

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Australian Human Rights Commission

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About the Australian Human Rights Commission

Our vision for Australia is one where everyone can live free and equal in dignity and rights as part of a strong, healthy democratic society.

We have 4 core functions under our legislation:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our complaint handling services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for positive duty laws requiring employers and others to address sexual harassment, sex discrimination and other unlawful conduct.

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Overview

1. This submission is made by the Australian Human Rights Commission (The Commission) to the Office of the High Commissioner for Human Rights (OHCHR) as the Human Rights Council prepares for the 5th cycle of the Universal Periodic Review (UPR).
2. This submission provides a short overview of good practices from the Commissions participation in four UPR cycles and suggests innovations for better involvement of national human rights institutions for the upcoming 5th UPR cycle (2027 – 2032).
3. The Commission is an 'A status' national human rights institution, operating in conformity with the 'Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights' in General Assembly Resolution 48/134, 1993.
4. Australia has participated in three complete cycles of the UPR and appeared for their fourth review on January 26, 2026, during the 51st cycle.

Recommendations

The Commission recommends the following innovations for the 5th cycle of the Universal Periodic Review.

Recommendations
1. That the UPR working group procedures enable all A status national human rights institutions to speak for ten minutes during the UPR appearance at the United Nations Human Rights Council (HRC).
2. That the HRC consider removing the requirement for UPR recommendations to be spoken into the record at the appearance. Instead, inviting states to submit their recommendations in advance in written form, following strict guidelines provided by the OHCHR.
3. That the OHCHR revise its mid-term reporting guidelines by introducing guidance that encourages governments to report on implementation plans for all recommendations accepted in the previous cycle.

1 Practice of the Commission in the 4th cycle

Advocacy and awareness raising in Australia and Geneva

To prepare for Australia's UPR appearance, the Commission collaborated with civil society organisations to advocate for recommendations in our submissions, and encourage states to make recommendations that SMART.

We hosted briefing events in Australia, meeting with permanent missions in Geneva, participating in the UPR info pre-session, and sending a personalised letter to every permanent mission and Australian based embassy.

Initial conservative analysis of the recommendations received by Australia during the 4th cycle show that 65% of the countries that spoke gave recommendations that either:

a) Were the recommendation the Commission suggested they make

b) Were similar to the recommendation the Commission suggested they make

c) Used language from the content or recommendations from the Commission's submission

Australia based events

5. The Commission and NGO coalition invited every country with a diplomatic presence in Australia to an extended in person briefing in Canberra, followed by four short online thematic sessions that explored key issues from the Commission and NGO coalitions submissions.

6. Representatives from 60 countries attended at least one of these events. Six of the 25 countries that had never participated in Australia's UPR process before registered to speak at the UPR appearance had attended one of these events.

Letter distribution

7. The Commission sent a personalised letter to every UN member state that contained:
   - The recommendations made by the country in the last UPR cycle and their status.
   - Recommendations in the Commission's submission that we believed may be of particular note to the country, based on the previous recommendations the country had made to Australia and other countries.
   - Link to the Commission submission and fact sheets supporting the submission recommendation we included.

2 Suggested innovations for the 5th cycle

The state's appearance before the UPR working group

Showcasing the roles of NHRIs

8. We encourage the UPR Working Group to facilitate direct NHRI engagement in the 5th cycle by inviting all A status NHRIs to present an independent assessment on their state's human rights performance during the United Nations Human Rights Council session.

9. This would take the form of NHRI's being offered 5–10 minutes of the 70 minutes currently allocated to the state under review to speak during the session.

10. At a time where we are seeing a significant retreat from independent human rights accountability processes at the international level, and increased pressure for the UN to establish more mechanisms, direct NHRI engagement in the UPR session would:
    - ensure greater accountability and transparency in how States report on their human rights records, and
    - reiterate the importance of NHRIs UN Principles relating to the Status of National Institutions (the Paris Principles).

Inviting registered speakers to submit advance written recommendations

11. As member states deliberate the 5th cycle, the Commission suggests that they consider why UPR recommendations must be spoken into the record during the session.

12. We propose that revising this rule and allowing states to submit written recommendations to the working group and state under review before their UPR appearance would:
    - Facilitate better dialogue between the State under review and UN member states. As intended, the interactive process would be the focus of the review.
    - Improve the quality of the recommendations submitted by member states.

13. Similarly to spoken recommendations, the written recommendations would have limitations. For example, a limit of how many recommendations could be made.

14. The number of states participating in Australia's review grew by 115% from the first to the fourth cycle. In the 4th cycle, states only had 60 seconds to deliver their introductory remarks and recommendations. If participation in the session continues to grow, the requirement that all recommendations must be spoken may no longer be fit for purpose.

Mid-term reporting

15. We recommend that the OHCHR encourage states to include implementation plans in their midterm reporting that explain how they plan to translate accepted recommendations into concrete action.

16. Current midterm reporting can be 'backward focused' and not directly linked to the recommendations received by the state. The current template for voluntary mid-term report includes:
    1. 'a narrative with sub-headings by theme or UPR recommendations.
    2. a table listing UPR recommendations, position taken, follow up action, and lead ministries in separate columns.
    3. a narrative report with thematic sub-headings and as annex a summary table with recommendations and action taken.'[1]

17. Future focused implementation plans increase state accountability and transparency during the implementation stage of the UPR.

18. Measuring a state's progress against their implementation plan would facilitate more meaningful dialogue than the current approach, where states simply report whether a recommendation has been implemented, without providing further context.

19. We also note that there is an opportunity to better utilise the time under item 6 when UPR reports are adopted formally in the UN Human Rights Council, by encouraging States to identify priority actions that they will take in response to the UPR recommendations received. This might also take the form of committing to a midterm implementation plan on key issues. This implementation plan would not need to cover all recommendations – instead it could focus on key actions that the State will take. States should be encouraged to identify what consultations they have done with NHRIs and NGOs in determining this list of priorities.

Endnotes

[1] United Nations Human Rights Council, *UPR Mid-term Reporting Note and Template*, (Guidelines).