

Universal Periodic Review

Civil society Follow-up Kit 2014





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
MIA	Mid-term Implementation Assessment
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 and a half years. 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 with the third stage consisting of the implementation of those recommendations.

Having reached the end of the first cycle and the review of the 193 United Nations Member States, assessments on the stage of implementation of recommendations in States under Review have begun. 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 and a half years go by. During this period, there is no obligation for the State to report on the implementation of the recommendations. No precise directives have been set up regarding the way in which the follow-up should take place. The follow-up of the recommendations is the most critical 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, demonstrating each State's engagement in the promotion and strengthening of human rights.

The Follow-Up: A Goal to Work on

1. Purpose of this Kit

This kit aims at providing an explanation to civil society on how to fully engage in the UPR follow-up process. It presents the tools that stakeholders should use when following the Review, as well as the actions they could initiate. As this kit will not describe the Universal Periodic Review mechanism itself or its fundamental principles further information on the UPR process can be found on our website.

As broadly explained hereafter, the role of the NGOs in the assessment of the implementation of recommendations is crucial to this process. During the review of the HRC that took place in 2011, the NGOs' role in the process was 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")

While the latter paragraph encourages States to include NGOs in their implementation of the recommendations, the former clearly calls for a follow-up process in which stakeholders could take a larger part.

In this regard, we will first briefly look at the States' practice related to the follow-up, and then underline the other stakeholders' role in the follow-up.

2. States and the Follow-Up

Various States have already engaged in a follow-up process to implement the recommendations received. The State of Mexico, for instance, has developed a National Plan of Action that includes the UPR recommendations.

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

Another example is the State of Senegal, which has voted a national law on gender equality for political parties and a law to prevent human trafficking. Mauritius has also adopted such a law, while Barbados has abolished the mandatory death penalty.

The States of Argentina, Bahrain, Bolivia, Chile, Colombia, Ecuador, Finland, France, Japan, Mauritius, the Netherlands, Poland, Romania, Ukraine, the United Kingdom (and more to come) have started reporting to the HRC about their progress in the format of a mid-term report. 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 made or the path followed by each State. To this end, convinced by the need to report at mid-term, 89 States showed their support in March 2013 by joining a statement made by Morocco to provide a mid-term report¹.

Initial results of UPR Info's findings are very encouraging: at mid-term, 40% of recommendations triggered an action by States². Civil society has an important role of both monitoring and supporting the implementation of recommendations.

2.1. Civil Society's Role in the Follow-Up

In order to assess during the second cycle (2012-2016) whether a recommendation has been implemented or not, the reviewing States will have to use the information provided by the SuR, the UN (special procedures, treaty bodies, UN agencies) and civil society. It is therefore crucial that civil society (namely the NGOs and NHRIs) participates, so that they can share their evaluation and criticisms of the work undertaken by the SuR in-between two reviews. Civil society has different ways to engage in the follow-up at the national and international level. These include making

¹ <http://s.upr-info.org/commitment89states>

² See below.



the outcome of the review public, initiating a dialogue with the State, monitoring the implementation of the recommendations and reporting on the status of the implementation.

2.1.1. Make the UPR recommendations and pledges public

States are not forced to accept a recommendation. However, stakeholders can publicly speak about recommendations that the State has not accepted. Since the UPR sessions are recorded and broadcast, and all documentation – including both the state and civil society reports and recommendations – is publicly available, it is easy to bring the UPR process and government responses 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 also be worth inviting indigenous peoples, women's groups and the national human rights institution to such public events so they could provide their remarks on the implementation.

Civil society can also share its assessment of the review through a press release by, for example, highlighting issues they consider were not properly addressed or by noting whether 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 effective means to reach a greater audience.

Finally, civil society should try to circulate these recommendations in other human rights mechanisms to ensure that the Government is kept under pressure from different channels. It could be worthwhile to include recommendations made in the UPR in a report sent to treaty bodies, regional human rights mechanisms, etc.

2.1.2. Plan the implementation

With an average of more than 160 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 often have expertise in specific areas, these actors 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.

2.1.3. Engage in dialogue with the State to ensure participation in the implementation.

States should consult all stakeholders during the implementation of their recommendations. Thus, NGOs and NHRIs can share their opinions with the government to take into account their opinion during the process of implementation.

Indeed, the UPR offers more legitimacy to NGOs. They are allowed to take part in the UPR through the submission of reports and by taking the floor in the Human Rights Council (although this is limited to ECOSOC accredited NGOs). NGOs also have a justified opportunity to approach their States (either at home or in Geneva) and ask for updates: have the recommendations received been implemented? Does the government plan to do so?

2.1.4. Monitor their implementation

Monitoring states is perhaps the most time-consuming task for NGOs. However, the UPR mechanism represents a unique opportunity to bring together a great range of human right issues in one place: treaties to which the State is not party; submitting overdue reports expected by treaty bodies; extending long awaited invitations to Special Rapporteurs, 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 the domestic human rights situation as a whole.

While fact-finding is resource consuming, it is a *condition sine qua non* before engaging in an international mechanism of any kind. The more precise NGOs are in their follow-up of the domestic human rights evolution on the ground, the more their advice will be sought after and taken into account. This will increase the chance of domestic action.

2.1.5. Reporting on the implementation

NGOs with ECOSOC Status and NHRIs can report to the Human Rights Council and other mechanisms on 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 that is held three times a year; namely in March, June and September.

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

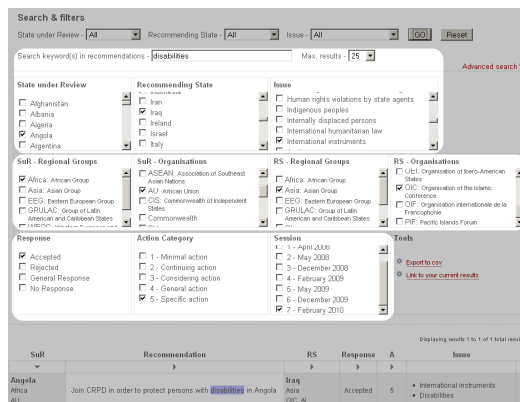
In other words, the UPR opens a window of opportunity for NGOs, giving them more legitimacy and visibility. The advantages are very significant, especially when this increased legitimacy is combined with extensive field knowledge and a broad international network. In order to fully make use of this vantage, NGOs should make States' commitments (both recommendations and voluntary pledges) public, and discuss and monitor these in collaboration with the government.

2.2. Tools for the Follow-Up

We produce one 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 can be found on the *UPR Info* website both in the form of a database and as statistics.

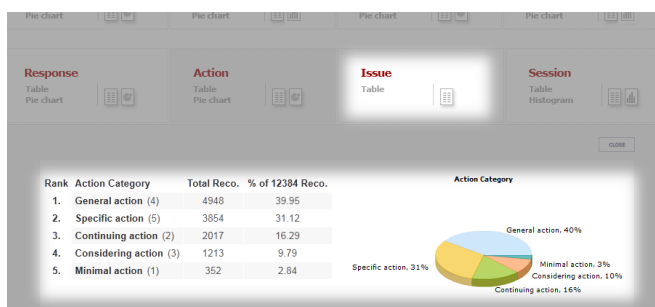
2.2.1. Database

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



2.2.2. Statistics

We developed a 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 access information such as which are the most active States or which issues are





most frequently raised, in addition to a lot of other information that is useful for a better participation in the UPR.

2.2.3. Methodology

In addition, many actors developed logical frameworks which support the reporting process and provide useful examples to follow up.

The *Working Group on Human Rights in India and the UN* (WGHR) launched a monitoring tool for tracking implementation of UPR recommendations. It includes both an Indian template to assist in the monitoring of UPR recommendations as well as a global one which can be adapted for other countries and be used by organisations aiming at tracking the implementation of recommendations by their Governments. It is available on [our website](#)³.

The *International Organisation of La Francophonie* (OIF) developed a Practical Guide on the Implementation of UPR Recommendations and Pledge. Its guide benefits from the experience and knowledge acquired by the OIF in the context of the assistance missions it provides to Francophone countries. This guide puts forward ten key stages for the implementation of recommendations. These revolve around the coordination of implementation, covering areas such as gathering relevant information, assigning responsibility at State level and identifying implementation partners at the national level. It also addresses the issue of following-up on the status of implementation, by, for example, encouraging and helping States to present a mid-term report. It is available on [our website](#)⁴.

³ <http://s.upr-info.org/WGHRimplementation>

⁴ <http://s.upr-info.org/OIFUPRguideEN>

3. 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 and a half years. However, some recommendations can be implemented immediately. In order to reduce this time gap between two reviews, *UPR Info* created a monitoring project that enables us to evaluate the human rights situation two years and a half after the examination at the Universal Periodic Review.

Broadly speaking, *UPR Info* seeks to ensure the respect of state commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their views on the progress achieved. To this end, about two years after the review, *UPR Info* invites States, NGOs, UN Agencies and NHRIs to share their comments on the implementation of the recommendations that were adopted at the HRC.

Once we receive the mid-term updates, we publish a compilation (the so-called Mid-term Implementation Assessment, *MIA*) that includes States' and civil society's evaluation of the implementation in-between two reviews. The *MIA* aims at showing how governments implement the various recommendations.

To this very purpose *UPR Info* will contact you again, in order to determine how the human rights situation has evolved in your country.

Further details about the programme and the completed follow-up reports (*MIAs*) can be found at the following Internet address:

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

The *MIA* is strongly dependent on the responses we receive. It contains details about the process followed to compile the report, the responses that we received clustered in a thematic way.

3.1. Expected Outcomes

The resolution 16/21 repeatedly calls for civil society participation in the follow-up and for the States to provide midterm reports. The legitimacy of involving all stakeholders in the follow-up is widely recognised, and represents an opportunity to strengthen the UPR mechanism.

All stakeholders that have submitted a report to the OHCHR will be contacted by *UPR Info*. As a result of this, they are reminded of the importance of the UPR. Civil society members who participate in the Follow-up Programme are encouraged to initiate public debates in their countries. The follow-up programme is expected to make such debates continuous, and to encourage governments to implement the recommendations.

Additionally, the Follow-up Programme is a way to prepare for the next UPR of your country, as it encourages you to compile information which is then ready to be used for your next submission. The work made in order to obtain data from the ground is a way to keep the UN / UPR momentum alive in country, and to benefit from it. Therefore, while the mid-term follow-up requires resources, it is worth the investment. In the long run, participating in the Follow-up Programme strengthens both the UPR and the recommendations made, and it contributes to improving the human rights situation on the ground.

The MIA gives a comprehensive picture of the domestic implementation's level to all UPR stakeholders, and thus saves them time. The aim of the digest is to provide a simplified overview on the implementations of recommendations in a particular country. The summary presents a useful tool for at least three reasons:

- Since several stakeholders share the concerns related to their area of expertise, the MIA covers many human rights at once. As a result, one will need less time to learn about the progresses achieved by each State. All stakeholders have access to detailed information, which is compiled in one document.
- Stakeholders can identify other organisations with the same area of interest, and then gather together in coalitions.
- Stakeholders can use the MIA to advocate for further governmental measures, in order 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 one same recommendation, which indicates that many stakeholders share the same view on the lack of implementation. This strengthens the stakeholders' position whenever they negotiate with their State. The MIA is a quicker and easier way to show a State's compliance with both

international and domestic commitments and obligations, and supports stakeholders' activity.

- ⇒ Finally, the MIA represents a unique opportunity for civil society to contact foreign embassies in their capital. As a State-driven process, the recommendations are made by states. Those states are the main actors of the UPR, and it is worth to make them aware of any progress related to their recommendations. States monitor their recommendations, and will have a primary interest in knowing what has happened since the last UPR.

While the follow-up's importance is highlighted in resolution 16/21, no precise directives have been set up on the way in which the follow-up should take place. Therefore, *UPR Info* is eager to set good standards as soon as possible, and to influence the patterns of collaboration between States and stakeholders. A lack of consideration of the UPR's follow-up could jeopardize the UPR mechanism as a whole.

3.2. "On the Road to Implementation" Study: The First Findings are Encouraging

UPR Info released in 2012 an overall assessment of the implementation of 3,000 UPR recommendations at mid-term.

The publication "On the Road to Implementation" presents the results of the Follow-up Programme, which since 2011 has compiled data from every stakeholder of the countries that are going to be reviewed for a second time from January 2013 to May 2014 (UPR sessions 15 to 19), amounting to a total of 66 States.

The results of this research, conducted over the course of one year and a half, are promising: 40 percent of recommendations have triggered actions from States.

The study presented the Follow-up Programme quantitative and qualitative outcomes, as well as perspectives and assessments on the thirteenth UPR session. Data collected under the aegis of the Follow-up Programme demonstrated an propitious progress in the implementation of recommendations at mid-term. Nevertheless, many challenges are acute and need to be carefully considered by the international community as soon as possible.

The study can be downloaded at the following address:

<http://s.upr-info.org/RoadtoImplementation>

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