**Challenges and Opportunities for the United Nations’ Universal Periodic Review: A Case Study on Capital Punishment in the USA**

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*Abstract*

*In 2005, former-UN Secretary General Kofi Annan voiced his utopian ambition for the newly created UN Human Rights Council (UNHRC) to have “an explicitly defined function as a chamber of peer review…to evaluate the fulfilment by all States of all their human rights obligations.” This dream was realized through the creation of the Universal Periodic Review (UPR). The UPR is a peer-review mechanism of the United Nations’ Human Rights Council, which--through facilitating intergovernmental and civil society input--reviews all 193 UN Member States’ protection and promotion of human rights. Each review is recorded in publicly available documentation. The UPR has achieved success in attracting 100% cooperation from Member States, but there is limited knowledge concerning strategies for enhancing the UPR’s operation. The USA is a leader in the international community, but it is also subject to criticism about its promotion and protection of international human rights standards. This is particularly the case with regards to the USA’s continued use of the death penalty, an issue that has featured significantly in the USA’s two UPRs to date. Using three broad themes extrapolated from an analysis of the USA’s UPR documentation on the question of capital punishment, namely, (1) the right to a fair trial; (2) mental illness exemptions; and (3) the implementation of a death sentence, this article identifies challenges currently facing the UPR mechanism and articulates evidence-based proposals to improve its operation. These proposals include, (1) increasing transparency; (2) adjusting the approach to advance questions; (3) improving the recommendations made by Member States; and (4) increasing the tracking of the implementation of recommendations. It concludes with suggestions for, first, how the proposals suggested might be implemented, and, second, ideas for future areas of research that could contribute to supporting the UPR to fulfil its mandate to promote and protect human rights globally.*

Key words: UPR, death penalty, UN, US, international law

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