



OUTCOME REPORT

Strengthening the 4th Cycle of the UPR

**Consultations with Civil Society
June-July 2021**



Summary

For over a decade, the Universal Periodic Review (UPR) has provided an opportunity for all interested stakeholders to contribute to the improvement of human rights at the national level. The mechanism has been successful in achieving the collective participation of all UN Member States and, through their recommendations, has addressed a wide range of human rights concerns. Civil society organisations (CSOs), National Human Rights Institutions (NHRIs), and other stakeholders have informed this process by providing critical information on the human rights situation on the ground throughout the cycle, ensuring that both recommendations and commitments reflect the needs of all rights-holders.

In the spring of 2021, UPR Info launched informal consultations with civil society to discuss how these actors can continue to contribute to the strengthening of the UPR as it enters its 4th cycle. CSOs, NHRIs, academics, and other stakeholders were invited to participate in a survey and online discussion to reflect on the success of the mechanism and what can be improved in the process.

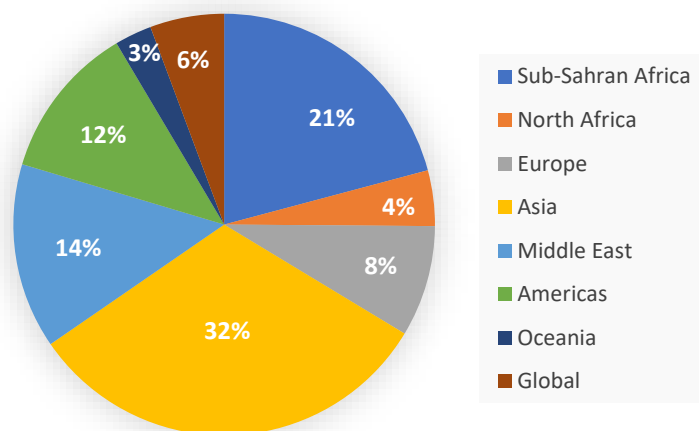
This report will provide a summary of the discussions with the aim of encouraging the effective engagement and collaboration of all stakeholders during the next phase. The outcomes will be shared with the facilitators of the UPR stream of the long-term efficiency process.

Methodology

A survey¹ was sent to over 200 CSOs, NHRIs, UN agencies, academics, and parliamentarians, among others, in June 2021 to assess their experience engaging with the UPR. The goal of the survey was to identify areas of concern for other stakeholders and to use this feedback to develop a programme for the informal consultations.

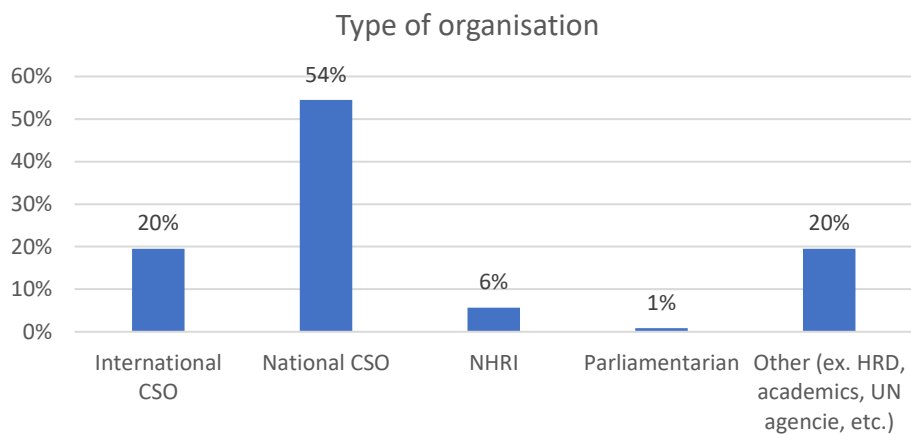
UPR Info received 123 responses to the survey from a range of stakeholders working on human rights in various regions.

Stakeholders work in the following regions

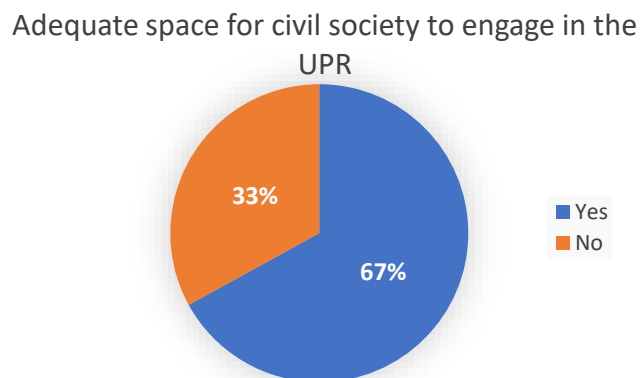


¹ The survey questions are in annex.

Over half of the respondents represented national NGOs; their feedback was critical as they are often most affected by the outcomes of the UPR process. Respondents had experience engaging with the UPR on a variety of thematic, not only civil and political rights but also economic, social, and cultural rights, reflecting the ability of the mechanism to address all human rights.



Overall, respondents indicated that there is adequate space available for civil society to engage in the UPR process.



When asked to elaborate on their responses, however, there was a general feeling that although space is available, certain aspects could be adapted to allow for even greater inclusion of civil society voices, particularly for marginalised groups. Two areas of preoccupation emerged: how to increase access to the mechanism for other stakeholders and how to ensure their meaningful engagement in the implementation phase.

Based on the concerns raised in the survey, UPR Info convened the second phase of the consultation process in the form of an informal dialogue from 13-14 July 2021. The online discussion was open to all representatives from civil society, with translation available in English, French, and Spanish. The agenda was guided by the issues highlighted in the survey to ensure that the discussion reflected the concerns of civil society. Thus, the dialogue focused on (1) civil society participation, the role of national actors and their capacity to contribute to the UPR; and (2) good practices for implementation, the role of states and how to support civil society engagement in the follow-up process.

A summary of this feedback was provided to the co-facilitators for UPR optimisation at a discussion on the areas to strengthen the UPR in November 2021.

Key Issues Raised

I. Stakeholder collaboration

Civil society praised the UPR for providing the opportunity for a dialogue on human rights among stakeholders and highlighted the role of several actors in this respect. States should be encouraged to engage in sustained consultations with civil society throughout the 4th cycle, which can foster trust between stakeholders and strengthen the implementation process. These discussions should be inclusive in several ways. First, they should incorporate the voices of vulnerable groups. Children in particular should have the opportunity to participate in the UPR on an equal footing as adults, and efforts should be made to provide states with guidance on how to incorporate these stakeholders in the process in a safe and meaningful way. Second, consultations should address a broad range of concerns, including issues related to development and peacebuilding, in order to ensure sustainable progress.

NHRIs can be critical in facilitating consultations. As independent institutions, they can build bridges between actors and coordinate collaboration between civil society and States. Participants noted that this is vital in the period prior to the Working Group, but also during the monitoring and implementation phase and this aspect of their role could be further strengthened during the 4th cycle. Civil society coalitions can also take on a coordinating role, galvanizing action among their peers and presenting themselves as a willing partner in the preparation of the national report. Following the Working Group, CSOs should continue to engage in a dialogue on the status of recommendations with the national government, who should be encouraged to provide clear responses on recommendations which will promote transparency and facilitate the implementation process.

Recommendations

1. Independent NHRIs have a critical role to play in bridging the gap between civil society and government during the UPR process. Further emphasis should be placed on their role as coordinator during national consultations in advance of the Working Group, as well as during the implementation phase.
2. Guidance for States on how to fulfil their obligations related to child participation in the context of the UPR, both at national and international level, should be developed. This should complement existing guidance on how States consult with civil society.
3. Reflecting the universality of the mechanism, a broad range of actors should be included in national consultations, including stakeholders focused on development, peacebuilding, and conflict prevention.

II. Accessibility

Participants in both the survey and the consultations overwhelmingly cited accessibility as a primary concern for the 4th cycle. To ensure that the UPR remains an inclusive mechanism, civil society must be provided with precise information in a timely manner. In this respect, civil society requested further

methodological support in the preparation of submissions to the other stakeholders' report, including clearer guidelines for submitting contributions and further information on related to the compilation process. They also noted that access to UPR documentation must be improved to ensure that all stakeholders are able to adequately prepare and submit effective reports. Participants noted that documentation should be available well in advance of the Working Group and in a greater number of languages in order to reach a wider range of stakeholders at the national level. Further support should also be given to marginalized groups to ensure that they possess the tools they need to engage in the UPR. Child-friendly resources, including a clear and accessible child safeguarding policy, should be further developed to empower young human rights defenders to participate in the mechanism, and sign language interpretation should be offered to ensure access to proceedings.

Most survey respondents (79%) indicated that some or all of the measures put in place to adapt the UPR to the COVID-19 pandemic should be retained in the 4th cycle. When asked to elaborate on this response during consultations, CSOs pointed to the hybrid format of the UPR adoption as a positive change. Allowing civil society to deliver statements remotely has increased access to the mechanism for national representatives, many of whom had been previously represented by international organisations at the adoption or who did not participate altogether due to a lack of capacity to travel to Geneva. This has provided local actors with a greater opportunity to deliver authoritative interventions based on first-hand information and enriched the process by giving a voice to grassroots rights-holders.

However, civil society cautioned that online participation could decrease the accessibility of the UPR for some stakeholders due to the digital divide. To ensure that virtual aspects of the UPR remain inclusive going forward, all stakeholders must be provided with guidance on how to participate online, and technology should be adapted address to the needs of vulnerable groups (children, persons with disabilities, among others). Furthermore, UN country offices or other bodies with a national presence should be encouraged to support the participation of local stakeholders who do not have the technical capacity to access virtual platforms.

Recommendations

1. Provide further guidance on the other stakeholders' submission as well as information on the methodology involved in developing the compilation.
2. Adopt a clear and accessible child safeguarding policy and procedure, including on reprisals, online safety, and inclusion.
3. UPR documentation should be made available to all stakeholders in a timelier manner and in all UN languages to ensure broader access.
4. Incorporate remote participation for civil society as a permanent feature of the UPR adoption, providing guidelines for participation and adapted technology to address the digital divide.

III. Implementation

During the 4th cycle civil society called upon stakeholders to continue to focus on the implementation of UPR recommendations. Discussions included how the State under review can be encouraged to collaborate with other stakeholders, and organisations offered examples of best practices for cooperation during the follow-up phase. States under review were urged to provide clear responses

to recommendations, while recommending States should offer SMART recommendations at the Working Group. In the period between the Working Group and adoption, States under review should be encouraged to consult with civil society to assess what recommendations are achievable during the implementation phase. These actions will facilitate monitoring and reporting efforts and provide a solid foundation for the beginning of a dialogue between all stakeholders.

Indeed, emphasis should be placed on collaboration between States and CSOs in realizing the implementation of recommendations. States must be encouraged to set-up national mechanisms for reporting and follow-up, and to assign ministerial focal points that can develop relationships with national civil society to ensure a cooperative, sustainable approach to implementation. Where a NHRI has been established, it should also be included in these exchanges as it can play an important role in encouraging partnerships between government and other stakeholders. For its part, the OHCHR has been an important source of support during the implementation process. Civil society pointed to the matrix of recommendations, human rights index, and the High Commissioner’s letter as useful tools to assist other stakeholders in their UPR advocacy during the follow-up phase. Engaging in mid-term reporting should be encouraged among CSOs, many of whom found the guidance provided by the OHCHR helpful but suggested that templates for reporting (both the mid-term report and other stakeholders’ report) could be valuable for organisations less familiar with the process.

Finally, ensuring that civil society are equipped with the capacity to engage in the UPR process during implementation will be critical to ensuring progress on human rights during the 4th cycle. States can assist in this regard by including human rights in educational programmes and including youth to participate in national level UPR consultations. Civil society, and international NGOs in particular, can contribute to capacity building through training programs for grassroots organisations as a way to popularise the UPR and to inform local actors of how they can leverage the mechanism to drive progress on human rights.

Recommendations

1. To avoid creating a third category of “partially accepted” recommendations and to facilitate implementation, States under review should provide clear indications on the status of recommendations (accepted or noted).
2. States should be encouraged to establish national mechanisms for reporting and follow-up with dedicated ministerial focal points, and to participate in regular exchanges with NHRIs and national CSOs.
3. Increased importance should be given to the General Debate under item 6 at the HRC by all stakeholders as a key opportunity to provide an update on the status of implementation of UPR recommendations.
4. Further efforts should be made at the national level to popularise the UPR and increase engagement by local actors. This could include national education programmes or CSO-led awareness-raising campaigns.
5. Mid-term reporting should be incorporated into the modalities of the UPR as an official part of the mechanism to support the implementation process.

Conclusion

The consultations with civil society offered an open and transparent discussion on their expectations for the UPR in the 4th cycle. Throughout the process, stakeholders from national and international organisations alike indicated the importance of the UPR as an inclusive mechanism that provides a space for all stakeholders to contribute to the realisation of human rights. Going forward, States should be encouraged to consult with civil society on a broad range of concerns, and all stakeholders must be equipped with the tools and resources to facilitate their engagement in a safe and meaningful way. The level of implementation leading to transformational changes on the ground, resulting from human rights monitoring mechanisms, will remain a key indicator of the success of the mechanism; national mechanisms for reporting and follow-up, along with consistent reporting will be critical to ensuring a transparent and effective process.

Furthermore, it will be key to integrate a human rights-based approach to the implementation of the UPR recommendations to ensure that no one is left behind. Finally, recognising the mutually reinforcing role of the UPR and the Agenda 2030 will foster the advancement of human rights for all segments of society, the protection of the planet and a sustainable economic growth.

Annex 1: Survey questions

Q1. Type of Stakeholder

Q2. Focus or area of the activity

Q3. Country/ies covered in your activities

Q4. Have you ever engaged in the UPR process?

→ **Q5.** If yes, how have you engaged with the UPR process ? Please select all that apply.

Q6. What kind of difficulties have you experienced while collecting information/data on the UPR process? (e.g. availability of documents online, types of documentation available, language, accessibility of OHCHR's tools)

Q7. What kind of difficulties have you experienced while collecting information/data on the UPR of your country? (e.g. availability of documents, types of documentation available, language issues, accessibility of tools online)

Q8. What kind of difficulties have you experienced while drafting the Other Stakeholders Report? (e.g. lack of template, word limit etc.)

Q9. What kind of difficulties did you experience while submitting the UPR Report? (e.g. technical issues with the online portal)

Q10. What tools developed by OHCHR support your engagement (e.g. human rights index, UPR matrix, letter from the High Commissioner)?

Q11. What good practices developed in your country facilitate the implementation of UPR recommendations (e.g. dialogue with NHRIs and CSOs, national mechanisms for reporting and follow-up, human rights education programme, etc)?

Q12. What kind of challenges did you experience in monitoring and implementation UPR recommendations? (e.g. responses of States unclear, availability of documents, lack of consultations among stakeholders, absence of contact person/ministry)

Q13. Is the space available for you to engage in the UPR process adequate?

Q14. How has the removal of the General Debate from Item 6 at the June session of the HRC affected your engagement in the UPR?

Q15. How can the implementation of recommendations be further strengthened for the 4th cycle? Please provide concrete suggestions.

Q16. Should any of the measures taken to adapt the UPR to the regulations put in place as a result of the COVID-19 pandemic be considered for the 4th cycle (e.g. virtual participation for CSOs during the adoption phase)?

Q17. How has the hybrid format (in-person and online) affected your participation in the UPR?

Q18. What improvements can be made to the UPR process that would make it easier for you to engage with the mechanism?

Q19. Have you experienced any reprisals or any other negative feedback as a result of your engagement with the UPR mechanism?

Q20. Would you like to participate in an online consultation with stakeholders to provide further feedback? If so, please provide: