

UNIVERSAL PERIODIC REVIEW: TIPS FOR ENGAGEMENT AT COUNTRY LEVEL FOR NATIONAL HUMAN RIGHTS INSTITUTIONS AND CIVIL SOCIETY



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

The UN Secretary-General on the UPR

- A/72/351, 2017

- HRC 43,
statement on
24.2.20

"The 2030 Agenda for Sustainable Development marks a paradigm shift towards a more balanced development model with human rights at its core. As the Human Rights Council universal periodic review enters a new cycle, with every UN Member State now up for a third round of detailed scrutiny, the relevance, precision and impact of its recommendations will be strengthened, including through stronger tie-ins with United Nations Country Teams."

- *"The Universal Periodic Review is a critical tool of engagement in our country-level work. We have many good practices and successful experiences - even in the most difficult circumstances. We pledge today to step up our efforts. I will soon issue new practical guidance to every UN country leader around the world to strengthen our platforms of cooperation to address human rights challenges utilizing the power and potential of the Universal Periodic Review."*

Recent developments linked to UPR outcomes and country engagement

- Ratification of international and regional human rights treaties;
- Adoption of National Human Rights Action/Implementation Plans;
- Adoption of anti-discrimination laws, and laws for the protection of women, children, minorities, and vulnerable groups;
- Revision of articles of penal /procedural codes so as to comply with international norms;
- Abolition of the death penalty;
- Establishment of independent Paris Principles compliant NHRIs; National Preventive Mechanisms set up under OPCAT, National Mechanisms for Implementation Reporting and Follow up;
- Integration of human rights recommendations in SDGs targets and their inclusion in VNRs for the HLPF;
- Engagement in prevention and peace sustaining efforts;

General overview of the UPR Documentation

National Report

Prepared by the State under Review ideally following a broad consultation process with stakeholders

UN Compilation

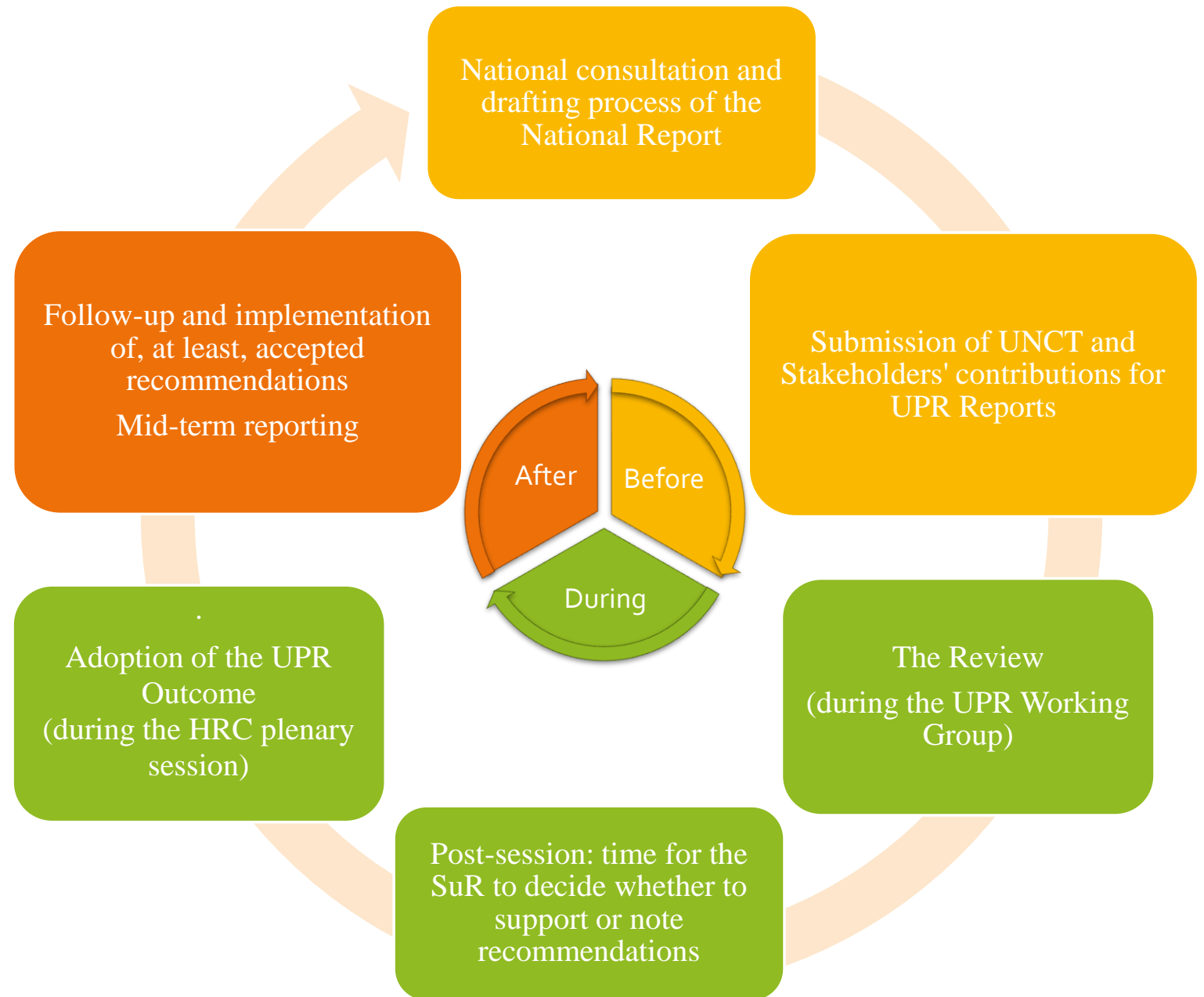
Prepared by OHCHR using reports from treaty bodies, special procedures, including comments from the State, and other relevant official UN documents

Summary of Stakeholders

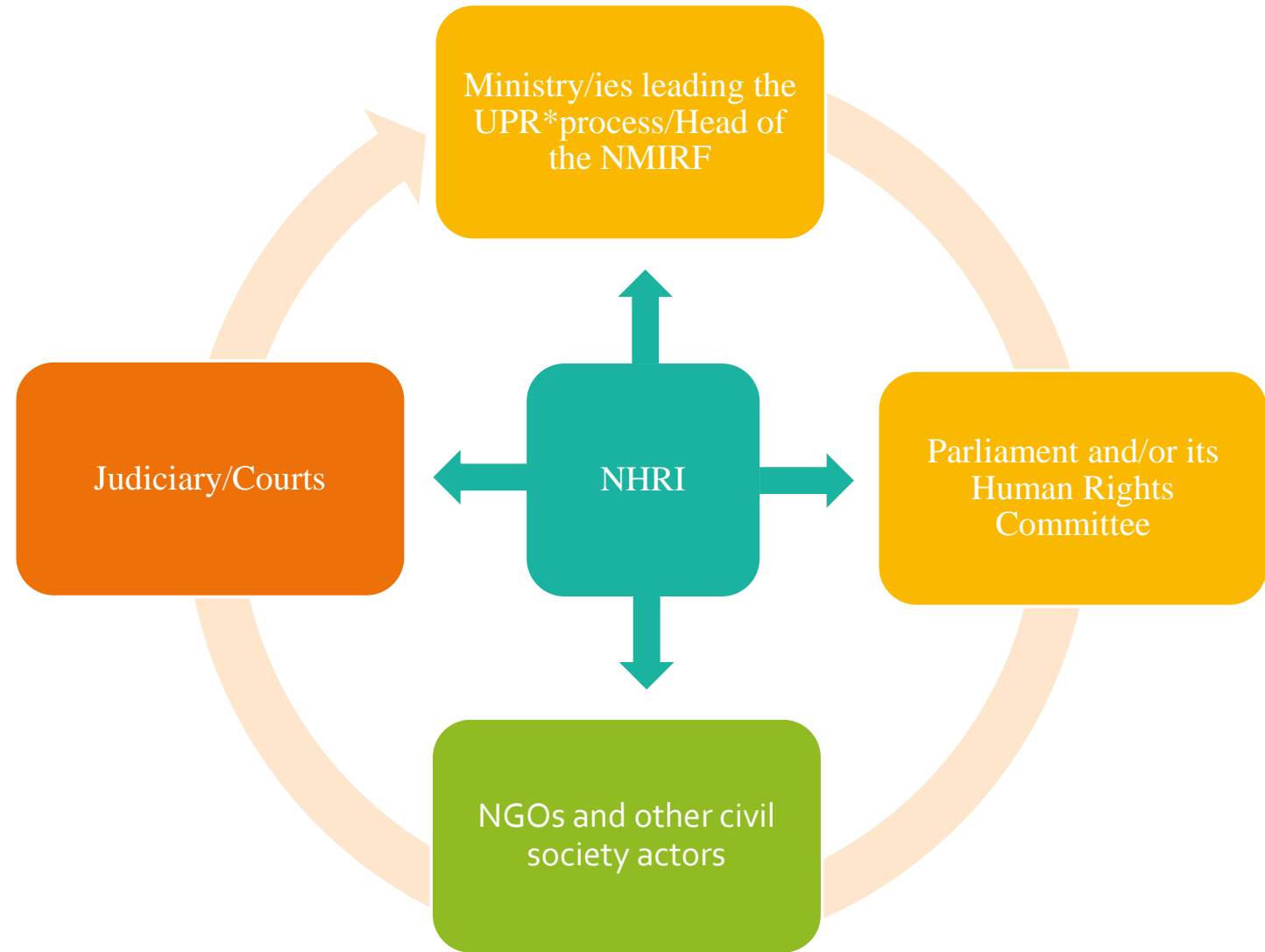
Prepared by OHCHR using credible and reliable information provided by relevant stakeholders, including civil society, NHRIs and regional HR organizations

The quality of the reports prepared by OHCHR depends on the quality of inputs received by the key stakeholders: UN entities, Treaty Bodies, Special Procedures Mandate Holders, and Civil Society actors.

Key Phases of a UPR cycle within 4.5 / 5 years



Role of an A
status NHRI
- bridge between
the Government
and civil society
actors



* Head of delegation and line Ministries available in the UPR WG report

A status NHRIs: key relay between the national and international human rights systems

- The Paris Principles recognize that **monitoring and engaging with the international human rights system**, in particular the Human Rights Council and its mechanisms (Special Procedures and Universal Periodic Review) and the United Nations Human Rights Treaty Bodies, can be an effective tool for NHRIs in the promotion and protection of human rights domestically – this has also been emphasized in relevant HRC and GA resolutions;
- Effective engagement with the international human rights system may include: - **submitting parallel or shadow reports to the Universal Periodic Review**, Special Procedure mechanisms and Treaty Bodies Committees; - **reporting on the status of implementation** or lack thereof, including **making statements holding Governments to account**; (...) and - monitoring and promoting the implementation of relevant recommendations originating from the human rights system;
- **While it is appropriate for Governments to consult with NHRIs in the preparation of a state's reports to human rights mechanisms, NHRIs should neither prepare the country report nor should they report on behalf of the government.** NHRIs must maintain their independence and, where they have the capacity to provide information to human rights mechanisms, do so in their own right.

Importance of mid-term UPR reports by stakeholders

- As of 1 September 2020, 78 States and 36 NHRIs and NGOs (both individual or joint coalition from 26 countries) submitted, on a voluntary basis, UPR mid-term reports.
- Elaboration of the mid-term reports usually is preceded by consultations at all levels: national, regional or federal, state, and local levels.
- **Mid-term reports** can be presented as a follow-up to the implementation of recommendations, raise emerging issues, or focus on thematic areas.
- They are a **voluntary “good practice”** encouraged by the UN High Commissioner for Human Rights and they are posted online and shared with the UN entities and partners.

Role of Parliament - especially of a dedicated human rights committee

- **Parliament has a crucial role in human rights** as clearly recognized by HRC resolution 35/29 and the resulting report HRC 38/25 prepared by OHCHR, in close cooperation with the IPU, also containing specific principles, in Annex I, on the setting up and effective functioning of a dedicated human rights committee;
- It is a good practice if Parliament: **a) contributes** to the preparation of the national report; **b) participate in or leads** the delegation of the State in the review; and **c) ensures follow up** at least to those accepted UPR recommendations that require Parliamentary action;
- The growing engagement of Parliament's human rights committees internationally, especially in the HRC, and their **oversight role nationally, with respect to human rights policies and actions** by the executive, is actively supported by OHCHR and the IPU;
- The Draft **Principles on Parliaments and human rights** also recommend Parliament to engage, work and consult closely with the national human rights institution and civil society organizations, in line with the Belgrade Principles;

Before the Review - basic engagement

- Encourage the Government to host “**a broad consultation process**” as an essential first step in the preparation of the national report, inter alia focusing on the status of implementation of recommendations from the previous review. Encourage internal consultation within the various branches of the Government and the participation of all relevant stakeholders in this process including NHRIs, NGOs and UNCTs;
- Maintain an **open dialogue** with the Government Ministry or NMRF preparing the report and encourage full consideration and reflection in the report of the inputs received from all stakeholders through the aforementioned consultation process;
- Make a **submission to the UPR process** in compliance with the guidelines for stakeholders’ submissions. Encourage NHRIs, NGOs, and other civil society actors, to make submissions and where necessary provide these with training and capacity building in that regard, and also encourage the UNCT (if present) to be a partner in this endeavour;
- Liaise with, participate in, and provide input to any activities undertaken **by UNCT and individual UN Agencies** in relation to the preparation of their submissions for the UPR process;
- Consider holding **public awareness raising campaigns** about the upcoming review and (when COVID-19 restrictions are lifted) consider hosting or participating in **side events** in Geneva prior to the review;

Before the Review - advanced engagement

- **Advocate for follow up to UPR recommendations from the previous cycle and their integration into national development plans and SDGs efforts. Support** the Government and other stakeholders in identifying linkages between UPR recommendations and SDGs targets, stressing the synergies between human rights and development;
- **Advocate for the UN system in-country to support implementation**, as a minimum, of accepted recommendations of the previous UPR cycle, and their inclusion in the CCA and UN Sustainable Development Cooperation Framework (UNSDCF);
- **Advocate for the preparation of a mid-term report by the Government; by the UN system in-country; and all other national stakeholders**, taking stock of what has been done in terms of follow up to recommendations of the previous UPR cycle and of remaining challenges;
- Encourage **Parliament Human Rights Committee and or MPs of relevant Committees** to be fully aware of commitments made by the executive in the previous cycle – especially those requiring parliamentary action - and advocate for an input by Parliament into the national report being prepared for the review;
- Encourage the **NHRI to share its assessment of implementation** of recommendations of the previous UPR cycle with the Parliament, and also through public hearings with the participation and input of civil society organizations;

During the Review in the UPR WG and at Adoption in the HRC (item 6)

- **DURING THE REVIEW** – Consider organizing a **live webcast of the review** and extend an invitation to government representatives, members of Parliament, civil society, and the media; and if possible also consider hosting a similar event for members of the public; consider thematic or country-specific side events (when COVID-19 restrictions are lifted) focused on the review;
- **BETWEEN REVIEW AND ADOPTION** – consider translation into local languages and public awareness campaigns on the recommendations received. Advocate with the Government (executive, parliament and judiciary) especially **on those recommendations for which a clear position has not yet been taken**;
- **AT THE ADOPTION OF THE OUTCOME**, about 3 months later, A-status NHRIs and accredited NGOs, and their representatives, are encouraged to **make a statement in the HRC and widely distribute the UPR outcome at national and local levels**;
- **DURING THE GENERAL DEBATE** in the HRC under Item 6, accredited stakeholders should be encouraged to make a statement **outlining possible good practices and challenges** faced by the State in connection with the implementation of recommendations;

Useful tools to enhance implementation and follow-up

In order **to facilitate engagement with States** that have undergone the UPR, **since** the beginning of the 3rd cycle, on **1 May 2017**, OHCHR makes available for each reviewed country - on its website (documentation by country):

- 1) A Letter by the High Commissioner for Human Rights to the Minister of Foreign Affairs** with an **Annex** containing 10 – 15 areas which in the view of the High Commissioner require particular attention by the State over the next 4.5 / 5 years and before the next cycle of the UPR;
- 2) A Matrix of thematically clustered accepted and noted recommendations** per State reviewed, which detail what the State in front of the international community and at the highest level has agreed to act upon following the review immediately or at a later stage; and
- 3) An Infographic** which shows trends between the 2nd and 3rd cycle in terms of received and accepted recommendations and linking recommendations to specific SDGs, most notably SDG 16, SDG 10, SDG 8, SDG 5 and SDG 4;

These documents are available for the **112 countries** whose outcome has been already adopted in the HRC and could be relied upon for advocacy with respect to policies and actions in the field of human rights;

After the Review - basic engagement

- **Disseminate widely and use the High Commissioner Letter and its Annex to advocate with relevant Government Ministries and other national stakeholders and the UN system in-country** for the establishment or strengthening of a NMIRF; the development of a National Human Rights Action/Implementation Plan, the setting up or strengthening of Paris Principles compliant NHRIs, the use of an NRTD and the integration of human rights actions in the SDGs;
- **Use the Matrix of thematically clustered UPR recommendations to ensure recommendations that have been accepted by the State and are in line with development priorities** are acted upon by the Government with the support of the UN system and the donor community;
- **Advocate with Government officials, as well as regional and national stakeholders, including Parliament and especially its Human Rights Committee,** for follow up action on the human rights areas identified by the HC letter to the Foreign Minister, and its Annex as well as, as a minimum, on the accepted UPR recommendations;
- **Advocate and support** the implementation of UPR recommendations, the development of a National Human Rights Action Plan, or of an NMRF or the setting up of a national recommendations tracking data-base (NRTD), if required through the UN system or the UPR TF;

After the Review - advanced engagement

- Encourage the Government and all other stakeholders to submit a regular update or a mid-term report on the status of implementation of **UPR recommendations**, especially with respect to those that have been accepted;
- Encourage forms of **South-South and North-South cooperation** or the **financial support** by the recommending state, if a donor country, and if the State that accepted the recommendation is already recipient of its Official Development Aid (ODA);
- **Use your networks** for the development of a **financing compact between all stakeholders** for the implementation and follow-up action – encouraging the participation of national partners, especially Parliament, NHRI and NGOs, - and suggest a mechanism to monitor implementation of any agreed **national human rights plan** - including through regular country level reviews with the support the UN, donors, and participation of the NHRI and NGOs;
- **Advocate for the effective use of UPR 3rd cycle tools (HC Letter to FM, Matrix and Infographic)** in connection with broader debates on policies and/or human rights related actions at country level;

UPR as an opportunity for constructive and cooperative engagement at country level

- more tips on what can be done

- **Advocacy for the development by the Government, in consultation with all national stakeholders, of an action plan on human rights** with timelines, benchmarks, clear responsibilities among Ministries and State entities, resource allocations and a monitoring mechanism of implementation - possibly with the participation and support of the UN, the donor community, the NHRI and NGOs – fully integrated with the SDGs targets and indicators;
- **Support the creation or strengthening of a National Mechanism for implementation reporting and follow-up (NMIRF)** involving all branches of the Government at state and local levels and the participation of Parliament, Judiciary, the NHRIs and civil society;
- **Support the use of the National Recommendations Tracking Database (NRTD)** by the Government so as to facilitate its management of information and action on human rights – advocate for access to it by civil society;
- **Review all noted recommendations and develop strategies** on what action could be taken by the Government and national partners. Seek support from the relevant OHCHR Field Presence, the UN system as well as regional partners in order to move forward on those human rights issues that, if not acted upon, may lead to a serious deterioration of the human rights situation;

Importance of assessing implementation by all stakeholders

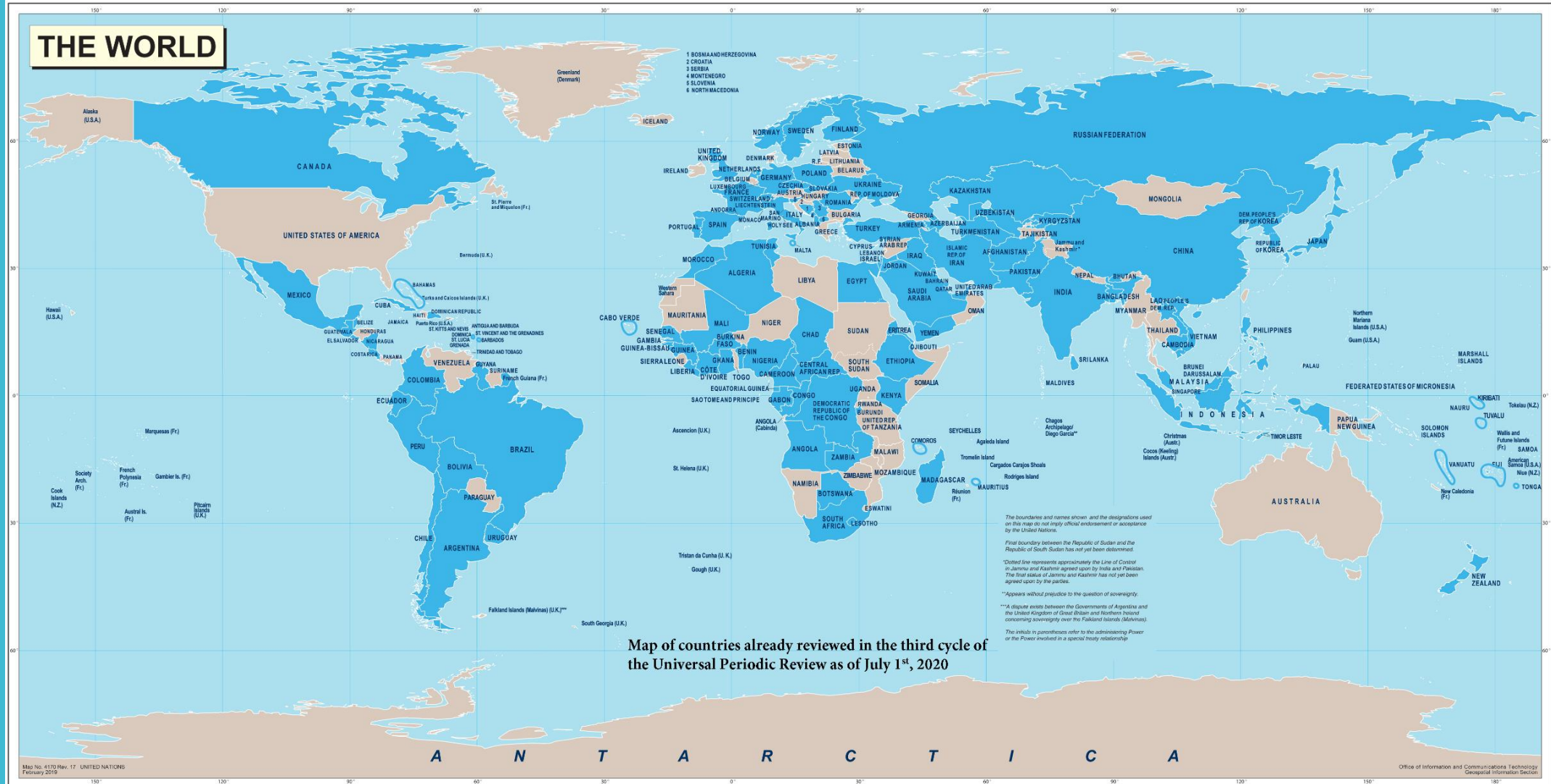
-based on the HC letter, the matrix, and the infographic

- **Assessing implementation will assist countries to take concrete steps to meet their obligations and commitments** and to advance in the promotion and protection of human rights at country level;
- 3rd cycle UPR tools provided by OHCHR **represent a baseline** for such an assessment either in the context of a mid-term report or in the context of the preparations for the 4th cycle of the UPR. This process will facilitate **consultations among all stakeholders** and lead to collaborative efforts across Government, State entities, the NHRI and civil society organizations which will also contribute to gender equality by ensuring **the integration of a gender perspective** in the implementation of all UPR recommendations;
- The **Universal Human Rights Index (UHRI)**, an OHCHR-managed tool, to extract all the recommendations provided to the State from all international human rights mechanisms (including UPR, Treaty Bodies and Special Procedures), is now **linked with relevant Sustainable Development Goals** and their targets and indicators, and can complement UPR related information with concluding observations, general comments and recommendations from TB and SPMHs;
- It is essential to **participate effectively** in the entire UPR cycle (before, during and after the review) and assess whether it offers a **safe, open and enabling space** for **civil society actors and human rights defenders** to follow up meaningfully to UPR recommendations, especially those related to civic space.

Zero tolerance on any act of intimidation or reprisals

- The important role of civil society and the need to maintain a safe and **enabling environment in which NHRIs, NGOs, HRDs can operate freely and safely**, have been highlighted by several resolutions of the Human Rights Council, which remains attentive to any threat or intimidation towards human rights defenders or reprisal for any form of cooperation with the United Nations, its representatives, and its mechanisms;
- **UN system-wide response**: The Organization relies to a large extent on cooperation with and **information provided by governments and civil society partners**. When those engaging or willing to engage with the UN are subject to intimidation and reprisals for their efforts, we all lose, and the credibility and effectiveness of the Organization is undermined.
- The **Secretary-General** has recognized reprisals as a **priority and a core responsibility for the UN**, and has called on all entities to be **vigilant and engaged** in the issue. He is closely monitoring, advocating against and reporting annually on any such instances, with the support of OHCHR.
- The UN system is expected to uphold a **zero-tolerance approach with respect to any act of intimidation or reprisals** against NHRIs, NGOs, HRDs and other civil society actors that cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights.
- The Secretary-General has designated **the Assistant Secretary-General for human rights** to lead UN **system-wide efforts to prevent and address intimidation and reprisals**.
- The **HRC President** is also active in connection with intimidations and reprisals. She reminds States and all other stakeholders of the zero-tolerance policy by the Organization and emphasizes also the role that national human rights institutions could play in “preventing and addressing cases of reprisals”.
- Any reprisal for cooperation in the context of the UPR should be reported to the UPR Secretariat (uprreprisals@ohchr.org) as well as to the OHCHR reprisals team. (reprisals@ohchr.org)

Map of countries already reviewed in the 3rd cycle of the Universal Periodic Review - September, 2020



Further resources

- Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- HC letter to the FM – Matrix and Infographic: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>
- National Mechanisms for Reporting and Follow-up (NMRF):
http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf&action=default&DefaultItemOpen=1
- National Human Rights Action Plan (NHRAP):
<http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx>
- Mid-term Report on the UPR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>
- Human Rights Indicators (HRI): <http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>
- National Recommendations Tracking Database (NRTD): <https://www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf>
- Universal Human Rights Index (UHRI): <http://uhri.ohchr.org/en/>
- Parliament and HR: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Parliaments.aspx>
- Sustainable Development Goals: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>
- UPR Cycles: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>
- UPR Civil Society Engagement: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>
- A Practical Guide for Civil Society on UPR:
<https://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>
- UPR-Info: <https://www.upr-info.org/en>
- GANHRI: www.ganhri.org

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