

# ROAD MAP FOR CIVIL SOCIETY ENGAGEMENT WITH THE UPR (draft version)

The UPR is the most innovative mechanism of the United Nations Human Rights Council (HRC). It determines that all UN Member States will periodically undergo a human rights review (cycles of 4 years – 48 countries per year). According to General Assembly resolution 60/251 and Council resolution 5/1, the objective of the review is to determine the fulfillment by all UN States of their international human rights obligations and commitments. Civil society has an essential role to play in order to contribute to the success of the UPR and of the HRC in general.

The objective of this Road Map is to support civil society engagement with the UPR by suggesting actions and strategies to be carried out in each phase of the review:

- 1) **Phase 1** – Elaboration of the 3 reports which will be considered during the review;
- 2) **Phase 2** – Interactive Dialogue: a 3-hour session in Geneva to consider the reports elaborated in phase 1 - the State under review (SuR) presents its report orally, answers to questions and receives recommendations;
- 3) **Phase 3** – Adoption of the outcome report containing the recommendations to be implemented by the SuR and;
- 4) **Phase 4** – Follow up of recommendations and preparation for the next review.

For each of these phases, the table below provides:

- 1) **Basic information on the objectives and rules of procedures;**
- 2) **Ideas on how civil society can engage with the UPR;**
- 2) **Potential challenges in working with the UPR;**
- 3) **Tips based on concrete experiences.**

Conectas strongly believes that civil society participation is crucial in every phase of the UPR. Further, we believe that the UPR will only be successful if it is seen as an ongoing national process with some important moments in Geneva - and not the opposite. We hope this road map will help civil society in this direction!

## CIVIL SOCIETY AND THE UPR

- ✓ Civil society is not only composed of NGOs but also National Human Rights Institutions, academics and other groups;
- ✓ The UPR is an important mechanism, but it is not the only means to engage with the UN;
- ✓ There is no need to work with the whole process and you can choose to engage in specific areas;
- ✓ The UPR should be seen as an ongoing national process with permanent consequences, and not only an international obligation;
- ✓ In order to define a clear strategy to work with the UPR, it is important to know what to expect and what can be accomplished by the end of the review process;
- ✓ **There is no formula!** Actions have to be defined for each country, and each context should be considered (e.g. safety implications);
- ✓ Working with the media can be an important tool;
- ✓ It is important to be aware of information and deadlines provided by the OHCHR (available at their website);
- ✓ In addition to passing through the UPR, your country can participate in the review of other countries, and therefore it is important to work not only with your own country's review but to influence your country to be effective in review of others;
- ✓ Cooperation with other NGOs and the identification of best-practices is very important.

## - PHASE 1 - ELABORATION OF REPORTS

Three reports are the basis of the review for each country: a national report prepared by the SuR, a stakeholders' report and a report containing other UN information related to the SuR.

## A) CONSULTATION PROCESS AND NATIONAL REPORT

Information prepared by the State under Review (SuR), which can take the form of a national report, to be considered by the HRC (20 pages or presented orally). The written report has to be sent by the SuR to the OHCHR around 3 months before the Interactive Dialogue (phase 2). According to Council resolution 5/1, States are encouraged to conduct a broad national consultation process.

### TIPS

- ✓ The consultation process might include "written tools" (e.g. questionnaires and forms);
- ✓ The SuR should disseminate the consultation process through its website and other communication tools;
- ✓ Public hearings at the Parliament can be more democratic and formal than closed meetings;
- ✓ It is important to pressure the SuR to include in the national report information on how previous UN recommendations are being implemented;
- ✓ Participation in a "fake" consultation can be negative – there has to be criteria to decide if the process is being well-conducted or not;
- ✓ NHRIs can play an important role by influencing the content of the report

## HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Lobbying the State under review (SuR) to establish a national consultation process in due timing;
- ✓ Participating in the national consultation process ;
- ✓ Engaging with the Legislative and Judicial branches and not only with the Executive branch representatives;
- ✓ Campaigning or submitting written information to the SuR in order to have themes or relevant issues included in the national report, as well as voluntary commitments;
- ✓ Commenting on the draft or on the final written report, if the SuR makes it available and ;
- ✓ Denouncing the lack of consultation and/or lack of written report if the SuR decides to present it only orally.

## CHALLENGES

- ✓ Timing and predictability of the consultation process;
- ✓ Definition of responsibilities among stakeholders and lack of clarity about the role of NGOs;
- ✓ Limit of pages of the report can affect its content;
- ✓ Representativeness - who should participate and how to make it possible - e.g. access to information and human and financial resources;
- ✓ Absence of national consultation process in certain countries;
- ✓ Refusal of certain States to submit written report, opting for oral presentation only and;
- ✓ Discrepancy between the reality and what the SuR is reporting publicly or in its discourse.

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### B) STAKEHOLDERS' REPORT

NGOs, NHRIs and other stakeholders can send information (5-page document, or 10-page if a joint submission + annexes) to the UN Office of the High Commissioner for Human Rights (OHCHR) which will summarize all documents in a single report (10 pages). It is very important to be aware and to follow the deadlines! The information has to be sent to the OHCHR, around 6 months before the Interactive Dialogue (phase 2), by email only ([uprsubmissions@ohchr.org](mailto:uprsubmissions@ohchr.org)) and following the guidelines established by the OHCHR (check the guidelines and calendar at the OHCHR's UPR website)

#### TIPS

- ✓ It is important to build "trust" with the OHCHR - to invest in public relations;
- ✓ Importance of building coalitions in order to avoid duplication of efforts and information and;
- ✓ Check if the OHCHR has received your information and has posted it in their website.

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Sending information to the OHCHR either individually or jointly - with other organizations;
- ✓ After sending it to the OHCHR, forwarding the same document to missions in Geneva, to the troikas (group of 3 States which facilitates each review) and to selected embassies at the national level and;
- ✓ If there is no safety risk, sending the same document to the SuR to keep them informed of the submission and to ask them to respond to the issues described in it.

#### CHALLENGES

- ✓ To follow the deadlines, knowing that stakeholders have to send information to the OHCHR before the SuR sends its report;
- ✓ Language barriers - information has to be sent to the OHCHR in one of the UN official languages and preferably in English, French or Spanish;
- ✓ Knowledge of "UN wording" and page limit;
- ✓ Accuracy of the report prepared by OHCHR;
- ✓ Credibility and visibility of stakeholders are essential for their information to be included in the stakeholders' report and;
- ✓ Efforts to build coalitions even knowing that civil society groups can disagree or have different views about an issue/theme.

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### C) UN INFORMATION REPORT

The OHCHR prepares a report with information contained in the reports of special procedures, human rights treaty bodies, and other UN entities (10 pages)

#### TIPS

- ✓ Use the media to disseminate the UN report.

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Sending indirect inputs – through reports submitted to the treaty bodies or information sent to or released by the Special Procedures and;
- ✓ After the document is released:
  - Reading the document and, if it is not accurate, asking for corrections and;
  - Using it and the UN recommendations to make your own demands stronger.

#### CHALLENGES

- ✓ Accuracy of the report prepared by the OHCHR and;
- ✓ Enormous amount of UN information which makes it difficult to summarize/prioritize.

## - PHASE 2 - INTERACTIVE DIALOGUE

The Interactive Dialogue is a 3-hour Working Group (WG) session of the HRC, in Geneva, that considers the three reports mentioned above.

The Working Group is composed by all the 47 HRC's members States and observers which can provide comments, ask questions and formulate recommendations to the State under review (SuR).

### A) BEFORE

There are 3 Working Group sessions per year – February, May and December. In each session, 16 States are reviewed (check the calendar 2008-2011).

#### TIPS

- ✓ Keep partners NGOs and contacts in Geneva informed, including the OHCHR;
- ✓ Lobby States from the South and from the North to avoid selectiveness and politicization of the process;
- ✓ Identify countries that are friendly to the issues of our concern - with the assistance of NGOs which work regularly with HRC;
- ✓ Case -study – find out how NGOs have lobbied states to ask questions and make recommendations. For example, see NGO document on Brazil (see document prepared by the NGOs Conectas and GAJOP).

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Influencing the SuR oral presentation (in order to stress or include issues that are not in the written report);
- ✓ Pressuring the SuR to make voluntary commitments prior and during its presentation in Geneva;
- ✓ Influencing the composition of the SuR's delegation (the SuR can invite independent experts to be part of its delegation during the interactive dialogue) and;
- ✓ Lobbying States to ask certain questions or make specific recommendations to the SuR – this can be done through the Ministries of Foreign Affairs, delegations in Geneva or embassies at the national level.

#### CHALLENGES

- ✓ To map and have the right contacts at the national and international levels ("know-who");
- ✓ Identifying "friendly" or strategic States;
- ✓ Some issues are "silenced" and their inclusion in the review depends on the existence of qualified NGOs and "friendly" States (e.g. sexual rights).

## - PHASE 2 - INTERACTIVE DIALOGUE

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### B) DURING

NGOs with ECOSOC consultative status are allowed to enter the room but can't take the floor. Following the examination by the WG, a report is prepared by the OHCHR, containing a summary of the discussions, questions and recommendations. This report is adopted by the WG and then formally (re)adopted in a regular session of the HRC (March, June or September). It reflects the recommendations accepted or not by the SuR (phase 3). All the Working Group sessions are webcasted (check the webcast)

#### TIPS

- ✓ Broadcast UPR session live/organizing national events ;
- ✓ Ask partner in Geneva to attend the interactive dialogue and keep you updated;
- ✓ Some training and advocacy programs offer support for NGOs to attend the HRC sessions (e.g. ISHR's training course).

#### CHALLENGES

- ✓ To find resources to travel to Geneva;
- ✓ Being accredited to the ECOSOC consultative status;
- ✓ Difficulty of raising issues at this late stage and;
- ✓ Be aware that SuR's oral presentation can be different than the written report or of the reality in the ground.

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Attending the Working Group session to:
  - Lobby delegations to ask questions and make recommendations;
  - Convene or participating in meetings with UN officials, States and NGOs;
  - Be a "watch dog";
  - Organize or participate in "side events";
  - Pressure the SuR to answer questions made orally and accept the recommendations (reflected in the report prepared by the secretariat - OHCHR - during the session);
  - Working with national and international media.
- ✓ Following the Working Group session through the webcast either individually or organizing events at the national level gathering other stakeholders. This latter modality can strengthen the whole process and can create an interesting "momentum" and;
- ✓ Disseminating the recommendations of the Working Group to the media and to civil society organizations.

## - PHASE 3 - ADOPTION OF THE OUTCOME REPORT

The report prepared by the OHCHR during the interactive dialogue's Working Group is formally adopted in the second following HRC regular session and entitled "Outcome Report". This is the moment when the SuR finally accept or not each of the recommendations.

### A) BEFORE

The report adopted during the Working Group has to also be adopted during a regular session of the HRC after the Interactive Dialogue (in March, June or September). This document is entitled the "outcome report" and can incorporate changes and/or corrections.

#### TIPS

- ✓ Pressure the SuR to accept all the recommendations, to express how they will be implemented and to reinforce their voluntary commitments.

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ To check the accuracy of the report, by comparing it with the archives on the internet (webcast):
  1. To compare it with the report made by the OHCHR;
  2. If needed, to ask for corrections – addressing a letter to the OHCHR, to the troika and to the SuR delegation in Geneva and;
  3. To translate, if necessary, and to disseminate it;
- ✓ Based on the transcription, pressuring the government to answer questions it did not answer during the interactive dialogue.

#### CHALLENGES

- ✓ Keep the 'momentum' after the Working Group session (phase 2) up to the adoption of the outcome report (phase 3) and;
- ✓ To keep up the attention of the media, which usually loses its interest after the Working Group session.

## - PHASE 3 - ADOPTION OF THE OUT- COME REPORT

The report prepared by the OHCHR during the interactive dialogue's Working Group is formally adopted in the second following HRC regular session and entitled "Outcome Report". This is the moment when the SuR finally accept or not each of the recommendations.

**This is the only moment when NGOs are allowed to take the floor.**

### B) DURING

NGOs with ECOSOC consultative status can attend the session. Moreover, this is the only moment when NGOs can take the floor to comment the outcome report. Therefore, attending the regular session might be at least as important as attending the Working Group of the interactive dialogue where NGOs can not speak. All the WG sessions are transmitted by internet (check the webcast).

#### TIPS

- ✓ If you are unable to attend the session, ask a partner in Geneva to do it and keep you updated;
- ✓ Ask the SuR to circulate its position on the acceptance or rejection of the recommendations as early as possible, before the consideration of the outcome report;
- ✓ When taking the floor: (1) keep the intervention linked to the issues reflected in the outcome report, (2) draw attention to and critique the recommendations rejected/not accepted by the SuR and (3) ask the SuR on how the government will implement the UPR recommendations and how civil society will participate in this process.
- ✓ It is important to acknowledge States that made good comments, questions or recommendations (e.g. sending letter to delegations in Geneva)

#### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Attending the session to:
  - Take the floor to make comments about all UPR phases, as it is the first and unique moment NGOs can orally intervene;
  - Promote and participate in "side events";
  - Work with international and national media;
- ✓ Following the adoption of the outcome report through the webcast and;
- ✓ Disseminating the final outcome report and its recommendations to the media and to civil society organizations.

#### CHALLENGES

- ✓ Be accredited with the ECOSOC consultative status and raise funds to attend the session in Geneva;
- ✓ NGOs are only allowed to take the floor some minutes before the adoption of the outcome report – therefore, they have to aware that they will not change the content of the report at this stage but that they can pave the road for the follow up of the recommendations;
- ✓ States often do not circulate their final decisions on the acceptance or not of the recommendations in advance and, therefore, NGOs can not respond to the SuR's position when they take the floor;
- ✓ Low participation of national NGOs and;
- ✓ In case of resource constraints, NGOs have to decide whether to attend the interactive dialogue or the session of adoption of the outcome report (ideally they should attend both).

## - PHASE 4 - FOLLOW UP OF RECOMMENDATIONS AND PREPARATION FOR THE NEXT REVIEW

All States will be reviewed every 4 years and the implementation of recommendations are the bases of the next reviews .

### A) ONGOING

Civil society has to work for the implementation of the UPR recommendations at the national level.

Without this, the UPR will not have concrete impacts on the ground and will lose its importance and credibility.

### TIPS

- ✓ Translate the recommendations into your national language and disseminate it as widely as possible and;
- ✓ Whenever possible, do not work only with the Ministry of Foreign Affairs. Instead, work closely with other ministries and power branches responsible for the issues addressed by the recommendations.

### HOW CIVIL SOCIETY CAN ENGAGE

- ✓ Translating, if necessary, and disseminating the UPR recommendations among civil society organizations and to governmental bodies beyond the Ministry of Foreign Affairs ;
- ✓ Asking the government for a plan of action to implement the recommendations and to the governmental bodies to incorporate the recommendations in their planning;
- ✓ Defining which of the recommendations your organization will address and how (this can include those rejected by the SuR);
- ✓ Promoting de-briefing and consultations with civil society and state actors on plans for the implementation of the recommendations;
- ✓ Reporting back to the Council, treaty bodies and other relevant bodies on the status of implementation of recommendations;
- ✓ Pressuring for a follow up by the HRC and;
- ✓ Starting to work for the next cycle of the review.

### CHALLENGES

- ✓ To prioritize and to define concrete strategies to work on follow up to recommendations;
- ✓ Incorporate UN activities in NGOs´ plans of action;
- ✓ Work in a integrated manner with recommendations deriving from other UN mechanisms, such as the treaty bodies and special rapporteurs and;
- ✓ Many recommendations are “vague”, making follow up difficult.

The “**Road Map for Civil Society Engagement with the UPR**” is an outcome of the “**II Strategic Meeting on Civil Society Participation in the UN Human Rights Council: Evaluation of the UPR 2008 and Planning for 2009**” organized by Conectas Human Rights, in partnership with the International Service for Human Rights (ISHR). The meeting took place in São Paulo (Brazil), from 7-8 November 2008 and gathered 19 representatives of NGOs, National Human Rights Institutions and Universities from 12 countries which were reviewed by the UPR in 2008 or which it will be reviewed in 2009/2010 .

### GENERAL CHALLENGES FOR CIVIL SOCIETY TO WORK WITH THE UN HUMAN RIGHTS SYSTEM

- ✓ Knowledge;
- ✓ Language barriers;
- ✓ Access to information in general and to UN documents;
- ✓ Resources - including long term resources as it takes time to achieve results;
- ✓ To define concrete strategies, to measure impact and to give visibility to our actions;
- ✓ To map and have the right contacts at the national and international levels (“know-who”);
- ✓ Not being based in Geneva;
- ✓ To believe that is worthwhile to work with the UN.

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