

UPR FOLLOW-UP STRATEGY: PRACTICAL ADVOCACY INITIATIVES

The Universal Periodic Review (UPR) is a PROCESS. Hence, it requires mobilisation for ongoing involvement from all stakeholders, especially NGOs, to monitor the process. Here are some steps for the follow-up of the UPR recommendations.

A. DESIGN A FOLLOW-UP DOCUMENT

The follow-up document should be based on the observations and recommendations set out in the statement adopted by the UPR Working Group. The follow-up document should include the following:

Analysis of the review process

The review process should focus on:

- The involvement of the relevant stakeholders, including NGOs in the national consultations before the national report submission;
- The level of the (constructive) collaboration the country reviewed has shown;
- The status of the Recommendations, whether accepted, pending or rejected.

Analysis of the recommendations

Analysis of the recommendations should include:

- **Accepted recommendations:** This might refer to some of the recommendations in your UPR report. Accepted recommendations are now an official UN recommendation and a key tool for advocacy and follow-up. Based on your expertise and experience, you might be able to identify the steps that need to be taken to implement them.
- **Pending recommendations:** These are recommendations that are not accepted but which are not rejected either. They are pending! The State review will need to clarify its position vis-à-vis them. If your own recommendations are in this category, you should put together (legal and other arguments) that underline their importance in the national context.
- **Rejected recommendations:** These are an issue of concern. When engaging in advocacy there is a need to pay careful attention to the justifications or explanations provided by the Government.

According to resolution 5/1 of the HRC, there are 2 categories of recommendations: “recommendations that enjoy the support of the State concerned” and “other recommendations that are noted” (Res. 5/1, § 32). In practice, there are 3 categories of recommendations. Besides the accepted ones, “other recommendations” are split into “pending recommendations” and “rejected recommendations”. It is therefore important to clarify whether “other recommendations”, means “noted” or “rejected”.

Note that this exercise is important since any statement NGOs are allowed to make at the Human Rights Council plenary session during the adoption of the outcome document of the UPR Working Group MUST be focused on the Analysis of the review process and on the Analysis of the recommendations (accepted and noted ones).

B. INTERNATIONAL ADVOCACY OPPORTUNITIES

The existing UN human rights mechanisms provide opportunities for follow-up.

Treaty Bodies (TB)

The Eight operational Treaty Bodies + Sub-Committee for the Prevention of Torture (SCPT) are particularly relevant for focussing on specific thematic issues: Rights of the Children (CRC), Rights of Women (CEDAW), Education, Health, Food, Housing, Social Security, Trade Union and Non-discrimination (CESCR), Fundamental Freedoms (CCPR), Torture and other cruel and degrading treatment (CAT and SCPT), Rights of Disabled Persons (CRPD), Rights of Migrants (CMW). Recommendations from the UPR could be followed through these mechanisms.

Participation in the Treaty Body pre-sessional working groups which drafts the *list of issues* provides an opportunity to call upon the States concerned to provide more concrete information on the progress of implementation. Both States parties' reports and documents issued during the consideration of the reports provide updated information.

Special Procedures (SP)

A request for an *in situ* visit of Special Procedure mandate holders could help keep the UPR process alive, pressure the Government to take action, evaluate accomplishments and identify further steps that need to be taken. The report of the mandate holder could also place emphasis on the recommendations and revitalise the follow-up process.

Human Rights Council (HRC)

The three annual sessions of the HRC provide opportunities for follow-up:

- Concerned States

Statements and reactions during HRC sessions by countries reviewed provide relevant indicators for follow-up as they may provide **information about steps undertaken** so far or **announce national action plans or legislative reforms for the implementation** of the accepted recommendations. They might also provide **clarifications and updated information** with regard to the pending or rejected recommendations. In addition, the country reviewed might also announce any **specific**

invitation or permanent invitation to any Special Procedures mandate holders, which provide further opportunities for follow-up.

- Other Involved States

States who formulated recommendations should **maintain their commitment by following-up** the issues of the reviewed country **in their statements, reactions and actions within the Human Rights Council**.

This **mainstreaming approach** allows NGOs to **keep States updated** with relevant information for the follow-up. NGOs can then **encourage them to intervene in the debate, especially under Item 6** of the HRC agenda.

- NGOs

Submission of written statements/documents provides an opportunity for follow-up. Detailed, documented information can be given on progress made in implementation, identification of good practices and challenges remaining in order to keep the UPR process alive until the next review in four years time. Furthermore, **oral statements**, especially under Item 6, allow NGOs to deliver a message about effective translation into action of the UPR recommendations. Hence, NGOs **feed the process** and **maintain the pressure on Governments** through various advocacy initiatives at the HRC.

C. LOCAL ADVOCACY POSSIBILITIES

Without comprehensive and proactive national endeavours, the UPR recommendations will remain dead letters. Thorough planning is required due to the variety of issues that generate recommendations and this requires joint effort. It is particularly important to create a national NGO platform for UPR follow-up. The platform should involve International Organisations (UNDP, UNICEF, UNIFEM, UNESCO, FAO, OHCHR country offices, etc.), Trade unions, Community leaders and Civil Society Organisations, including Faith-based Organisations. According to the national context, it can be extended to include the Government. The following concrete activities could be carried out by this platform:

Publicity and Communication Strategy

A strong alliance with media is particularly relevant

- Newspapers:

1. A spotlight on the UPR process as well as the recommendations issued could draw attention and keep the process alive at the national level
2. Recommendations can be analysed one-by-one in order to provide insights and ways and means for their implementation

- TV:

1. Television has the advantage of being visual, TV programmes could organise debates with relevant stakeholders to discuss the UPR process as well as the implementation of the recommendations

2. Focus on the UPR recommendations. This could include analysis of the steps undertaken and explore genuine ways and means to achieve the goals of the UPR.

- Radio

Radios, including “Community Radios” which are available in rural and remote areas, are useful tools to convey the message of the UPR where Internet, newspapers and TV are not accessible. Radio programmes in local languages could help raise public awareness.

- Internet

New technologies could be used in the follow-up process. It is up to NGOs to relay the recommendations through their own websites and provide regular updates. If necessary a specific website can be created as a joint initiative to plan and foster the follow-up. The outcome document can be **translated into local languages** to make the **recommendations more accessible**.

In-house Publications:

NGOs that have their own **Magazines, Bulletins, TV or Radio Stations**, can **advertise and explain the UPR process** and its recommendations. **Spotlight on specific recommendations** can be done on a daily, weekly or monthly basis.

- Communication tools

Besides the live webcast available on the website of the OHCHR, NGOs can also **save on a CD or DVD the video of the review** and **distribute them as communication tools**.

National Capacity Building

The UPR mechanism started in April 2008. Its modalities are not well-known. NGOs could organize **capacity building training** to skill-up and **empower** human rights defenders, religious leaders, journalists, students, judges, police officers, teachers, government officials and others interested actors.

Collection of Updated Information

NGOs must continue to gather at least three kinds of information:

1. **Progress made – Good practices:** NGOs should balance their statements. Positive aspects must not be forgotten;
2. **Challenges – Obstacles to the implementation:** NGOs must continue to document cases and highlight areas where (substantial) efforts still need to be done to fulfil the objectives;
3. **Recommendations based on the challenges:** Based on the **annual evaluation** carry out and the dialogue with national authorities, NGOs can monitor the process with concrete steps.

Campaign strategy

To gain more attention, NGOs can **organise campaigns to raise public awareness** and to draw the attention of the Government to issues of concern regarding the implementation of the UPR findings. Campaigns could **revitalise the process, refocus the implementation process** and **suggest future steps** to give effect to the recommendations.

Involvement with Parliament

To proceed with recommendations aiming at **legislative reforms**, a proactive engagement with National Parliaments is required. NGOs could take the **initiative to draft human rights bills** or provide inputs to national law-making processes. In addition, the **harmonisation of the domestic legislation with States international obligations** under human rights treaties has to be dealt with by MPs. Moreover, some recommendations may call upon Governments to **increase budget** allocations to some sectors, including education, health and agriculture. To this end, an-depth and sometimes, technical inputs are required to successfully **influence the national budget adoption process**.

Dialogue with the Government

It is worthwhile **to negotiate and set up at least a three-year implementation plan** with the Government. The plan should **establish a calendar of follow-up with actions to be undertaken** and **measurable goals** to be achieved within a **specific timeframe**. Each recommendation should be given a **timeline for its implementation**. The target allows for **evaluation** that must be undertaken on a **year basis**.

If the Government is not cooperative, the NGO platform can establish the plan itself and urge the national authorities to take the necessary steps to comply with their obligations under UPR mechanism.

Even if the UPR Guideline documents do not oblige States to organise consultations with relevant stakeholders AFTER the review – they are encouraged to do so whilst preparing the national report with relevant stakeholders -, proactive dialogue between NGOs and Governments can promote such practice. NGOs can pressurize the Government to create a national follow-up mechanism with a secretariat that could collect, inform and provide updates on the steps taken by the Government. This national mechanism does not prevent NGOs from having their own platform, it could be an interministerial body with the participation of relevant stakeholders, including NGOs.

Dialogue with embassies

Recommendations formulated by countries during the UPR Working Group sessions are likely to be followed by their embassies in the countries reviewed. Engagement with embassies could provide support to the follow-up process.