

Universal Periodic Review

Follow-up: Civil society KIT



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Nomenclature

CAT	Convention against Torture
CRPD	Convention on the Rights of Persons with Disabilities
ECOSOC	Economic and Social Council
HRC	Human Rights Council
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
SuR	State under review
UPR	Universal Periodic Review

The Follow-Up: A Theoretical Goal

The Universal Periodic Review (UPR) is a unique mechanism of the Human Rights Council (HRC) which started in April 2008. It consists of the review of every State in the world by other States once every four years and a half. The whole process is a cycle. Starting with the second cycle in 2012, 42 States are reviewed per year. The subject of the review is the States' human rights practices and the respect for their human rights obligations.

The mechanism is a three-stage process, namely the national preparation and consultation, the Review at the UPR Working Group and the implementation of recommendations received during the Review. During the second stage, the recommendations are first made by States during the Working Group and then adopted by the HRC in a plenary session. This document deals the third stage consisting of the implementation of those recommendations.

Having reached the end of the first cycle and the review of the 192 United Nations member States, assessments on the stage of implementation of recommendations in States under Review will shortly begin. They should look into the approaches and



methods planned for such implementation, including the creation of specific bodies and National Plans of Action and the participation of civil society. As highlighted in the 2010 High Commissioner's Annual Report, developing roadmaps and practical mechanisms to ensure a reliable follow-up is indeed a significant challenge for the future.

Nevertheless, before a State is reviewed again, four years and a half go by. During more than four years, there is no obligation for the State to report on the implementation of the recommendations. No precise directives have been set up on



the way the follow-up should take place. Since the follow-up of the recommendations is the most critical and important stage of the whole process, as it leads to the actual realisation of the UPR goals, the success of this phase will also determine the efficiency and credibility of the mechanism and demonstrates States' engagement in the promotion and strengthening of human rights.

The Follow-Up: A Goal to work on

Purpose of this kit

This kit aims at explaining civil society how to fully engage at the UPR follow-up process. It presents the tools stakeholders should use following the Review and also actions they could initiate. While this kit will not describe the Universal Periodic Review mechanism and its fundamentals, further information on the UPR process is provided on our website.

As broadly explain hereafter, the role of NGOs in the assessment of the implementation of recommendations is crucial to the process. During the review of the HRC which took place in 2011, NGOs' role on this issue has been strengthened:

Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review (annex, § 8, "Process and modalities of the review"); and

[...] States are encouraged to conduct broad consultations with all relevant stakeholders [...] (annex, § 17, "Follow-up to the review")

Where the latter paragraph encourages States to include NGOs in their implementation of the recommendations, the former clearly provides for a follow-up process where stakeholder could take part in.

In this regard, we will briefly look at the State practice related to the follow-up, and then expose NGOs and NHRIs' role in the follow-up.

States and the follow-up

Various States have already engaged in a follow-up process, implementing the recommendations received. For instance, some States such as Bahrain and Mexico have developed National Plans of Action which include the UPR recommendations.



Bahrain set up a steering committee to monitor the implementation which includes members of the government and civil society.

Also, several States (Argentina, Chili, Ecuador, Switzerland, etc.) have signed or ratified following their UPR international treaties such as the ICESCR, ICC, CRPD or the Optional Protocol to the CAT.

Furthermore, Senegal has voted a national law on genders equality for political parties and a law to prevent human trafficking. Mauritius adopted such a law too. Barbados has abolished the mandatory death penalty.

States have started to report to the HRC about their progress in the format of a mid-term report, such as Argentina, Bahrain, Bolivia, Chile, Colombia, Ecuador, Finland, France, Japan, Mauritius, the Netherlands, Poland, Romania, Ukraine, the United Kingdom (and more to come). This is a convenient way for the States to demonstrate how they intend to implement the recommendations and for civil society to measure the achievements or the path followed by the States.

Civil society's role in the follow-up

In order to assess at the second cycle (2012-2016) whether a recommendation was implemented or not, reviewing States will have to use the information provided by the SuR, the UN (special procedures, treaty bodies, UN agencies) and civil society. Therefore, it is pivotal that civil society (namely NGOs and NHRIs) participates, so that they can share their evaluation and critics on the work done by the SuR in between two reviews. Civil society has different ways to engage in the follow-up at the national and international level which include making the outcome of the review public, initiating a dialogue with the State, monitoring the implementation of recommendations and reporting the status of the implementation.

1. Make the UPR recommendations and pledges public

States have no obligation to accept a recommendation. However, stakeholders can publicly speak about recommendations the State has not accepted. Since the UPR sessions are recorded and broadcasted, and all documentation – including both the state and civil society reports, and recommendations as well – is publicly available, it is easy to bring UPR process and government responses up to the citizen's attention. Civil society can diffuse the webcast in their country, invite other NGOs, the press, the opposition, and organise public debates. It could be worth also inviting indigenous and women's groups and the national human rights institution to provide their remarks.

Civil society can also share its assessment of the review through a press release highlighting whenever they think that some issues were not addressed or they think that the responses given by the State under Review were not satisfactory.



It is also important to make recommendations and pledges more accessible. To this end, translating them into the local languages and disseminating them by radio or the press are very simple yet very effective means.

Finally, civil society should try to diffuse these recommendations in other human rights mechanisms to ensure that the Government is pressured at different levels.

2. Plan the implementation

With an average of more than 100 recommendations per SuR, NGOs and NHRIs should select the recommendations they want to work on based on their priorities, and issues of interest.

Organisations and institutions can draft plans and roadmaps on how to implement those recommendations. As they have often expertise in specific areas, they are well placed to know how to achieve results.

They can also draft an outcome charter detailing the responsibilities of each Ministry and governmental agency, the timeline to implement, and indicators of achievement.

As some recommendations at the UPR are vague, the expertise of civil society is determinant.

3. Engage in dialogue with the State reviewed to participate in the implementation.

States should consult all stakeholders during the implementation of their recommendations. Thus, NGOs and NHRIs could request their country to take into account their requests.

The UPR offers more legitimacy to NGOs. The latter are granted to take part in the UPR by submitting reports and taking the floor (although taking the floor is intended for ECOSOC accredited NGOs). NGOs have also legitimacy to approach their States and ask for updates: have the recommendations received already been implemented? Does the State plan to do so?

4. Monitor their implementation

Monitoring states is perhaps the most time-consuming task for NGOs. However, the UPR mechanism represents a great opportunity to collect scattered human right issues at once: treaties the State is not party to, reports expected by treaty bodies, invitations to Special Rapporteurs long awaited, etc. Recommendations raised by recommending States may be related to human rights issues of any kind. Put differently, the UPR is a useful device to monitor domestic human rights situation as a whole.

While fact-finding is resource consuming, it is a *condition sine qua non* before engaging in international mechanism of any kind. The more NGOs are precise and



follow up domestic human rights evolution on the ground, the more their advice will be sought and taken into account. It will reinforce the likelihood of domestic action.

5. Reporting about the implementation

NGOs with ECOSOC Status and NHRIs can report to the Human Rights Council and other mechanisms about the progress made by the State in implementing the recommendations.

At the Human rights council, they can make oral or written statements under the general debate of item 6 held three times a year in March, June and September.

They can also publish reports to be used at home or abroad for international advocacy.

In other words, the UPR opens a window of opportunity for NGOs: they are given more legitimacy. Advantages of this very legitimacy are very efficient whenever combined. It requires NGOs make States commitments public, to discuss them with the government and to monitor them.

Tools for the follow-up

We produce a document per State under Review listing all the recommendations received and providing the response given by the State under Review to each of them. These documents have been compiled, and can be found on the *UPR Info* website both as a database and as statistics.

1. Database

We conceived a [database](#) containing all UPR recommendations made during the Reviews. This unique feature allows the user to access, and search recommendations through eight categories (State under Review, Recommending State, responses, thematic issues, type of action, etc.). Several categories are the result of our detailed analyses.

The screenshot displays the 'Search & filters' interface of the UPR Info database. It includes several filter sections:

- Search & filters:** Search keyword(s) in recommendations: *Disabilities*. Max. results: [25].
- State under Review:** Afghanistan, Albania, Algeria, Angola, Argentina.
- Recommending State:** Iran, Iraq, Ireland, Israel, Italy.
- Issue:** Human rights violations by state agents, Indigenous peoples, Internally displaced persons, International humanitarian law, International instruments.
- Sub-Regional Groups:** Africa: African Group, Asia: Asian Group, EEO: Eastern European Group, OIRLAC: Group of Latin American and Caribbean States, OSCE: Organization for Security and Co-operation in Europe.
- RS - Regional Groups:** Africa: African Group, Asia: Asian Group, EEO: Eastern European Group, OIRLAC: Group of Latin American and Caribbean States, OSCE: Organization for Security and Co-operation in Europe.
- Response:** Accepted, Rejected, General Response, No Response.
- Action Category:** 1 - Minimal action, 2 - Continuing action, 3 - Considering action, 4 - General action, 5 - Specific action.
- Session:** 1 - April 2005, 2 - May 2008, 3 - December 2009, 4 - February 2009, 5 - May 2010, 6 - December 2009, 7 - February 2010.
- Tools:** Export to csv, Link to your current results.

At the bottom, a table shows search results for 'Disabilities' in Angola:

SubR	Recommendation	RS	Response	A	Issue	S
Angola Africa	Join CRPD in order to protect persons with disabilities in Angola	Iraq Asia OSCE, AL	Accepted	5	International instruments Disabilities	7



2. Statistics

We developed a brand new tool to [produce statistics](#). This unique engine features tables and charts drawn in direct link with the database of recommendations. These statistics allow the user to quickly find out for instance the most active States, the issues the most frequently raised, and many more information useful for a better participation in the UPR.



A new tool: *UPR Info's* follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21

The review process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this gap, we have created an update process to evaluate the human rights situation two years after the examination at the Universal Periodic Review.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their views on the progress made in fulfilling them. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

Once we receive the mid-term updates, we publish a digest (the so-called Mid-term Implementation Assessment) including States and civil society appreciation of the implementation in between two reviews. The MIA aims at showing how governments implement recommendations.

To this very purpose *UPR Info* will contact you again, to figure out how the human rights situation has evolved.



More details about the programme and completed follow-up reports (MIAs) can be consulted at:

<http://followup.upr-info.org>

The Follow-up Programme is a way to prepare the next UPR. The work involved in obtaining data from the ground is a way to keep the UN / UPR momentum alive. Moreover, while mid-term follow-up requires allocating (financial/personal) resources, it's worth the investment. In the long term, it strengthens the UPR, it strengthens stakeholders' recommendation, and it improves human rights situation on the ground.

The MIA is strongly dependent on responses we receive. In essence, it contains details about the process followed to compile the report, the responses we received clustered in a thematic way, and our methodology.

Expected outcomes

The resolution 16/21 repeatedly calls for civil society participation in the follow-up and that States provide midterm reports as well. The legitimacy to involve all stakeholders in the follow-up is widely recognised, and will strengthen the UPR mechanism.

All stakeholders that submitted to the OHCHR a report are contacted; as a result of this, they are reminded the importance of the UPR. For instance, NGOs participating in monitoring States will initiate public debates in countries and keep the momentum from the review in Geneva alive. The follow-up programme is expected to make durable such debates, and to encourage governments to implement the recommendations.

Additionally, the follow-up programme is a way to prepare the next review; collected data can be used for the next UPR. While midterm follow-up requires allocating (financial/personal) resources, it's worth the investment; the next UPR submission to the OHCHR is made easier, the framework will be already set up.

The MIA shows a comprehensive picture to all stakeholders of the domestic implementation's level, and thus saves them time. The aim of the digest is to provide a simpler overview on the implementations of recommendations in a particular country. The summary is a useful tool for at least three reasons: first, as several stakeholders share their concerns related to human rights situation, the summary covers different areas at once. Indeed, one will require less time to gather scattered information about the progress made by the State. Stakeholders will have neither to go through States' diplomatic responses, nor NGOs numerous reports. Second, Stakeholders can identify other organisations with the same area of concern, helping to pool means of action. Third, stakeholders can use the digest to advocate for further governmental measures to fully implement the recommendations received. As a result of the broad participation in the Follow-up Programme, the digest can include several identical comments to a same recommendation which indicates that many stakeholders share the same view on the lack of implementation. It will strengthen



stakeholders' position whenever they will negotiate with their State. The summary is a quicker and easier way to show State's compliance with both international and domestic raised issues, and will support stakeholders' work.

Eventually, while the follow-up's importance is highlighted, no precise directives have been set up on the way the follow-up should take place. Therefore, *UPR Info* is willing to set good standards as soon as possible, and to influence the collaboration's pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be jeopardized.

Follow-up Programme: Civil Society Kit

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