



the global voice of  
the legal profession®

# Tips for Enhancing Judicial Engagement with the United Nations Human Rights Council Universal Periodic Review



In collaboration with



With the endorsement of



# Introduction

A precondition for the engagement of legal professions with the United Nations (UN) Human Rights Council, and in particular with the Universal Periodic Review (UPR) process, is the separation of powers and the independence of the legal profession that constitutes the building block for the rule of law and democracy. Judges, prosecutors and lawyers must be able to carry out their professional duties without undue interference and must be protected, *de jure* and *de facto*, from attacks, harassment and persecution.

The judiciary, in particular, is not only one of the main pillars for the rule of law. It is also instrumental to promote and enhance the implementation of international standards. National courts can have a dynamic and active role in advancing human rights at national level.<sup>1</sup>

In the last few decades, particularly since the 1990s, national courts are increasingly becoming salient actors in the application of international law.<sup>2</sup> Courts have used international human rights norms and standards to guide the interpretation and application of rights at the domestic level, even in cases where the country concerned does not hold a binding obligation under international law.

There are different forms through which courts can go beyond their adjudicatory role and assume an active stance in enforcing existing international human rights standards. More interestingly, some courts rely on international human rights law as a tool to ‘interpret’ domestic law either as a way to reaffirm their own conclusions,<sup>3</sup> or construe vague statutes (by using international law parameters, such as non-discrimination, to read domestic laws and determine the rights applicable in concrete cases).<sup>4</sup> In these cases, courts do not necessarily treat unratified human rights treaties as binding law, but recognise the ways in which unincorporated human rights treaties can be useful to reinforce their arguments.<sup>5</sup>

The current Tips for Enhancing Judicial Engagement with the UPR developed by the International Bar Association’s Human Rights Institute (IBAHRI) in collaboration with UPR Info, and with the endorsement of Judges for Judges, the International Association of Judges and the Geneva Human Rights Platform contains information on how the judicial branch of the government can maximise this universal State-to-State peer review mechanism of the UN Human Rights Council, while ensuring the effective participation of judges in all its different phases.

Indeed, judicial engagement is most needed and welcomed **before** the UPR, with a specific contribution to the drafting of the State Report; **during** the review, with the participation of senior judges in the delegation of the State in the UPR Working Group in Geneva; and **after** the UPR outcome adoption, in the Human Rights Council, when implementation of relevant recommendations, accepted by the State, become key to the success of the UPR in its fourth cycle – a

---

1 Francesca Restifo ‘The Dynamic Role of Courts in the Protection of International Human Rights’, A Global Handbook on National Human Rights Protection Systems, Brill, 2023.

2 Melissa Waters, ‘Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Law’ 93(2) Georgetown Law School (2005) 487, 509.

3 See for example *Roper v Simmons* 543 US 551 (2005) (United States).

4 See for example *Hemmes v Young* [2005] 2 NZLR (New Zealand).

5 Francesca Restifo ‘The Dynamic Role of Courts in the Protection of International Human Rights’, A Global Handbook on National Human Rights Protection Systems, Brill, 2023.

cycle focused on enhanced implementation of recommendations.

The UPR is a key tool to domesticate human rights norms. Indeed, the UPR mechanism refers to concluding observations of UN Human Rights treaty bodies, or to the advice of special procedures mandate holders, inputs from the UN System, OHCHR<sup>6</sup> field presences, regional human rights mechanisms, national human rights institutions and non-governmental organisations. Thus, UPR recommendations provide a detailed road map of what each State under review needs to do to improve its national human rights protection system.

Contrary to other human rights mechanisms, at expert level, the UPR provides an opportunity for each State to consider every single recommendation received by other States – after broad consultations with parliament, the judiciary, local and regional governments and various national entities and other national stakeholders, including civil society. This is done often within the so-called National Mechanisms for Implementation Reporting and Follow up (NMIRFs), resulting in sovereign decisions on recommendations States accept in the Human Rights Council UPR adoptions, 3–4 months after each UPR review.

Clearly, UPR-accepted recommendations create entry points for action to increase compliance with international human rights obligations, to improve the rule of law, to make progress on equality and non-discrimination and on economic, social and cultural rights – leading to greater protection of all human rights – including international humanitarian law in countries in conflict or in post-conflict situations.

The UPR has been referred to by the UN, at the highest level, as one of the organisation’s most impactful instruments to promote human rights. Supporting the implementation of UPR recommendations – reflecting States’ legal obligations and commitments made in UN and regional human rights fora – would greatly advance human rights, create more resilient societies and ensure progress on the 2030 Agenda and the Sustainable Development Goals. Doing so, systematically, would make the UPR mechanism fulfil the expectations and vision of the founding fathers of the Human Rights Council to improve human rights on the ground and thus also contribute to the prevention of conflicts and humanitarian emergency situations.

Finally, fostering judicial engagement with the UPR would also help create strong bases for making in-depth knowledge of the UPR mechanism part of the legal education in university law schools, as well as in relevant professional schools. Thus allowing new graduates and the judicial profession to be able to do due diligence – making full use of the information contained in UPR official records to ensure the highest level of professionalism in all contexts – in line with the UN Basic Principles on the Independence of the Judiciary and the Bangalore Principles on Judicial Conduct.

Gianni Magazzeni

*UPR Info Executive Board Member*

*Former OHCHR UPR Branch Chief (2017–2023)*

Francesca Restifo

*Senior Human Rights Lawyer*

*International Bar Association’s Human Rights Institute (IBAHRI)*

---

6 Office of the High Commissioner for Human Rights (OHCHR).

# Foreword

As special rapporteur for the independence of judges and lawyers, I welcome the publication of these Tips for Enhancing Judicial Engagement with the United Nations Human Rights Council Universal Periodic Review.

The Universal Periodic Review (UPR) is a unique mechanism of the Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights record. It has shown great promise in bringing together a broad range of national actors to evaluate where each Member State stands in the implementation of its human rights obligations, and in mobilising implementation of these same obligations on the ground.

Judiciaries are key actors in meeting a State's human rights obligations. Justice operators are the front line for human rights protection at the national level, and they are crucial to accountability, and to ensuring the rule of law. In fact, it is the judiciary who must lead the way in implementing some international obligations and on informing any progress made. Their inputs to the UPR review are invaluable to understanding the situation on the ground.

As the foremost organisation for international legal practitioners, bar associations and law societies, established in 1947, with the aim of protecting and advancing the rule of law globally, the International Bar Association and its Human Rights Institute (IBAHRI) are the best placed to provide these tips to all justice actors.

The IBAHRI and this mandate have worked together for many years, and I salute its role in providing human rights training and technical assistance for legal practitioners and institutions, and in building their capacity to effectively promote and protect human rights under a just rule of law.

The IBAHRI works worldwide with the global legal community to promote and protect human rights and the independence of the legal profession. They are a key partner for this mandate in supporting lawyers and judges who are working on the protection of human rights and may face interference or intimidation for their work.

I encourage all justice operators to use these tips going forward, and to engage actively with the UPR mechanism, as a way of furthering the aim we all share to ensure the enjoyment of human rights by all people. The breakdown of the review, with examples of how to engage with the mechanism, and the best practices that are highlighted throughout this document will prove especially useful to those judges and justice operations seeking to enhance their interaction with universal human rights mechanisms.

I look forward to continuing to engage with all justice operators and IBAHRI in our human rights mission!

Margaret Satterthwaite

*UN special rapporteur on the independence of judges and lawyers*

# Foreword

I am really honoured and privileged to write this Foreword and on behalf of the International Association of Judges (IAJ).

The Universal Periodic Review (UPR) is a unique process which involves a peer review of the human rights records of all 193 UN Member States. There is no better place to promote involvement of judges in this endeavour to protect, promote and maintain human rights.

By its methods and goals this is a unique exercise which provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

If one will have this in mind, one will accept the fact that the judiciary, and particularly judges as holders of judicial function, are irreplaceable protectors of individuals against any tyranny, abuse of power or undue influence. Taking that into account, as part of the rule of law and democracy as we understand these terms in our contemporary democratic world, judges should be involved in consultations on how those principles are implemented or should be applied in their respective States, how the application of these principles can be improved and how to learn from best practices in other States.

This is essential to all judges in the world. When we speak about independence, impartiality and autonomy of judges, advocating that these principles should be protected by international and domestic laws of highest rank, we do not speak about our rights and privileges. We speak about the interest of citizens, stressing that for us, judges, independence, autonomy and laws which will protect and potentiate our impartiality are air and water to perform our duty properly in a democratic State.

Having in mind what is said at the very beginning of this document, and supporting this statement: ‘Representing a Branch of the State and due to their competence and responsibilities, judges are uniquely positioned to contribute to the various stages of the UPR process’, IAJ fully endorses the Tips for Enhancing Judicial Engagement with the Human Rights Council Universal Periodic Review and we as an Association will do what is within our power to promote it and support it with our active participation.

Duro Sessa

*President of the International Association of Judges*

# Acknowledgements

Main author: Francesca Restifo, Senior Human Rights Lawyer and UN Representative, International Bar Association's Human Rights Institute (IBAHRI)

Contributors: Gianni Magazzeni (Former OHCHR UPR Branch Chief (2017-2023)), Mona M'Bikay (UPR Info, Executive Director), Nicoletta Zappile (UPR Info, Deputy Director) and Eleonora Scala (IBAHRI)

Special thanks to: Felix Kirchmeier, Executive Director Geneva Human Rights Platform; Duro Sessa, President of the International Association of Judges; Tamara Trotman, Chair Rechters voor Rechters/Judges for Judges. Thanks also to the IBAHRI interns for their research work, in particular Christian Boffa and Francesca Ceravolo. IBAHRI also acknowledges the background research work of IBAHRI interns Beatriz Brandao, Katharina Drosos and Marina Garcez.

We also thank the UN Special Rapporteur on Independence of Judges and Lawyers and her office for supporting these Tips

## About the International Bar Association's Human Rights Institute (IBAHRI)

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The International Bar Association's Human Rights Institute (IBAHRI), an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

## About the partners

### UPR Info

UPR Info is a non-governmental organisation based in Geneva, founded in 2008, that promotes the protection of human rights through the Universal Periodic Review (UPR) mechanism. With over 15 years' experience in Geneva and in over thirty countries, the organisation has firmly established itself as a centre of excellence on the UPR. The organisation raises awareness, builds capacity of all UPR stakeholders, and provides them with tools to engage in the UPR process through reporting, advocacy, monitoring and implementation and follow up activities.

### International Association of Judges (IAJ)

IAJ was founded in Salzburg (Austria) in 1953. It is a professional, non-political, international organisation, bringing together national associations of judges. The main aim of the Association is to safeguard the independence of the judiciary, which is an essential requirement of the judicial function, guaranteeing human rights and freedoms. The organisation currently encompasses 92 national associations or representative groups, from five continents.

## **Rechters voor Rechters (J4J)**

Established in 1999, Dutch foundation Rechters voor Rechters (Judges for Judges/J4J) is an independent and non-political foundation set up by judges to support fellow judges abroad who have run into problems or risk problems on account of their professional practice. These problems are mostly related to (presumed) violation of their professional independence. J4J also concerns itself with judges, who have been discharged for disturbing reasons, have been arrested and imprisoned, put under pressure, are threatened or even assassinated.

## **The Geneva Human Rights Platform (GHRP)**

GHRP provides a neutral and dynamic forum of interaction in Geneva for all stakeholders in the field of human rights – experts, practitioners, diplomats and civil society – to debate topical issues and challenges related to the functioning of the global human rights system. Relying on academic research and findings, it works to enable various actors to be better connected, break silos, and, hence, advance human rights.

# Contents

<b>Purpose, scope and use of terms</b>	<b>10</b>
<b>0. Preliminary Remarks</b>	<b>11</b>
0.1 The UPR mechanism	11
0.2 The UPR mechanism – mandate and purpose	11
0.3 Overview of recent developments connected with the UPR	12
0.4 UPR documentation	13
0.5 Why fostering engagement with judges?	13
0.6 Key phases of the UPR cycle	15
<b>Tips for Enhancing Judicial Engagement with the United Nations Human Rights Council Universal Periodic Review</b>	<b>16</b>
<b>1. Tips for judicial engagement prior to the review</b>	<b>16</b>
1.1 National consultation	16
1.2 Judges’ contribution to the National Report	17
<b>2. Tips for judicial engagement during the review</b>	<b>19</b>
2.1 Between review and adoption (analysis and advice)	19
2.2 Adoption of the outcome	19
<b>3. Tips for judicial engagement after the review</b>	<b>21</b>
3.1 Follow-up	21
3.2 Supporting the implementation of UPR recommendations	21
3.3 Examples of UPR recommendations implying direct involvement of judges in their implementation	23
3.4 Examples of UPR recommendations implying indirect involvement of judges in their implementation	24
<b>4. Tips for ongoing engagement and follow-up</b>	<b>25</b>
<b>Other useful resources</b>	<b>27</b>

# Abbreviations

<b>Bangalore Principles</b>	Bangalore Principles on Judicial Conduct
<b>Basic Principles</b>	Basic Principles on the Independence of the Judiciary
<b>CAT</b>	Convention against Torture
<b>CS</b>	Civil Society
<b>CSOs</b>	Civil Society Organisations
<b>HCHR</b>	High Commissioner of Human Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>JIG</b>	Judicial Integrity Group
<b>NHRI/NHRIs</b>	National Human Rights Institution(s)
<b>NMIRF/NMIRFs</b>	National Mechanism(s) for Implementation Reporting and Follow-Up
<b>OHCHR</b>	Office of the High Commissioner of Human Rights
<b>SuR/SuRs</b>	State(s) under Review
<b>The Charter</b>	United Nations Charter
<b>The Tips</b>	Tips for Enhancing Judicial Engagement with the Universal Periodic Review Mechanism
<b>US</b>	United States
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNCT</b>	United Nations Country Team
<b>UNHRC</b>	United Nations Human Rights Council
<b>UPR WG</b>	UPR Working Group
<b>UPR</b>	Universal Periodic Review

# Purpose, scope and use of terms

- The purpose of the current Tips for Enhancing Judicial Engagement with the Universal Periodic Review Mechanism (the Tips) is to help foster the participation of judges in the Universal Periodic Review (UPR) of the United Nations Human Rights Council (UNHRC). Representing a Branch of the State and due to their competence and responsibilities, judges are uniquely positioned to contribute to the various stages of the UPR process.
- These Tips are conceived stemming from the United Nations (UN) Basic Principles on the Independence of the Judiciary (Basic Principles), designed to assist Member States in their task of securing and promoting the independence of the judiciary,<sup>7</sup> as well as the Bangalore Principles on Judicial Conduct (Bangalore Principles).<sup>8</sup>
- The Bangalore Principles, universally endorsed, identify six core values that should guide judges' work – namely independence, impartiality, integrity, propriety, equality, competence and diligence.<sup>9</sup> The Bangalore Principles define 'judge' as anybody who exercises judicial power, however designated.<sup>10</sup> Accordingly, these Tips will be generalised for the basic function of a judge as an impartial adjudicator and interpreter of the law, operating independently of the executive and legislative branches.
- For the purpose of these Tips, a judge is 'a person with power to adjudicate on disputes and other matters brought before the courts for decision'.<sup>11</sup>
- Judicial power should be construed broadly to include the various roles fulfilled by judges according to the requirements of their legal system.
- These Tips are intended for judges of all judicial systems, irrespective of different legal traditions, taking into consideration the different roles and constraints that judges have, based on the respective jurisdictions.
- To the extent that they are applicable and relevant, these Tips may be used by a wide range of other justice actors.
- The current Tips are structured around the three main stages of the UPR:
  - Prior (participation in the national consultation process and contribution to the National Report);
  - During (participation in the review as part of the State delegation and analysis of recommendations received); and
  - After (supporting the follow-up process).

---

7 Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders Basic Principles on the Independence of the Judiciary (1985). Basic Principles on the Independence of the Judiciary. OHCHR. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary](http://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary). Accessed 15 February 2024.

8 United Nations Office on Drugs and Crime (2018). The Bangalore Principles on Judicial Conduct. UNODC. Available at: [www.unodc.org/documents/ji/training/bangaloreprinciples.pdf](http://www.unodc.org/documents/ji/training/bangaloreprinciples.pdf). Accessed 15 February 2024.

9 *Ibid* 2.

10 *Ibid* 2.

11 Law, J., & Martin, E. A. (2009). *A dictionary of law*. In Oxford University Press eBooks. Current Online Version: 2014. Available at: [www.oxfordreference.com/display/10.1093/acref/9780199551248.001.0001/acref-9780199551248](http://www.oxfordreference.com/display/10.1093/acref/9780199551248.001.0001/acref-9780199551248). Accessed 15 February 2024.

# 0. Preliminary Remarks

## 0.1 The UPR mechanism

The UPR is a state peer review mechanism within the UNHRC designed to evaluate the human rights records of all UN Member States approximately every 4.5 years. During this review process, States receive recommendations from their peers. The reviewed State, referred to as the ‘State under Review (SuR)’, may either endorse or take note of these recommendations. When the SuR accepts recommendations, it commits to their implementation before the subsequent review. Recommendations can pertain to all human rights issues, from addressing access to a fair trial to the right to adequate housing, from freedom of assembly to women’s rights. While fundamentally driven by States, the UPR fosters participation from various national actors, including National Human Rights Institutions (NHRIs), Civil Society Organisations (CSOs), academia and journalists. Furthermore, the UPR acknowledges the importance of input from national bodies such as the legislative and judiciary branches. By involving the judiciary from the outset, the UPR enhances the potential for domestic implementation of recommended actions, empowering them to play a pivotal role in reinforcing human rights respect at the national level.

## 0.2 The UPR mechanism – mandate and purpose

- Created through the UN General Assembly Resolution 60/251.<sup>12</sup>
- Cooperative mechanism and a State-driven process which reviews the fulfilment of human rights obligations and commitments of all 193 UN Member States once every four and a half years.
- Provides an opportunity for States to demonstrate action taken to improve their human rights situation.
- Reminds States of their responsibility to respect all human rights and fundamental freedoms.
- Supports States to improve the rights situation of their nation.
- Provides a platform to discuss various human rights issues, even if the corresponding international instruments have not been ratified by the SuR.
- Offers States the opportunity to exchange best practices regarding the implementation of UPR recommendations and extend technical assistance for their execution, fostering a spirit of mutual cooperation.
- Member States are required to report on their compliance with, inter alia:
  - United Nations Charter (the Charter).
  - Universal Declaration of Human Rights (UDHR).

---

<sup>12</sup> United Nations General Assembly (3 April 2006). Resolution adopted by the General Assembly [*without reference to a Main Committee (A/60/L.48)*] 60/251. Human Rights Council. A/RES/60/251. Par. 5, (e). Available at: [www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf). Accessed 28 February 2024.

- Ratified Treaties.
- Voluntary pledges and commitments (eg, national human rights policies and/or programmes implemented).
- Applicable international humanitarian law.

### 0.3 Overview of recent developments connected with the UPR

- Ratification of international and regional human rights treaties.
- Adoption of National Human Rights Action/Implementation Plans.
- Adoption of anti-discrimination laws, and laws for the protection of women, children, minorities and groups living in vulnerable situations or marginalised.
- Adoption of programmes and policies for the protection of women, children and vulnerable groups.
- Revision of articles of penal/procedural codes to comply with international norms.
- Campaigning for the abolition of the death penalty around the world.
- Establishment of independent Paris Principles compliant NHRIs,<sup>13</sup> National Preventive Mechanisms set up under the Optional Protocol to the Convention against Torture (CAT)<sup>14</sup> and National Mechanisms for Implementation Reporting and Follow-Up (NMIRFs).
- Integration of human rights recommendations in Sustainable Development Goals targets and inclusion in Voluntary National Reviews for the High-Level Political Forums.
- Engagement in prevention and peace-sustaining efforts.
- Engagement of Parliamentarians in the UPR process.
- Engagement of local and regional governments.

---

13 See: OHCHR. Principles relating to the Status of National Institutions (The Paris Principles) – Adopted on 20 December 1993 by General Assembly resolution 48/134. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris](http://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris). Accessed 28 February 2024.

14 OHCHR. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – Adopted on 18 December 2002 by the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel](http://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel). Accessed 28 February 2024.

## 0.4 UPR documentation

- State documentation:
  - National Report: Prepared by the SuR, ideally following a broad consultation process with various stakeholders.
- The Office of the High Commissioner of Human Rights (OHCHR) documentation. Inputs received by the key stakeholders, such as UN entities, Treaty Bodies, Special Procedures Mandate Holders, NHRIs and Civil Society (CS) actors.
  - UN compilation: Prepared by the OHCHR using reports from United Nations Country Team (UNCT), Treaty Bodies, Special Procedures, including comments from the State and other relevant official UN documents/reports.
  - Summary of stakeholder submissions: Prepared by the OHCHR using credible and reliable information provided by relevant stakeholders, including CS actors, NHRIs and regional Human Rights organisations.

## 0.5 Why fostering engagement with judges?

- The State's duty to protect requires States to take steps to prevent, investigate, punish and redress abuse through policy, legislation, regulations and adjudication.<sup>15</sup>
- Judges are key to combating impunity, ensuring accountability and delivering access to justice.
- An independent judiciary is essential to the full realisation of human rights, democracy and sustainable development.<sup>16</sup>
- Judges are increasingly the subject of recommendations made during the UPR. A significant number of recommendations aim at strengthening the institutional and the national legal framework (whether through reinforcing the independence of national bodies, repealing or amending existing laws, or introducing new legislation to adhere to international obligations), thus implying – even indirectly – the involvement of the judiciary. However, specific judicial action is more directly required to implement recommendations regarding access to justice, reparations, law enforcement and protection.<sup>17</sup>
- The role of judges is key to move from UPR recommendations to political commitments, and from political commitments to legal implementation and then to adjudications.

---

15 United Nations Human Rights Council (21 March 2011). Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework. A/HRC/17/31. Available at: [www.ohchr.org/sites/default/files/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Business/A-HRC-17-31_AEV.pdf). Accessed 15 February 2024.

16 UN World Conference on Human Rights (1993). Vienna Declaration on Human Rights. A/CONF.157/24. OHCHR. Part I, Art. 27. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action](http://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action). Accessed 15 February 2024.

17 To provide some data, during the third UPR cycle, a total of 39,651 recommendations were made. Among these, 6,481 were related to the ratification of or accession to international instruments or the full implementation of international instruments already ratified or accessed. Additionally, 1,967 recommendations addressed justice issues, 1,768 focused on detention and 1,630 concerned the death penalty, advocating for either a moratorium on executions or its complete abolition. Finally, 397 recommendations emphasised the necessity to combat impunity and ensure transparent crime investigation and prosecution, 363 focused on improving access to justice and 223 urged investigations into allegations of extrajudicial executions. These types of recommendations certainly necessitate judges to play an active and primary role. Source of data: UPR Info (2024). UPR Info's Database of UPR recommendations. Available at: [https://upr-info-database.uwazi.io/en/library/?q=\(types:!\(%275d8ce04361cde0408222e9a8%27\),limit:30,order:desc,sort:creationDate,types:!\(%275d8ce04361cde040822e9a8%27\)\)](https://upr-info-database.uwazi.io/en/library/?q=(types:!(%275d8ce04361cde0408222e9a8%27),limit:30,order:desc,sort:creationDate,types:!(%275d8ce04361cde040822e9a8%27))). Accessed 6 March 2024.

- Judges possess a unique complement of advanced legal competences and first-hand experience within the justice system to identify pitfalls, good practices and relevant developments in the jurisprudence that can be precious in the UPR process.
- The UPR process creates an opportunity at domestic level to foster dialogue between the executive, CSOs and judges to advance human rights.

#### **Monist versus dualist systems**

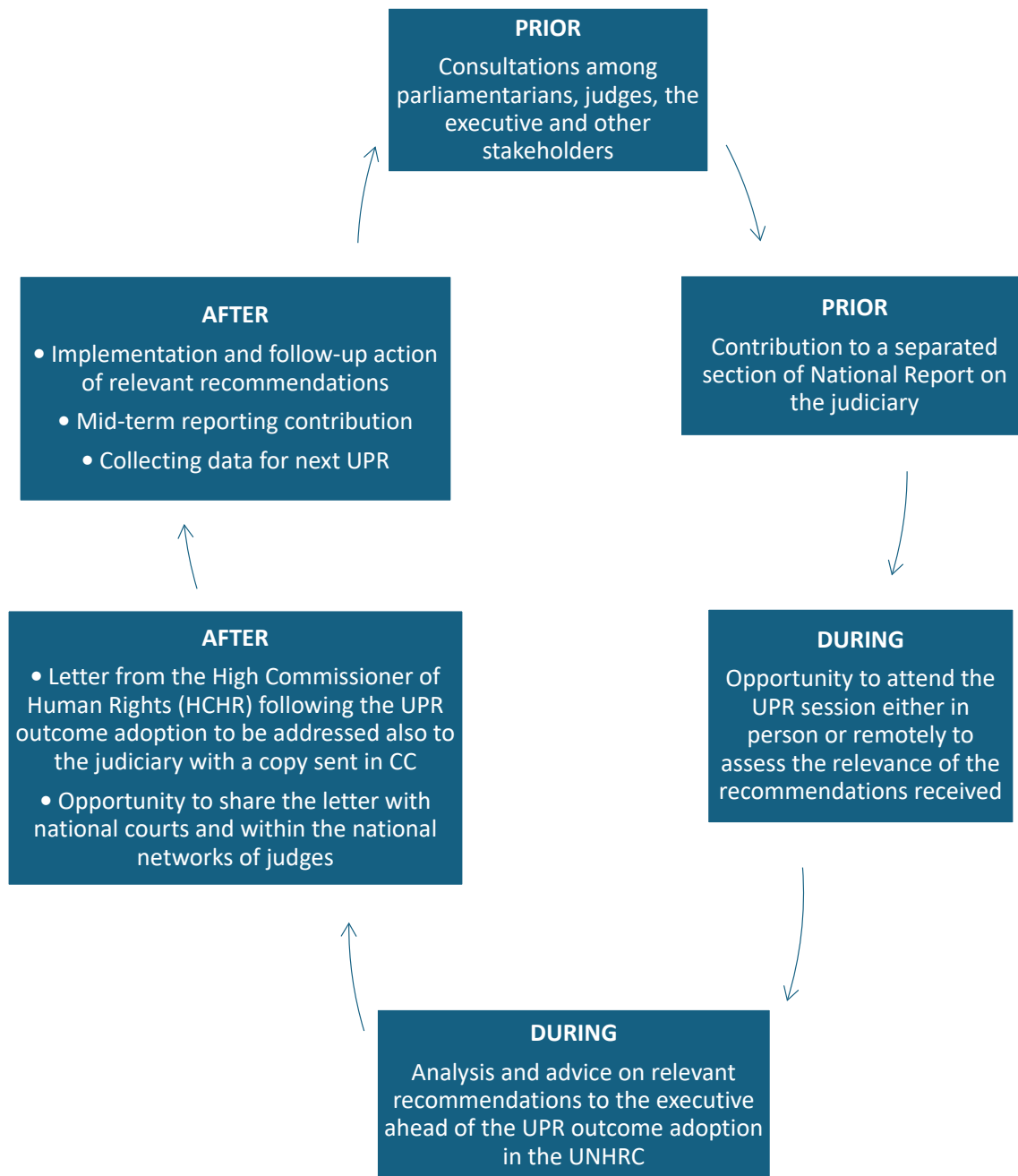
Key differences exist between dualist and monist legal systems regarding the domestic application of international law. In monist systems, international law is immediately binding on domestic courts and directly applicable by judges to domestic proceedings. Examples of monist systems are Belgium, Germany, Japan, Mongolia and Namibia.

In dualist systems international law is not automatically binding at a domestic level. International law must be given effect domestically through legislation. Only then does it become law and available for use by domestic judges. However, international legal principles can still act as interpretive tools for judges applying domestic law. Examples of States adopting a dualistic system are Sweden and the United Kingdom.

#### **Importance of judges assisting in the UPR process**

Smaller States can request assistance from larger States' judges to advise on the UPR process and the collating of National Reports. For example, Tonga asked for assistance with their UPR in 2006, and a former New Zealand judge took on the role of adviser (*Universal Periodic Review of Human Rights: Towards Best Practice*, Commonwealth Secretariat, 2009, Edited by Purna Sen).

## 0.6 Key phases of the UPR cycle



# Tips for Enhancing Judicial Engagement with the United Nations Human Rights Council Universal Periodic Review

## 1. Tips for judicial engagement prior to the review

It is important to recall that as a Branch of the State, senior judges could contribute to the National Report with relevant information – including with respect to action or inaction of recommendations received by the State in the previous cycle of the UPR and accepted by it during the adoption of the UPR outcome in the UNHRC. It should be noted also that, under the **Basic Principles and the Bangalore Principles**, judges have freedom of expression and association – they should use this protection to express their concerns to the SuR on issues related to the judiciary’s competencies.

Engagement prior to the review may involve:

- Participation in the National Consultation with other stakeholders – including as member/observer of an NMIRE.
- Contributing to a section of the National Report covering judiciary/judge-related information.

### 1.1 National consultation

Judges should engage in consultation with other stakeholders prior to drafting of the National Report:

- This should include judges from all areas within the judiciary including civil, criminal, constitutional and judges at the local level.
- This should include a balanced gender representation.
- Refer to the Basic Principles and the Bangalore Principles as benchmarks for monitoring the administration of justice.

To prepare for their contribution in national consultation, judges should:

- Be familiar with all UN Human Rights mechanisms.
  - Be familiar with the stages and operation of the UPR and be aware of recommendations supported during previous UPR cycles.

The UPR assesses the extent to which States respect their human rights obligations set out in: (1) the Charter; (2) the UDHR; (3) human rights instruments to which the State is party (human rights treaties ratified by the State concerned); (4) voluntary pledges and commitments made by the State (eg, national human rights policies and/or programmes implemented); and (5) applicable international humanitarian law.

Where judges may not participate directly for legitimate legal reasons in the UPR review, they may contribute information through intermediary organisations, for example NHRIs or judicial

committees.

- Senior judges can participate as individuals or as members of judges' associations.
- According to the Basic Principle 9, judges are free to establish judges' associations.
- Judges should liaise with civil society and other stakeholders (including bar associations) to share relevant judicial updates.

#### **Good practice: Brazil**

Judges of the Supreme Court briefed their assistants and instructed them to participate in the national consultation process on their behalf, providing information about two landmark cases of the Supreme Court on the protection of indigenous peoples' land rights and same-sex marriage.

The cases were then incorporated in the National Report and referred to during the presentation of the report at the UNHRC.

## **1.2 Judges' contribution to the National Report**

The OHCHR guidance note for the fourth cycle of the UPR specifically suggests that States include a separate section on the contribution from the judiciary/judges in the National Report. The judges' section<sup>18</sup> could include:

- Systemic non-compliance with UN Human Rights standards that judges witnessed within judicial proceedings or have been made aware of through evidence. For example:
  - Systemic violations of fair trial or due process guarantees under Article 14 of the International Covenant on Civil and Political Rights (ICCPR)<sup>19</sup> by prosecutors or police lawyers or undue interference by the State.
  - Pitfalls of the justice systems.
  - Pay specific attention to gender issues.
- Judges should include landmark human rights jurisprudence that advances human rights in the SuR and judicial best practices.
- Judges should also engage in capacity building training modules to ensure peers are prepared for the UPR process.

18 OHCHR. Guidance note for the 4th Cycle of the UPR. Available at: [www.ohchr.org/sites/default/files/2022-01/4thCycle-Guidance-Note-National-Report-EN.pdf](http://www.ohchr.org/sites/default/files/2022-01/4thCycle-Guidance-Note-National-Report-EN.pdf). Accessed 15 February 2024.

19 OHCHR. International Covenant on Civil and Political Rights – Adopted on 16 December 1966 by General Assembly resolution 2200A (XXI). Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights](http://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights). Accessed 28 February 2024.

**Other tips to consider:**

- Judges should be wary not to contravene the requirements of professional secrecy and always anonymise any material they produce.
- Judges must be especially vigilant at this stage to maintain an independent voice and resist any undue interference from other branches of the State.
- Ensure representation of women judges in the drafting process who could share relevant information on gender equality issues.

**Human rights indicators**

- The human rights journey from standard-setting to effective implementation depends, in large part, on the availability of appropriate tools for policy formulation and evaluation. Indicators, both quantitative and qualitative, are one such essential tool.
- Statistical data can be referenced by national courts in assessing potential violations of international and national human rights norms and can be referred to by judges in its contribution to the National Report.
- The use of human rights indicators in the development of a human rights monitoring plan following the review can make the process more objective and transparent and provide a concrete follow-up methodology to implementing recommendations.
- Judges can familiarise themselves with the Guide to Measurement and Implementation of Human Rights Indicators [here](#).
- Judges can contribute to the creation of human rights indicators.

## 2. Tips for judicial engagement during the review

- Consider a judicial representation during the UPR Review.
- This stage involves a three and a half-hour interactive dialogue between representatives of the SuR and participating States – facilitated by the Troika.
- Engage with the UPR Working Group (UPR WG) sessions online: all recommendations made by States within the allocated time are reflected in the UPR WG Report adopted through the Troika and then made publicly available on the UPR website (country documentation page). All UPR WG sessions are broadcast live on UN Web TV and can be viewed by anyone.<sup>20</sup>
- Judges should consider questions from States that pertain to the role of judges.
- Judges should consult with the executive/government on recommendations related to the administration of justice and those recommendations directly addressed to the judiciary.

### 2.1 Between review and adoption (analysis and advice)

- Judges must analyse all recommendations through the lens of the Bangalore Principles and the UN Basic Principles.
- They must identify recommendations that are relevant to the judiciary, those that may fall within their remit and those recommendations related to the administration of justice that are the responsibility of other ministries of government.
- It is important to have a judicial voice at this stage. Judges may engage in informal exchanges with the executive on recommendations received and advise the government on those relevant to improve the administration of justice or have a seat in an NMIRF – if established.

SuRs should consider a formal mechanism to ensure consultation with the judiciary at this stage of analysis of all recommendations received.

### 2.2 Adoption of the outcome

- Judges could also consider a judicial representation during the adoption of the outcome of the review, which is about three months later, during Item 6 of the UNHRC session.
- The letter by the HCHR to the Minister of Foreign Affairs with an annexed matrix of all supported/noted recommendations should also be sent in copy to the judiciary (each State should indicate the competent authority).

---

<sup>20</sup> The UN Web TV is available at: <https://webtv.un.org/en>. Accessed 28 February 2024.

## **UPR of the United Kingdom**

### **Recommendation from Liechtenstein:**

Ensure that all cases of violence, especially sexual assault, against children in detention are promptly, impartially and effectively investigated and that judges, prosecutors and members of the police receive specialised training in preventing the abuse of children in detention (Liechtenstein).

### **UK Response (partially supported)**

The judiciary of England and Wales is independent of the government. It would therefore not be constitutionally appropriate for any judicial training to be supported or overseen by the government, or any statutory body established by it.

### **Conclusion:**

In reality, the judiciary can and should implement their own training programmes, so long as it is insulated from the other branches in both appearance and practice.

This is in line with principles 9 and 10 of the Basic Principles on the Independence of the Judiciary – judges must be free to promote their own professional training.

## 3. Tips for judicial engagement after the review

The State has the primary responsibility to implement the recommendations contained in the final outcome. The UPR ensures that all countries are accountable for progress or failure in implementing these recommendations.

### 3.1 Follow-up

- The Letter by the HCHR to the Minister of Foreign Affairs with an annexed matrix of recommendations should also be sent in copy to the judiciary (each State should indicate the competent authority).
- Judges should be familiar with the supported recommendations and raise awareness through peer-to-peer means, including peer-to-peer training modules.
- Judges should always keep UPR recommendations in mind while discharging their duties.
- Judges should continue to monitor broad compliance with international human rights law for contribution to the UPR mid-term report.
- Judicial review can also be used to ensure members of the executive are complying with international legal obligations.

#### Common law

In common law jurisdictions, under the doctrine of *stare decisis*, judges can create binding precedent through this method of interpretation. These rulings in turn make international legal principles binding.

#### Good practice

Even the strictly dualist State of Australia has indicated in their UPR National Report that judges are required to interpret domestic statutes in accordance with Australia's international obligations.

### 3.2 Supporting implementation of UPR recommendations

- There might be recommendations that are directly addressed to the judiciary and imply the judicial engagement in their implementation.
- Other recommendations indirectly involve the judiciary, although not the competent authority for implementation.
- Judges should consider citing accepted recommendations in their judgments to create precedent.
- UPR recommendations – especially those reflecting concluding observations of UN Human Rights Treaty Bodies or the advice of Special Procedures Mandate Holders – are rarely cited in domestic case law.

- Citing recommendations can have an acculturative effect, proliferating rights protection through creating precedent for use in comparative legal jurisdictions and subsequent cases.
- Enhance the adjudication of cases, by referring to supported recommendations to back their interpretation.
- Judges should consider referencing recommendations in their interpretive methods to reinforce their arguments and ground their decisions.

## Examples

### United States (US) – UPR recommendations as ‘international opinion’

In their UPRs, the US repeatedly receives recommendations relating to their retention of the death penalty.

- In 2020, in the third UPR cycle, the US received multiple recommendations urging complete abolition or reduction of the use of the death penalty.
- For example: 26.178 (Romania); 26.181 (Paraguay); 26.182 (Austria) etc; 26.244 (Belgium), 26.183 (Chile); 26.189 (New Zealand); 26.201 (Italy).
- The above recommendations were supported by the US in the UNHRC, as reflected in its final UPR outcome adoption.<sup>21</sup>

Despite the fact that only the executive (State and Federal) can establish moratoria on the death penalty and only the legislative power can abolish it through legislation, judges can curtail, or abolish, the death penalty in their jurisdictions through interpretative techniques.

US judges have limited the application of the death penalty through interpretations based on ‘international opinion’ on moral standards:

- For example: *Enmund v Florida* (1982): Supreme Court judges ruled that the death penalty was unconstitutional for defendants who had not taken, nor intended to take, a human life. The judges cited ‘international opinion’ as a relevant factor.

Indeed, UPR recommendations supported by the US Government should be considered even stronger than ‘international opinion’.

TIP: Common law judges can incorporate UPR recommendations into domestic jurisprudence and refer to UPR recommendations about the abolition of the death penalty.

### The case of Mauritius

In November 2018, during the third cycle of the UPR, Mauritius received multiple recommendations concerning the repeal of Section 250 of the Criminal Code Act with a view to decriminalising same-sex sexual conduct between consenting adults (eg, *Recommendations 115.49 (Australia); 115.50 (Belgium); 115.51 (Canada); 115.52 (Ireland); and 115.53 (Argentina)*). These recommendations have been supported by Mauritius.<sup>22</sup>

In October 2023, two landmark rulings from the Supreme Court of Mauritius have invalidated the provision in the Criminal Code criminalising consensual sexual activity between men, deeming the law discriminatory and a vestige of colonial rule. The court determined that the Constitutional prohibition against discrimination based on ‘sex’ should be interpreted to encompass also ‘sexual orientation’. Consequently, the court held that the prohibition on consensual sexual activity between consenting men is both unconstitutional and discriminatory.<sup>23</sup>

21 United Nations Human Rights Council (15 December 2020). Report of the Working Group on the Universal Periodic Review – United States of America. A/HRC/46/15. Available at: [www.ohchr.org/en/hr-bodies/upr/us-index](http://www.ohchr.org/en/hr-bodies/upr/us-index). Accessed 15 February 2024.  
See also: United Nations Human Rights Council (26 March 2021). Decision adopted by the Human Rights Council on 17 March 2021 - 46/111. Outcome of the universal periodic review: United States of America. A/HRC/DEC/46/111. Available at: [www.ohchr.org/en/hr-bodies/upr/us-index](http://www.ohchr.org/en/hr-bodies/upr/us-index). Accessed 15 February 2024.

22 United Nations Human Rights Council (27 December 2018). Report of the Working Group on the Universal Periodic Review – Mauritius. A/HRC/40/9. Available at: [www.ohchr.org/en/hr-bodies/upr/mu-index](http://www.ohchr.org/en/hr-bodies/upr/mu-index). Accessed 15 February 2024.  
See also: United Nations Human Rights Council (20 March 2019). Decision adopted by the Human Rights Council on 14 March 2019 - 40/106. Outcome of the universal periodic review: Mauritius. A/HRC/DEC/40/106. Available at: [www.ohchr.org/en/hr-bodies/upr/mu-index](http://www.ohchr.org/en/hr-bodies/upr/mu-index). Accessed 15 February 2024.

23 Albarraçín-Caballero, M., & Budoo-Scholtz, A. (2023). Mauritian Court Finds Sodomy Law Unconstitutional, Discriminatory. Ruling Removes a Colonial-Era Relic from Statute Books. Human Rights Watch. Available at: [www.hrw.org/news/2023/10/05/mauritian-court-finds-sodomy-law-unconstitutional-discriminatory](http://www.hrw.org/news/2023/10/05/mauritian-court-finds-sodomy-law-unconstitutional-discriminatory). Accessed 15 February 2024.

#### Case study: International law as an interpretive tool

*Minister for Immigration and Citizenship v SZQRB* [2013] FCAFC 33.

In the 2011 UPR of Australia, there were multiple recommendations tabled that urged Australia to ensure refugees were granted the rights domestically that they were entitled to in international law.

Australia indicated in the National Report: '... in cases of ambiguity, courts will presume that legislation is intended to be consistent with established rules of international law, including Australia's international human rights obligations. International human rights principles also play an important role in shaping the common law — for example in the landmark *Mabo* case, which recognised the existence of native title'.

The Australian federal court then, in *SZQRB*, ruled that executive ministers (Minister for Immigration and Citizenship) had to make decisions concerning non-refoulement under a more rigorous test of compatibility with Australia's international treaty obligations.

Ministers had previously been requiring that the chance a returnee would be subjected to torture or other CAT/ ICCPR prohibited treatment was 'more likely than not'.

The full court of Federal Court ruled that was unlawful, the chance just had to be a 'real chance' – on a par with the Refugees Convention.<sup>24</sup>

### 3.3 Examples of UPR recommendations implying direct involvement of judges in their implementation

- Capacity building and training of judges
  - Judges are responsible for their own training programmes.
  - For example: Strengthen the justice sector by improving the capacity of the courts through training judges, prosecutors and court officials and by improving the justice infrastructure through ensuring sufficient courthouses and justice facilities throughout the country.
- Interpretation of existing obligations and instruments
  - For example: removing gender bias from any judicial analysis that judges perform.
  - For example: Ensure full implementation of the Convention on the Elimination of All Forms of Discrimination against Women, including Article 9 (2), granting women equal rights with men with respect to the nationality of their children, and Article 16, granting women equal rights in matters relating to marriage and family relations.<sup>25</sup>
- Independence of the judiciary
  - For example: Increase transparency in the legal system and commission independent investigations into allegations of extrajudicial killings, arbitrary arrests, deaths in custody and unlawful detentions.
  - For example: Step up efforts to fight against corruption, including within the judiciary and the civil service, and to investigate all allegations of corruption.

24 OHCHR. Convention relating to the Status of Refugees – Adopted on 28 July 1951 by United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees](http://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees). Accessed 28 February 2024.

25 OHCHR. Convention on the Elimination of All Forms of Discrimination against Women – Adopted on 18 December 1979 by United Nations General Assembly. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women](http://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women). Accessed 28 February 2024.

- Implementation of laws and international standards
  - For example: Adjust the national child justice system in line with the Convention on the Rights of the Child,<sup>26</sup> in particular raise the minimum age of criminal responsibility from ten to 14 years of age.
- Access to justice and remedies
  - For example: Establish a fully independent judicial mechanism to investigate, prosecute and punish perpetrators of war crimes and other human rights violations.
  - For example: Take further steps to reform the criminal justice system in such a way as to reform sentencing laws such as the so-called ‘three strikes rule’ that have wrongly and disproportionately harmed African American communities, with life imprisonment for non-violent crimes.
- Legal reform
  - For example: Take measures to guarantee effective access for the women victims of gender-based violence to justice, protection and support.

**Example of recommendation addressed to judges:**

‘...in particular, reject evidence obtained by torture, and ensure that all arrests are subject to judicial oversight without exception.’

- 141.134. Cycle 3 (2017-2021).
- SuR – United Arab Emirates
- Recommending State – Czechia
- Judges can implement this recommendation simply by employing stricter scrutiny when deliberating the admission of evidence.

### 3.4 Examples of UPR recommendations implying indirect involvement of judges in their implementation

- Some recommendations related to the judiciary may not be implemented by judges. In these cases, judges should be aware of these recommendations and consult with the executive branch on their implementation. Example of these recommendations are:
  - Resourcing issues (ie, that judges be better resourced).
  - Appointment of judges (ie, more gender-diverse benches).

<sup>26</sup> OHCHR. Convention on the Rights of the Child – Adopted on 20 November 1989 by General Assembly resolution 44/25. Available at: [www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child](http://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child). Accessed 28 February 2024.

## 4. Tips for ongoing engagement and follow-up

### Good practices

#### Malaysia

- A NMIRF was established after Malaysia's third UPR review.
- The mechanism has encouraged a more coordinated and frequent engagement between judges, the UNCT and other stakeholders (including The Human Rights Commission of Malaysia, which is the country's NHRI) throughout the UPR process.
- Such engagement helps in the identification and prioritisation of key human rights issues that are most relevant to the domestic context.
- It allows for judges to identify the recommendations within their remit for implementation.

#### Kenya

- A National Committee on International and Regional Human Rights Obligations serves as the country's NMIRF.
- The Committee consists of Ministries, Departments and Agencies, the judiciary and independent commissions.
- The Committee advises the government on measures to comply with international and regional human rights obligations and to coordinate and prepare reports to, and engage with, international and regional human rights mechanisms.
- In the third UPR cycle, the Committee led consultations towards the preparation of the National Report.

- States should establish a NMIRF to enhance implementation and judges should engage with it.
- Judges should engage and cooperate with the NHRI as well as with relevant UN entities in the country (eg, the United Nations Development Programme, the United Nations Office on Drugs and Crime and the OHCHR).

### Relevant resources for ongoing engagement and follow-up:

To facilitate engagement with States that have undergone the UPR, the OHCHR makes the following resources available for each reviewed country on its website (documentation by country):

- A Letter by the HCHR to the Minister of Foreign Affairs with an annexed matrix of recommendations.
- A matrix of thematically clustered accepted and noted recommendations per State reviewed, which detail what the State in front of the international community and at the highest level has agreed to act upon following the review – either immediately or at a later stage.
- An infographic showing trends between the UPR cycles in terms of received and accepted recommendations.

Another useful resource is represented by the work of the Judicial Integrity Group (JIG). JIG can support judges in the UPR follow-up phase in the following ways:

- Organise education programmes for judges covering human rights standards, international law and best practices in judicial integrity in order to help them comprehend their role in effectively safeguarding human rights and implementing UPR recommendations.
- Offer judges advice and technical assistance on how to implement UPR recommendations specifically concerning the judiciary.

- Cooperate with judges to oversee the application of UPR recommendations pertaining to the judiciary and draft reports on developments and difficulties on a regular basis.

# Other useful resources

**UPR:** [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx)

**UPR Info:** <https://upr.info/en>

**UPR 3rd and 4th Cycles:** [www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx)

**Parliament:** [www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx)

**Documentation by Country:** [www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx)

**NMIRFs:** [www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/NMIRFs\\_and\\_UN\\_support\\_implementation.pdf](http://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/NMIRFs_and_UN_support_implementation.pdf)

**National Human Rights Action Plan (NHRAP):** [www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx](http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx)

**Mid-term Report on the UPR:** [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx)

**Human Rights Indicators (HRI):** [www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx](http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx)

**National Recommendations Tracking Database (NRTD):** [www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf](http://www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf)

**Universal Human Rights Index (UHRI):** <http://uhri.ohchr.org/en>

**UPR Info Database of recommendations:** <https://upr-info-database.uwazi.io>

**The Geneva Academy of International Humanitarian Law and Human Rights - Digital Human Rights Tracking Tools and Databases:** [www.geneva-academy.ch/geneva-humanrights-platform/tracking-tools](http://www.geneva-academy.ch/geneva-humanrights-platform/tracking-tools)



Human Rights  
Institute

**International Bar Association**

Chancery House,  
53-64 Chancery Lane,  
London WC2A 1QS  
Tel: +44 (0)20 7842 0090  
Fax: +44 (0)20 7842 0091  
[www.ibanet.org](http://www.ibanet.org)