

Corsier Dialogue

On effectiveness of the Human Rights Council with a particular focus on the Universal Periodic Review (UPR)

Corsier, 30 November 2015

Chair's Summary

The informal meeting at the invitation of the German PR convened representatives of current and incoming members of the Human Rights Council (HRC), coordinators of the regional as well as political groups, founders of the efficiency and effectiveness debate, representatives of the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Treaty Bodies, and last but not least Civil Society.

Participants exchanged views with regard to implementation and follow-up on HRC recommendations with a specific focus on the Universal Periodic Review (UPR). While the UPR was highlighted as an excellent example to study the effectiveness of the HRC, it was also made clear that it is only one tool of a series of tools and that a comprehensive look at the whole of the human rights system needs to be maintained throughout the debate.

The notion that effectiveness of the UPR is an essential contribution to the Council's impact as well as to the universal promotion and protection of human rights was widely shared, with a recognition that there were important changes on the ground as a result of implementing UPR recommendations. It was also added that "the UPR serves as an important catalyst for discussions at the national level". Some participants noted a waning interest in the UPR at the Geneva level while it is receiving remarkable attention at the country level. Its relevance and importance seems to be felt more on the ground than in room XX.

Recommendations were mentioned as the most concrete outcome of the UPR. The degree of their implementation may serve as an indicator for effectiveness on the ground and provide an incentive for a State's efforts to step up its human rights engagement. Thus, the degree of implementation was said to be important to be measured. National follow-up systems, if in place, were also perceived to make a positive contribution to implementation, and were thus encouraged by some.

In this vein, sharing concrete examples of the UPR's impact in countries was deemed as a possible and indeed a suitable way to gain information on effectiveness as well as to stimulate States to achieve further progress and demonstrate the UPR's success stories. Consequently, the value of documenting good practices and success stories was stressed and further efforts to this end were welcomed.

Several participants reminded of the responsibilities lying upon recommending States as to propose realistic, measurable and implementable recommendations, without overburdening the receiving State and taking into account size and situation of the country concerned, time horizons needed for change as well as limited capacities vis-à-vis increasing reporting obligations for all States. The SMART criteria were mentioned in this context, some participants also expressed *the need to consolidate recommendations* as well as to continue

the dialogue on recommendations beyond the UPR Working Group, e.g. for the sake of clarification.

As the 3rd cycle of the UPR will begin already in 2017, participants also shared their views on key issues and thoughts that can help to path the way forward.

Further emphasis on implementation was regarded as positive by a number of participants as well as reflection on possible adjustments to the modalities and practices that could enhance the process of implementation, but also the UPR as such, e.g. freshen up the debate that was perceived as too “sterile” by some. At the same time, several participants cautioned not to fix a well-running and carefully balanced system that is not broken.

Adjustments could include

- tools to provide greater clarity and further guidance to all stakeholders to facilitate implementation and the reporting thereon,
- agreement on possible adaptations to the Working Group reports, including possible consolidation, e.g. to avoid repetition,
- promotion of national follow-up systems and processes or encouragement to use mid-term reviews or other tracking processes, where they provide an added-value and
- increased capacity building where necessary.

Specific examples that were mentioned included

- provide more guidance for drafting national reports,
- provide advance questions, guidelines and templates for reporting back,
- explore the potential to further standardize the process, e.g. streamline national reports with standard headings that would enhance UPR universality,
- pay more attention to interim reports,
- provide documentation facilitating analysis regarding implementation, some mentioned in this context objective assessment of the degree of implementation of each recommendation made before the review,
- make better use of advance questions to steer the discussions in the Working Group,
- invest more efforts to clustering so to avoid repetition of recommendations,
- reflect upon establishment of a special unit within OHCHR to facilitate follow-up, another option mentioned was introduction of a “clearing house mechanism”,
- reflect on speaking time arrangements to allow for a genuine dialogue in the Working Group.

It should be noted that some caution vis-à-vis standardization proposals was voiced as well.

Cross-cutting issues that were mentioned included the important role of Civil Society and National Human Rights Institutions (NHRIs). The contributions and engagements of both

could be strengthened according to various participants. Some also suggested making better use of the potential of Parliaments' involvement. The notion that constructive interaction with the work of the UN Treaty Bodies as well as with the Special Procedures system enriches the UPR's effectiveness was shared as well as some suggestions to further enable both to provide input and assessment of the degree of implementation of supported recommendations.

Some participants mentioned the option of updating or complementing decision A/HRC/DEC/17/119 to facilitate practical questions in the context of the 3rd cycle, including on implementation as well as on technical assistance. Opinions varied on this issue showing that it requires further reflection.

Overall, the meeting provided a starting point for discussion on these broad points, which could be further developed in subsequent State discussions next year.

Chatham House Rules were agreed upon.