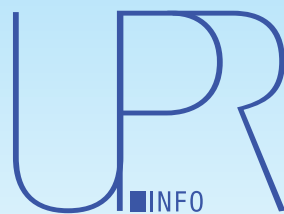


# The Butterfly Effect

Spreading  
good practices of UPR  
implementation



# The Butterfly Effect

---

Spreading good practices of  
UPR implementation



A publication by

*UPR Info*

Rue de Varembé 3

1202 Geneva

Switzerland

+41 22 321 77 70

info@upr-info.org

*UPR Info* is a non-profit, non-governmental organisation based in Geneva, Switzerland. It aims to raise awareness of the Universal Periodic Review and to provide capacity-building tools to all stakeholders, such as UN Member States, civil society, media, and academics.

*UPR Info* thanks the Ministries of Foreign Affairs of Norway and the Netherlands for their support.



<http://www.upr-info.org>



<http://twitter.com/UPRInfo>



<http://www.facebook.com/UPRInfo>

# Get inspired

After nine years and approximately 57,000 recommendations addressed to 193 states reviewed over two cycles of the Universal Periodic Review, the present study offers a detailed overview of how UPR stakeholders have cooperated with the mechanism and what concrete result it has yielded. Beyond numbers and promises, the success of the third cycle, starting spring 2017, will inevitably be measured against its ability to deliver sustainable implementation of UPR recommendations.

This publication extracts good practices while also noting difficulties from stakeholders' interaction with the UPR. Furthermore, it illustrates that the UPR is an efficient tool for the amelioration of human rights on the ground. Moving into the third cycle, the purpose is to provide stakeholders with concrete ideas on how to achieve sustainable implementation of UPR recommendations.

Alongside concrete human rights improvements such as Fiji removing references to the death penalty from the military code, Côte d'Ivoire's implementation of a law for the protection of human rights defenders, the Seychelles and Nauru lifting bans on same-sex activities, and China reducing the number of crimes carrying the death penalty, the UPR has also triggered institutional progress. To ensure effective and inclusive human rights engagement, states have established National Mechanisms for Reporting and Follow-Up to strengthen inter-ministerial coordination and implementation as well as civil society input.

Civil society organisations typically seize the momentum created by the Geneva stages of the UPR to kick-start national multi-stakeholder implementation of recommendations by developing strategy documents and SMART (Specific, Measureable, Achievable, Relevant and Time-bound) indicators to monitor implementation efforts undertaken by the government. Civil society also benefits from highlighting

how they concretely can support the government in the implementation process, thus opening the door for constructive and transparent cooperation built on trust between UPR stakeholders. The UPR has been successful in providing a platform for unprecedented dialogue between CSOs and governments. Governments frequently appreciate that civil society is willing to seek compromises and solutions to common issues rather than embarking on naming and shaming campaigns. Such dialogues establish a joint understanding of the needs, opportunities and challenges between actors which constitute the baseline for sustainable multi-stakeholder implementation of UPR recommendations. Multi-stakeholder cooperation moreover creates a fruitful foundation for merging the development agenda with the human rights doctrine. Implementation of the Sustainable Development Goals inevitably improves human rights as they are linked together in a mutually reinforcing structure. The mechanism is also increasingly recognising the significant contributions of National Human Rights Institutions. They continue to play a key role as bridge-builders between governments and civil society as well as providing input to the UPR. It is crucial that NHRIs are allowed to carry out their mandate independently and free from government influence.

It is commendable that states can access financial support from the United Nations High Commissioner for Human Rights' UPR Voluntary Fund for Financial and Technical Assistance in the follow-up phase, but it is equally regrettable that no equivalent opportunity exists for civil society organisations. Thus in the third cycle, the donor community urgently needs to ensure that civil society organisations have adequate resources to sustain their UPR activities throughout and between cycles. If this is not achieved alongside increased political support for civil society interaction, it will ultimately undermine the efficiency and legitimacy of the UPR.



Since most recommendations made in the UPR are in line with the states' human rights duties enshrined in national, regional or international instruments, in general, the UPR does not impose additional obligations on states. It follows that when civil society holds the government accountable for the level of implementation, civil society organisations are not asking for supplementary actions but rather that the state fulfils their already existing human rights obligations. However, the phrasing of recommendations is instrumental to assess implementation of recommendations and can weaken recommendations. Vague recommendations create confusion among civil servants, who do not know how to implement recommendations urging them to "improve the human rights situation in your country". Fortunately, the recent increase of SMART recommendations shows that states are taking this issue seriously. Action-oriented recommendations also have the added value of facilitating monitoring and implementation as they are ideally geared towards improving human rights on the ground.<sup>1</sup>

Despite its significant achievements, it would be both inaccurate and hubristic to say that the UPR is flawless as all stakeholders have been facing significant challenges since the inception of the UPR. It is our ambition that the good practices contained in this study will assist stakeholders to overcome some of these organisational and financial challenges as well as inspire actors to share tools and concrete ideas on how to facilitate the protection of human rights on the ground through the UPR. The true power of the UPR lies in the universality of its stakeholders. Good practices established in Mongolia inspired civil society colleagues in Thailand, Myanmar, Uganda, Moldova and Venezuela. Similarly, states, such as Paraguay, promote their human rights architecture in other countries and regions. When political will is compounded by structured and professional civil society, the UPR has the potential to improve the life of millions of people. In the same way as we have been inspired, this publication aims to inspire all UPR stakeholders to promote the effectiveness of the UPR.

# Table of Contents

|       |   |    |
|-------|---|----|
| 1.    | Introduction  | 1  |
| 1.1   | Methodology   | 2  |
| 2.    | Advancements brought by the UPR                                   | 3  |
| 2.1   | Impact of UPR recommendations                                     | 4  |
| 2.2   | Impact of the UPR process   | 6  |
| 2.2.1 | Civil society coalitions: The Thai CSOs Coalition for the UPR     | 6  |
| 2.2.2 | National Mechanisms for Reporting and Follow-up: SIMORE           | 11 |
| 2.2.3 | Multi-stakeholder cooperation: The Kenyan UPR Implementation Plan | 13 |
| 2.2.4 | Funding for states' human rights implementation                   | 15 |
| 3.    | Stakeholders' engagement with the UPR                             | 17 |
| 3.1   | States  | 17 |
| 3.1.1 | State under Review  | 17 |
| 3.1.2 | Recommending states   | 20 |
| 3.2   | Civil society organisations                                       | 23 |
| 3.2.1 | Funding for CSOs UPR activities                                   | 24 |
| 3.2.2 | Civil society coalitions  | 25 |
| 3.2.3 | Collaboration between CSOs and governments                        | 27 |
| 3.2.4 | Parliamentarians: underestimated allies for CSOs?                 | 29 |
| 3.2.5 | CSO partnerships with National Human Rights Institutions          | 30 |
| 3.2.6 | UN agencies as drivers for CSO UPR engagement                     | 30 |
| 3.2.7 | Advocating for underrepresented issues at the UPR                 | 31 |
| 3.2.8 | Tools for CSO participation                                       | 31 |
| 3.2.9 | CSOs Linking the Sustainable Development Goals to the UPR         | 33 |
| 3.3   | Other UPR stakeholders  | 34 |
| 3.3.1 | National Human Rights Institutions                                | 34 |
| 3.3.2 | UN agencies   | 37 |

|     |   |    |
|-----|---|----|
| 4.  | A checklist for successful UPR engagement | 39 |
| 4.1 | State under Review                        | 39 |
| 4.2 | Recommending states                       | 39 |
| 4.3 | Civil society organisations               | 40 |
| 4.4 | National Human Rights Institutions        | 40 |
| 4.5 | Parliamentarians                          | 40 |
| 4.6 | United Nations agencies                   | 41 |
| 4.7 | Journalists                               | 41 |
| 4.8 | Academics                                 | 41 |
| 5.  | Conclusion                                | 42 |
| 6.  | Endnotes                                  | 44 |

# Introduction

As the third cycle of the United Nations' Universal Periodic Review (UPR) begins in Spring 2017, the international community as a whole have a vested interest in its continued success. It is therefore useful to take stock of what the UPR has achieved, and how can it be improved. In order to offer insights into these crucial points, this publication contains testimonies from states, Civil Society Organisations (CSOs), National Human Rights Institutions (NHRIs), UN agencies outlining how they have utilised the UPR to achieve their objectives.

The UPR is the only global human rights mechanism that scrutinises the human rights situation of all UN Member States. Strengthening the complementary dynamic of the UN human rights system, some UPR recommendations address issues raised by Treaty Bodies and Special Procedures; or calling for standing invitations to its mandate holders and for ratification of international instruments. Drawing on its universal coverage, periodicity and transparency, many states have found it advantageous to structure their overall human rights engagement around the UPR. It also remedies the often cited "reporting fatigue" since the mechanism's predictability allows

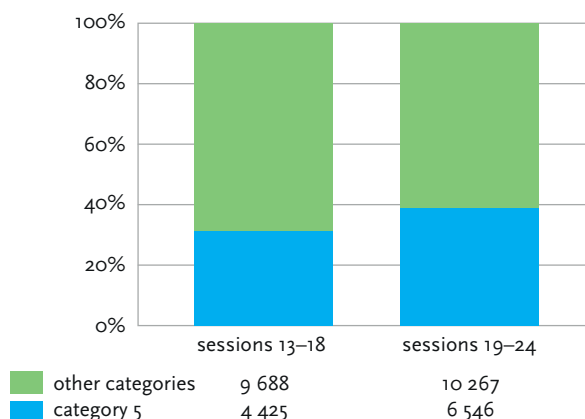
states to collect data and follow-up in a systematic manner that is relevant for reporting on all human rights obligations of the state.

It is often stressed that the success of the UPR ultimately depends on the level of implementation of UPR recommendations. It is therefore promising that in 2014 our organisation concluded that one in two recommendations were either fully or partially implemented halfway through the first UPR cycle. However, contrary to common discourse, the crux of the matter is that implementation of recommendations is not the litmus test of the UPR. Rather, the success of the mechanisms must be measured against its *raison d'être*: the actual *impact* that implemented recommendations have on improving the human rights situation on the ground.

In this context, it is promising that the second cycle of the UPR succeeded in increasing participation of CSOs and states. It is evident that CSOs have learnt that they can improve and influence key elements of the mechanism. When comparing the percentage of specific and action-oriented recommendations within the second cycle, an increase from 31%<sup>2</sup> to 39%<sup>3</sup> is visible.<sup>4</sup> In the third cycle it is essential that this trend is further boosted to strengthen the link between implementation of UPR recommendations and human rights improvement on the ground.

The UPR recognises the crucial contributions and legitimate roles of CSOs and NHRIs in all steps of the UPR. The modalities of the UPR that allow more space for joint submissions to the UN in advance of the UPR have encouraged cooperation and coordination among civil society. As such, the UPR has been employed as a springboard for CSOs to interact with each other and the international community on their areas of concern. In Viet Nam and Sri Lanka, the UPR was decisive in legitimising the role of LGBTI (Lesbian, Gay, Bisexual, Trans and Intersex) activists. Moreover, the mechanism has had an impact

**Increase of specific recommendations within the UPR 2nd cycle**





on the way CSOs structure their organisations. As a consequence of the broad scope of human rights that are examined during the UPR, both thematic and cross-thematic CSO coalition-building have been popularised. Civil society coalitions in Malaysia, India, Kenya and Thailand have, to mention a few, utilised the UPR to make cooperation more effective. These coalitions have also functioned as a platform to initiate discussions between CSOs and the government, and among CSOs themselves, on contentious issues including abortion and female genital mutilation. Crucially, joint UPR strategies have improved the ability of civil society to follow up on the implementation of recommendations.

Our present study sets out to uncover what, both in terms of substance and structure, the UPR has achieved to-date, and the prerequisites for harnessing progress. From their diverse perspectives, those closest to the implementation process share their success stories, challenges and suggestions on how to further improve the UPR. The first chapter sets out the introduction and makes a brief comment on the methodology behind the study. The second chapter offers a detailed account of the advancements brought by the UPR, elaborating both on the impact of recommendations and the process itself. The third chapter highlights stakeholders' engage-

ment with the UPR. It explores the reasoning behind, and results of, their efforts as well as the challenges they face. Drawing on good practices compiled from the UPR since its inauguration in 2006, the fourth chapter provides an 'at a glance-guide' for UPR stakeholders on how to successfully interact with the UPR. Finally, in chapter five, we conclude that the UPR works at its best when all actors cooperate to ensure sustainable implementation of action-oriented recommendations.

## 1.1 Methodology

We carried out 45 in-depth semi-structured interviews with representatives from various branches of governments, CSOs, NHRIs, UN agencies, and academics to complement our accumulated experience through our regional offices and various projects implemented over nine years. Transcripts from each interview and finalised chapters have been circulated to the interviewees for validation. Any omissions or factual mistakes are solely attributable to *UPR Info*.

*UPR Info* would like to extend its deepest appreciation to all interviewees for their participation in this project and their continued efforts to ensure the efficiency of the UPR. It is our hope that their input will lend insights and inspirations to UPR stakeholders reading this publication.

## Advancements brought by the UPR

The purpose of the case studies contained in this chapter is to illustrate good examples of how elements crucial for the functioning of the UPR have been fulfilled; both in terms of its substance and process.

First, to sustain the credibility and legitimacy of the UPR it is pivotal to continuously assess whether the UPR fulfils its promise of delivering positive impact on the human rights situation on the ground. Therefore, the first case study provides hard evidence of some of the **human rights improvements that UPR recommendations have contributed to**.

Second, an active civil society that monitors implementation and supports the government and other stakeholders is vital for a sustainable implementation process. It has proved beneficial for CSOs to come together in coalitions to approach UPR actors with one uniform voice, a structure that also strengthens financial and human resources as well as increases the likelihood of obtaining external funding. Thus, the second case study looks at the **establishment and activities of the Thai CSOs Coalition for the UPR**.

Third, anchored in the wide scope of UPR recommendations, the government must employ a holistic approach to implementation with internal collaboration at the centre of its efforts. National Mechanisms for Reporting and Follow-up (NMRF) that are transparent and inclusive of CSO input facilitates inter-ministerial cooperation in all stages of the UPR, as well as increasing government accountability. The third case study addresses the **opportunities offered by the Paraguayan NMRF**.

Fourth, in order to ensure that the UPR remains a priority for UPR stakeholders throughout and between UPR cycles, a national implementation plan containing SMART indicators constitutes an effective tool for tracking implementation of human rights duties. The development of the instrument also lends itself as a platform for constructive multi-stakeholder cooper-

ation. The process of **developing the Kenyan National Action Plan** created a platform for constructive multi-stakeholder cooperation and is the object of the fourth case study.

Fifth, while regrettably no official UPR fund exists that supports CSOs UPR activities, some states have made excellent use of the **UPR Voluntary Fund for Financial and Technical Assistance** (UPR Voluntary Fund) in implementing UPR recommendations. The final case study outlines how a UPR recommendation made to Panama was implemented with support from the UPR Voluntary Fund.<sup>5</sup>

It is difficult to isolate the exact impact of UPR recommendations as they are frequently reiterated in other human rights mechanisms. Implementation is thus often a result of the combined power of national, regional and international human rights mechanisms and instruments. While the substantive link between UPR recommendations and human rights improvement might be challenging to establish, it is easier to make the direct correlation between the UPR and the processes it has triggered at the national level including CSO coalitions, and cooperation between government and civil society. In fact, the 'process' link constitutes a precursor necessary to establish the 'substance' link. Consequently, stronger substantive links ultimately depend on the constant improvement of procedural links. The importance of the latter can therefore not be overstated.

The UPR is at its most effective when all stakeholders cooperate and adhere to the notion of universality. If these elements are in place, a bedrock is created for partnership built on transparency and trust between the government and CSOs. While the case studies, and subsequent chapters only scratches the surface of the substance and processes triggered by the UPR, it is hoped that the experiences highlighted in this publication will inspire UPR stakeholders to share good practices with each other.

## 2.1 Impact of UPR recommendations

As presented in *UPR Info's* publication *Beyond Promises*, already by the mid-term stage of the first UPR cycle, 55% of accepted recommendations and, encouragingly, 19% of noted recommendations were either partly or fully implemented.<sup>6</sup> In this light, some of the most significant stories are contained in the list below. They constitute concrete examples of improvements in civil, economic, political and social rights identified as direct results of the UPR.

### Republic of Korea

In the first cycle (2008), Canada<sup>7</sup> recommended Korea to criminalise marital rape. In the second cycle (2012) Slovakia<sup>8</sup> recommended that domestic violence, including marital rape, is properly punished. Both recommendations were accepted and marital rape was criminalised in the Republic of Korea in 2013.<sup>9</sup>

### Brazil

In its second UPR (2012), Estonia recommended that Brazil:

*“Consider freedom of expression concerns when drafting cybercrime legislation.”*

Passed in 2014, the Brazilian Civil Rights Framework for the Internet (*Marco Civil da Internet*) aims to strengthen the protection of fundamental freedoms in the digital age.

### Finland

In its second UPR (2012), Indonesia recommended that Finland:

*“Continue its efforts in eliminating discrimination and preventing violence against women and children.”*

Finland's mid-term report states that:

*“After the reform the Equality Act would prohibit extensively discrimination of trans- and intersex persons. Discrimination based on sexual orientation will continue to be covered in the Non-Discrimination Act.”<sup>10</sup>*

The reform of the Equality and anti-discrimination legislation came into force in January 2015.<sup>11</sup>

### Pakistan

In its first review, Pakistan accepted recommendations from Egypt,<sup>12</sup> Ireland<sup>13</sup> and the United Kingdom<sup>14</sup> calling on the state to establish a NHRI. Although the National Commission for Human Rights Act was passed in June 2012, eight Recommending states returned to the topic in the second cycle. Egypt followed up on its first cycle recommendation by recommending Pakistan to:

*“Dedicate sufficient resources to national human rights institutions to enhance their effective functioning and independence.”*

In 2015, the institution commenced its work and a Chairperson and six members were nominated to lead the institution.

### Burkina Faso

In the first UPR (2008) of Burkina Faso, the Netherlands recommended the state to:

*“Share best practices with other countries regarding female genital mutilation and continue efforts to fully eradicate it.”*

Burkina Faso subsequently reported in its second National Report that it had established the National Council to Combat Female Circumcision, and is expanding the teaching of modules on female genital mutilation in primary and secondary education programmes in the country. Burkina Faso also reported implementing a joint UNFPA-UNICEF programme on eliminating cross-border female circumcision, which “aims to achieve zero tolerance of female circumcision by 2015”.<sup>15</sup>

### Tajikistan

In the first UPR (2011) of Tajikistan, Switzerland recommended that the state:

*“Take all measures in order to protect and encourage the freedom of expression and make the limitations to the freedom of expression to comply with the international obligations.”*

In 2013 Tajikistan adopted the Law on Print and Other Mass Media of the Republic of Tajikistan.<sup>16</sup>

## Czech Republic

In the second UPR (2012) of the Czech Republic, Slovakia recommended that the state:

*“Adopt concrete measures to fight discrimination against women in all spheres of life, especially by increasing the representation of women in the middle and higher positions of political and economic life.”*

In its mid-term report, the Czech Republic declares that the target of approximately 40% representation of women in decision-making positions in the public as well as private sectors should be achieved by 2020. To this end, a Plan of Action for balanced representation of women and men in decision-making positions was adopted in November 2014.<sup>17</sup>

## Namibia

In the first UPR (2011) of Namibia, Slovenia recommended that the state:

*“Ensure access to education employment, health care and other basic services for the members of all ethnic communities, including the San and Himba communities.”*

As from January 2013, free primary education, including for children belonging to ethnic minorities, is being rolled out over the course of three years.<sup>18</sup>

## Botswana

Over two UPR cycles, Botswana received 33 UPR recommendations in relation to the death penalty. The state only accepted two recommendations from Uruguay in its second cycle review in 2013. These recommended Botswana to:

*“Hold a public debate on the death penalty, in which all aspects of the issue should be highlighted in a holistic manner”.*

*“Meanwhile, provide information to concerned families, so that they can know in advance the date of execution of their relatives.”*

The civil society mid-term report assesses implementation of second cycle UPR recommendations from 2013 to 2015 and was submitted by DITSHWANELO – The Botswana Centre for Human Rights (Ditshwanelo), on behalf of the UPR NGO Working Group. It states that “the Government of Botswana has not done any-

thing in relation to recommendation to hold a public debate around the issue of the death penalty”.<sup>19</sup>

As a civil society contribution to implementing the recommendation, Ditshwanelo hosted in February 2016 a two-day dialogue on access to justice and the death penalty. Participants included attorneys, University of Botswana Law Students, Botswana Council of Non-Governmental Organisations (BOCONGO) and the media. Issues discussed during the meeting included the need to explore alternative sentences to the death penalty, the urgency to involve the judiciary when holding dialogues on the death penalty and that the death penalty does not deter crime more than any other punishment. It was also highlighted that the death penalty is a part of Botswana’s inherited colonial legislation.<sup>20</sup>

In the state’s 2016 mid-term report, the government stated that it is “in the process of commissioning a study on the issue, which will inform the debate it wants to open on the moratorium on death penalty in Botswana. The UPR will be informed of the outcomes of the debate and the steps the government will be taking to deal with the death penalty issue”.<sup>21</sup>

In Ditshwanelo’s message on the 14th Annual World Day Against the Death Penalty, the organisation once again referred to the accepted UPR recommendations and regretted that the government failed to comply with the accepted recommendation to “provide information to concerned families, so that they can know in advance the date of execution of their relatives”.<sup>22</sup> To mark this day, October 10 2016, Ditshwanelo hosted a human rights workshop for journalists to raise awareness about the death penalty.

## Seychelles

Seychelles was recommended in 2011 by Canada,<sup>23</sup> Norway,<sup>24</sup> France<sup>25</sup> and Spain<sup>26</sup> to repeal discriminatory provisions against same-sex activities. In May 2016, the Seychelles’ National Assembly passed an amendment to the penal code that decriminalizes same-sex activities.<sup>27</sup> Attorney General Ronny Govinden stated that international attention had contributed to the move:

*“It is a priority for the country because whenever the Seychelles is participating in an international [mechanism]... we face pressures from other countries who are asking us to remove this law.”*

The opportunities offered to Recommending states, and the complementarity of the UPR, are clear in this case, since a Recommending state which did not make a recommendation on this topic was mentioned as an actor that contributed to the human rights improvement. The Seychelles Secretary of State at the Ministry of Foreign Affairs, Barry Faure said:

*“Seychelles was committed in 2011 to review the law on homosexuality and this had not been done and Britain questions us saying that we have not made progress on this issue.”<sup>28</sup>*

### Noted recommendations

It must be recalled that a noted recommendation is not the end of the road. *Sexual Rights Initiative* (SRI) highlights that noted recommendations stemming from CSO initiatives should not be viewed as a failure as they are contained in the UPR documentation stating that the topic raised is an issue of concern in the State under Review (SuR). In India, recommendations on the situation of Dalits and violence against women were noted as the view of the government is that these are internal issues that do not concern the international community. Nonetheless, due to pressure from CSOs, the government had to implement the 2015 Scheduled Caste and Scheduled Tribes Act. The public outrage and concerted activism from civil society caused by the 2012 Delhi gang rape similarly forced the government to take very stringent measures including a host of new laws, definitions and polices. For more information on noted recommendations, we recommend consulting our study *Beyond Promises*.<sup>29</sup>

## 2.2 Impact of the UPR process

The following case studies provide an in-depth commentary into four procedural developments that in various ways have been pronounced by the UPR process; civil society coalitions, NMRFs, multi-stakeholder cooperation, and the need for funding for state UPR activities. Through these tangible examples, we aim to demonstrate how the UPR can be utilised effectively and hope to provide inspiration for similar projects to be replicated and adapted in accordance with national contexts. The examples of the *Thai Coalition for the UPR* and the Kenyan UPR implementation plan are directly linked to *UPR Info*'s

projects. We endeavour to draw lessons from these exercises in order to share them with the wider UPR community.

### 2.2.1 Civil society coalitions: The Thai CSOs Coalition for the UPR

Established in 2015, *UPR Info Asia* swiftly established itself as the regional peak body providing expertise on the UPR. One of their first priorities of *UPR Info Asia* was to bring national and grassroots CSOs together within the framework of the UPR to make the concerns of voiceless local communities visible on the national and international arena. With the end goal of an independent Thai CSO coalition, we succeeded in bringing together what is likely the broadest ever CSO coalition in Thailand to contribute to a UN human rights mechanism. This chapter chronicles the series of activities that were undertaken by our organisation and partner organisations to build the capacity of the coalition in human rights and institutional organisation. In order to adequately portray how the strategy of setting up the coalition unfolded, the chapter goes into significant detail to reflect how the coalition over time gained visibility and impact.



**August 2015.** The first step towards establishment of the *Thai CSOs Coalition for the UPR* was undertaken at the “Civil Society Capacity Building Training on the Universal Periodic Review Process” event in Bangkok in August 2015. It was the inaugural event of *UPR Info Asia* that had opened its doors in May the same year, attended by over 100 Thai activists from organisations mainly based in Bangkok. At the event, hosted at the UN Economic and Social Commission for Asia and the Pacific (UNESCAP), emphasis was put on the strategic advantages of working in coalitions, and representatives of UPR coalitions in Burma, India and Vietnam shared their experiences with their Thai col-

leagues. The August workshop also resulted in the formation of joint CSO submissions to Thailand's second UPR in May 2016.

**November 2015.** In November 2015, *People's Empowerment Foundation* (PEF), *Asylum Access Thailand* and *UPR Info Asia* jointly decided to approach the Royal Thai Government with the proposal of co-organising a national consultation as contained in UN Human Rights Council Resolution 16/21, § 17, encouraging states “to conduct broad consultations with all relevant stakeholders” at the national level. When the government stated its willingness to cooperate within this framework, the process commenced of ensuring participation of CSOs from all regions of Thailand working on a diverse array of human rights. This was particularly important since the government, with very few exceptions, is exposed only to Bangkok based CSOs. Consequently, it was in the interest of both the government and grassroots CSOs to seize this opportunity for a dialogue on national human rights improvement. *UPR Info Asia* reached out to CSO colleagues and their extended networks to get in contact with activists from north to south. Numerous links were established with potential participants through *People's Empowerment Foundation*, social media, such as Facebook pages of community organisations, and phone calls. The latter proved particularly relevant for grassroots CSOs working in the rural north.

### UPR national consultation

**December 2015.** With the specific objective of ensuring that local voices could be heard by the government prior to the submission of the National Report, a two-day National Consultation in December 2015<sup>30</sup> was co-organised by the *Thai Ministry of Foreign Affairs*, the *Ministry of Justice*, *UPR Info Asia* and *People's Empowerment Foundation*. What was at stake could not be overemphasised as inclusive and meaningful consultations had never before been carried out between such a vast number of civil society representatives and government officials on how to take joint action to improve the national human rights record. Overall, more than 165 participants attended the National Consultation including over 30 government representatives, 2 Commissioners and 14 staff



members of the National Human Rights Commission of Thailand (NHRCT) and 119 representatives from 64 NGOs. A CSO preparatory day was organised with grassroots CSOs on the day before the dialogue to guarantee that their input would result in constructive recommendations aimed to efficiently inform the National Report, in full compliance with the UPR principles. As a result, 14 CSO working groups were created.<sup>31</sup> Emphasis was put on the absolute need to avoid naming and shaming and instead to invoke a three-pronged approach when presenting their arguments:

1. To be concrete about concerns by going to the **root cause** of the issue;
2. To situate concerns within the relevant national and international **legal framework**;
3. To formulate the solution in an **action-oriented UPR recommendation**.

The subsequent consultation-day between government representatives and civil society organisations started with an update given by the Thai Deputy Director-General of the Rights and Liberties Protection Department and the Deputy Director-General of the Department of International Organization, Ministry of Foreign Affairs, on the progress made in implementing UPR recommendations from Thailand's first UPR cycle and an overview of the draft National Report for Thailand's second UPR Cycle. CSO representatives from each of the thematic working groups delivered statements focusing on concrete recommendations to improve the livelihoods of marginalised communities and to advance the realisation of human rights on the ground.

## SMART UPR Recommendations

The SMART method applied to the UPR adds helpful criteria for writing precise and action-oriented recommendations. These should be specific, measurable, achievable, relevant, and time-bound.

**Specific** The *specific* dimension is meant to address a well-defined action in relation to a specific right or violation.

**Measurable** A *measurable* recommendation is a recommendation that can be assessed. Was the recommendation implemented or not?

**Achievable** The *achievable* aspect is determined by the capacity of a State to comply with the recommendation. Such a limit should be defined only by material means, not by political will.

**Relevant** *Relevance* refers to the link between the recommendation and the situation in the country. Relevance also refers to the link between the recommendation and the improvement of human rights on the ground.

**Time-bound** The *time-bound* is related to a time frame during which the recommendation is expected to be implemented. It is understood that all recommendations should be implemented by the next review but shorter deadlines can be suggested.

More information in *UPR Info, A Guide for Recommending States at the UPR*, 2015

## Working together

The government officials participating in the national consultation were positively surprised by the articulate grassroots CSOs and their constructive recommendations. They found it encouraging that local CSOs seized the momentum to engage with the government in this manner, rather than taking an adversarial approach.

**February 2016.** Strengthened by this experience, the informal network took a decisive step towards initiating the formation of the *Thai CSOs Coalition for the UPR* in a two-day Bangkok workshop in February 2016 co-organized by *UPR Info Asia* and Chulalongkorn University. Entitled “CSO Coalition Building Workshop: Working Together to Foster Solidarity”,<sup>32</sup> the main objective of the event was for grassroots

CSOs to build greater understanding of how to address common challenges utilising the UPR as a vehicle for change. It was jointly agreed by organisers and participants, including human rights defenders, land rights activists, women leaders, youth organisations, indigenous peoples, sexual minorities and religious minorities that forming a CSO coalition would maximise the potential of effectively engaging in Thailand’s second UPR. The event gathered 138 participants in total, and included the NHRCT and representatives from UN agencies.

Our core strategy was to share best practices from other CSO UPR coalitions in the region with the *Thai CSOs Coalition for the UPR*. In this vein, we invited CSO leaders from UPR coalitions in Myanmar, Mongolia and Malaysia to share their experience and expertise in building influential and credible coalitions. A workshop segment was dedicated to strategies and challenges in developing evidence-based research and good practices for influencing policy-making. Good examples of how to integrate human rights in the realisation of the SDGs were spotlighted, and diplomats from the Dutch and British embassies shared their views on how CSOs could influence the development of the UPR recommendations to be formulated in May 2016. In addition, participants were trained on how to develop SMART recommendations and contribute to convergence between UPR recommendations and Treaty Body observations.

At this stage, Thai CSOs were equipped with a strategy that should be common to all CSO coalitions before the UPR takes place in Geneva. This crucially includes an understanding of how to draft recommendations, and how to advocate for them, by developing UPR advocacy factsheets, building on the factsheets developed by the Mongolian and Myanmar UPR coalitions.

## Drafting UPR recommendations:

- The substance of recommendations (evidence-based information, broad representation of human rights issues);
- The wording of recommendations (SMART);
- The potential of human rights linkages (Treaty Bodies, SDGs, Special Procedures).

### Advocating for UPR recommendations:

- Be constructive and collaborative with the government;
- Include and collaborate with Recommending states;
- Bring together a high number of diverse CSOs into one coalition;
- Advocate for UPR recommendations and develop relevant materials.

As a result of the workshop, the Thai CSO Coalition decided to cluster itself into 23 thematic issues, resulting in the development of 23 UPR advocacy factsheets. The next step for the *Thai CSOs Coalition for the UPR* was to build on this knowledge, develop advocacy factsheets and to advocate for relevant recommendations.

### Pre-sessions in Bangkok and Geneva

March 2016. *UPR Info* organises since 2012 “UPR Pre-sessions”<sup>33</sup> in Geneva to allow space for multi-stakeholder discussions on the human rights situation in states prior to their UPR. In Thailand, *UPR Info Asia* replicated this concept as an in-country event in March 2016, the “Thai Voices from the Ground: Bangkok UPR Pre-Session”.<sup>34</sup>

Before meeting with diplomats, members of the *Thai CSOs Coalition for the UPR* were trained on how to diplomatically and effectively engage with the diplomats during a pre-session. For example, in order to have real impact, CSOs must inform about the progress of implementation of the first cycle UPR recommendations and provide solutions to diplomats. To raise awareness about the UPR and CSO recommen-

dations to the wider public, they were briefed by a media expert on the importance of triggering journalists’ attention with powerful interventions. The day after, at the Thai UPR pre-session, 22 Recommending states attended the meeting in Bangkok to learn from local communities mainly coming from rural areas and to obtain their UPR advocacy factsheets.<sup>35</sup>

**April 2016.** The Geneva stage of the pre-session series was conducted in April, four weeks ahead of Thailand’s UPR. This time the diplomatic presence in Geneva was the target audience. This comprehensive approach covered both the national (Bangkok) and international (Geneva) levels thus maximising the potential for Recommending states to adopt civil society’s recommendations.

As a result of these activities, the members of the coalition grew closer together and benefitted greatly from learning from each other’s human rights work on different topics. At the pre-session stage there was a sense of all of these insights coming together and being used to raise awareness of the concerns of coalition members and to offer constructive solutions as a uniform coalition. This atmosphere was felt not only by the members themselves but also by the diplomats and other attending UPR stakeholders. In this light, the pre-sessions marked a clear departure from the initial phase of bringing individual organisations together to a juncture where they now worked as a team.

### Formalising the coalition

**August 2016.** One year after the first meeting, the *Thai CSOs Coalition for the UPR* was formally established during a CSO Strategy Workshop on Implementation of UPR recommendations,<sup>36</sup> organised by *UPR Info Asia*. During a preparation meeting, new CSOs that previously had not engaged with the UPR were briefed on the mechanisms and subsequently invited to join the coalition.

As an outcome of plenary discussions, it was decided that a core team of five members representing different organisations and regions should





function as a secretariat for the *Thai CSOs Coalition for the UPR*. The 23 thematic clusters that developed UPR advocacy factsheets ahead of the second UPR, and subsequently worked together, continue to work under the umbrella of the coalition. The workshop benefitted greatly from once again interacting with representatives from the *Malaysian UPR coalition* (COMANGO) and the *Myanmar UPR coalition* (Burma/Myanmar UPR Forum). During the workshop, the coalition commenced the process of drafting an implementation plan including SMART indicators to measure the implementation of recommendations, and an action strategy plan setting out what activities CSOs can undertake to support the government in the implementation process. The coalition intends to present these documents to the government and subsequently to the diplomatic community in December 2016 to further demonstrate that the coalition is a credible UPR stakeholder.

## Lessons learnt

### a. Factsheets

The thematic advocacy sheets are one of the success stories of the *Thai CSOs Coalition for the UPR*. Created with the support of *UPR Info Asia*, we picked up the idea when collaborating with the *Mongolian Human Rights NGO Forum* (MHRN Forum), which used brilliant factsheets on the occasion of the *UPR Info*'s pre-session on Mongolia. The practice was first replicated when we worked with the *Burma/Myanmar UPR Forum* and their factsheets were widely used in advocacy during in-country pre-sessions in Yangon, Bangkok, and Geneva. CSOs in other countries including Moldova, Uganda and Venezuela have also developed factsheets to strengthen their advocacy activities.

Each of the 23 factsheets offers an overview of what had been implemented on a particular issue since the first review.<sup>37</sup> Designed to be as user-friendly as possible, CSO priority recommendations were highlighted on each sheet and aligned with outputs from Treaty Bodies and Special Procedures to showcase that the recommendations are credible and legitimate.

The Ministry of Justice and diplomats have repeatedly praised the *Thai CSOs Coalition for the UPR* and its partners for putting together the factsheets. Proud of the quality of the work undertaken by Thai civil society, the Ministry of Foreign Affairs have similar-

ly encouraged diplomats to use recommendations from the factsheets.

### b. Funding and cooperation with other UPR stakeholders

The donor and diplomatic communities are always invited to all events and good relationships have been established with a plethora of states. Australia and Canada financially supported the coalition building; the EU supported the Bangkok pre-sessions, factsheets and screening of the webcast of Thailand's UPR, the United Kingdom supports follow-up activities and Switzerland hosted the pre-sessions in Bangkok. This has contributed towards consolidating the coalition and establishing a strong CSO partner, displaying that the role of Recommending states goes beyond making recommendations.

The Office of the High Commissioner for Human Rights (OHCHR) organised an event together with the NHRCT and CSOs working on torture with a special focus to follow up on UPR recommendations calling for ratification of the Optional Protocol to the Convention against Torture.

### c. The way forward

The *Thai CSOs Coalition for the UPR* has enabled an unprecedented number of local communities to strengthen their advocacy and capacity in parallel to contributing to the ultimate aim of the UPR; to improve human rights on the ground. Thai CSOs have seized this unique opportunity to build solidarity and to address challenges on similar topics such as land evictions, land grabbing, and abusive working conditions across the country. The constructive approach of the coalition has positioned it as a legitimate national movement equipped to collaborate with the government.

Moving forward, the *Thai CSOs Coalition for the UPR* needs to continue strengthening its strategy to develop systematic human rights documentation, in parallel to developing protection mechanisms safeguarding members from reprisals.

Due to its constructive solution-oriented approach, the *Thai CSOs Coalition for the UPR* has gained credibility and legitimacy in Thailand. For the first time, civil society and the government have embarked on joint discussions on how to improve human rights in the country. This illustrates the power of the UPR;

the possibility to create avenues for human rights discussions between UPR stakeholders under a military junta.

## 2.2.2 National Mechanisms for Reporting and Follow-up: SIMORE

The *Thai CSOs Coalition for the UPR* illustrates how CSO cooperation can contribute to an increase of SMART recommendations. Once recommendations are made in Geneva, it is the duty of the State under Review to implement and report on its implementation activities. In this context, it has proven beneficial for states to establish National Mechanisms for Reporting and Follow-up (NMRF) to structure its UPR engagement and make it sustainable throughout and between cycles.

The mandate of OHCHR’s field presence in Paraguay is to provide technical assistance to the government and CSOs in order to facilitate their continued involvement in the follow-up phase of the UPR. This has contributed to increasing stakeholders’ engagement from the first to the second UPR cycle. The “Project on the Follow-up and Monitoring of International Human Rights Recommendations” was financially supported by the UPR Voluntary Fund from May 2013 to December 2014 and implemented in collaboration between OHCHR and the Ministry of Justice and Ministry of Foreign Affairs of the Government of Paraguay. One of its main results is the digital platform SIMORE (System for Monitoring Recommendations).<sup>38</sup> SIMORE is an institutional mechanism that allows the executive, legislature and judiciary to work together with independent institutions to follow up on recommendations from the Organisation of American States and the UN that fall within the remit of their respective mandates. As a public tool, SIMORE offers transparent access

to reliable information on the status of implementation of recommendations to the general public. It clearly indicates what institutions are responsible for implementation of specific recommendations, thus strengthening accountability of the state.

In its initial phase, SIMORE was a public search portal where the user could search for what recommendations Paraguay had received from regional and international mechanisms. The portal could disaggregate information based on issues, mechanisms and year and proved a convenient way to compile in one place all recommendations that Paraguay had received.

The second stage focused on implementation of recommendations. OHCHR worked with the government to construct thematic governmental working groups comprised of focal points from the executive, legislature and judiciary to discern what state institutions should lead the implementation of the respective recommendations. Anchored in the initial search portal, this work resulted in the current comprehensive online tool.

SIMORE is coordinated by the Ministry of Foreign Affairs and the Ministry of Justice. A network of focal points is composed by more than 50 state officials of the three government branches, including the Ombudsman and the General Prosecutor. The focal points work inter-institutionally in seven thematic groups and feed follow-up information directly into the database.<sup>39</sup> The thematic group responsible for a set of recommendations identifies public policies related to each of the recommendations, indicators to measure implementation and ways to overcome challenges in the implementation phase.

The SIMORE database is managed by an administrator in the Ministry of Foreign Affairs who ensures consistency in format and style. According to the SIMORE regulations, the working groups should meet at least four times a year, but can also convene in extraordinary meetings.

The broad political backing that SIMORE has received can be illustrated by the fact that the funding proposal to the UPR Voluntary Fund was drafted and submitted

| Fecha          | 28/3/2011                                   |
|----------------|---|
| Mecanismo      | Examen Periódico Universal                  |
| Población      | Personas con Discapacidad                   |
| Tema - Derecho | Accesibilidad, Igualdad y No Discriminación |

by a different government than the one that, at a later stage, implemented the project. It follows that regardless of the government of the day, SIMORE has been a priority at the highest political level which has contributed to a common national agenda on human rights. Additionally, politicians across the board have been empowered by the success of SIMORE which in turn has triggered an increased engagement in the promotion and protection of human rights at the international level. This is evidenced by the UN Human Rights Council resolution on *Promoting International Cooperation to Support National Human Rights Follow-Up Systems and Processes tabled by Paraguay and Brazil*.<sup>40</sup> Anchored in its experience of developing SIMORE, Paraguay is currently supporting the development of NMRFs in Uruguay, Chile, Brazil, Peru and Honduras. This bilateral cooperation is viewed as an excellent opportunity for Paraguay to bolster its international commitment.

At present, the third stage of SIMORE is under development and aims at providing increased space for CSOs to add their comments to the data uploaded by the MFA administrator. The aspiration is that this will contribute to a dialogue on human rights priority concerns. In parallel, a universal multilingual version of SIMORE is under development at OHCHR. This unprecedented tool will allow governments to track the implementation of their human rights obligations in a systematic manner.

The OHCHR Human Rights Advisor for Paraguay notes that while the MFA is in charge of international and bilateral cooperation, it is important that state institutions continue to update information in SIMORE and integrate implementation of recommendations into their policies.

**Mainstreaming.** SIMORE is a tool for OHCHR to mainstream its engagement with the legislative, executive and judiciary branches through workshops, follow-up and reporting. Corollary, the UPR is mainstreamed through SIMORE and adds sustainability to implementation by integrating recommendations in the strategic plans of all state institutions.

**Facilitating reporting and action plans.** In the second UPR of Paraguay, the drafting of the National Report was facilitated by the easy accessible and updated information in SIMORE. Similarly, SIMORE facilitated the input to the UN Compilation Report which

### What is a National Mechanism for Reporting and Follow-up (NMRF)?

It is an inter-ministerial body aiming to:

- ✓ Coordinate and prepare reports to and engage with the international and regional human rights mechanisms (including Treaty Bodies, the Universal Periodic Review and Special Procedures)
- ✓ Coordinate and monitor national follow-up and implementation of the treaty obligations and recommendations/decisions emanating from these mechanisms.

was coordinated by OHCHR and prepared together with the focal points from other in-country UN agencies. SIMORE also facilitated the assessment of implementation of recommendations included in Paraguay's National Human Rights Action Plan (NHRAP) adopted in 2012.

**SDGs as a driver for human rights.** While SIMORE facilitates inter-ministerial follow-up and reporting to the UN human rights system, more institutions need to update SIMORE and use recommendations in their daily work to effectively utilise the full potential of SIMORE. It is sometimes challenging to convince the top segment of ministries to incorporate the human rights agenda into their work. In order to overcome this obstacle, OHCHR endeavours to bring the SDGs into SIMORE to merge human rights and development into a joint agenda. The concrete aim is to highlight the interconnectedness between SDGs and recommendations; that one activity can contribute to the realisation of both a UPR recommendation and a SDG. In this light, OHCHR is working with the government and judiciary to **establish national human rights indicators** that are linked to the SDG indicators and fed into SIMORE. It will be a driver to approach institutions which are more familiar with development activities, rather than human rights work.

**Beyond borders.** The UPR Voluntary Fund was critical for OHCHR to be able to support the government of Paraguay. The UN agency would not have been able to create SIMORE without its financial support.

Well utilised, the Fund can help governments to implement decisive structures that help and ease their work. Later on, as Paraguay did with the support of OHCHR, opportunities arose to share their experience with other states. This can work as a door opener towards other states, where human rights promotion in the shape of bilateral technical support might be perceived as credible and less threatening, particularly if it comes from a smaller state.

### 2.2.3 Multi-stakeholder cooperation: The Kenya UPR Implementation Matrix

Established in 2015, *UPR Info Africa* rapidly positioned itself as the leading organisation in the region providing expertise on the UPR. Compounded by the non-advocacy character of *UPR Info*, fruitful partnerships were formed with UPR stakeholders in Kenya including the Department of Justice, the Kenya National Commission for Human Rights (NHRI) and OHCHR Kenya. In fact, Kenya was one of the most successful UPR stories from the first cycle in terms of multi-stakeholder collaboration. Kenya has been a promising arena for cooperation since its third President, Mr. Mwai Kibaki increased civic space. CSOs took this opportunity to engage in a constructive manner with the Kibaki government. In Kenya's second UPR cycle, the NHRI and CSOs submitted reports and took part in *UPR Info's* pre-session on Kenya in Geneva.

Against this backdrop, in March 2015, *UPR Info Africa* organised a three-day CSO strategy workshop, together with partner organisations, on implementation of UPR recommendations. The workshop was attended by dozens of civil society representatives working on issues such as female genital mutilation, transgender people's rights, women's empowerment, rights of the child, access to health, right to food, access to safe drinking water and sanitation, rights of indigenous and pastoralist communities, torture, justice and reconciliation and freedom of expression among others. During the workshop, Kenyan civil society members discussed their experiences with the UPR mechanism from 2010 to 2015. After reviewing

the recommendations that Kenya received in the 2015 UPR participants were divided into thematic subgroups under the headings of justice, women, civil & political rights, other vulnerable groups, children and transgender rights. Each group began working on an implementation plan setting out what actions they expected from the government in relation to their priority recommendations. The thematic implementation plans also contained SMART indicators to facilitate monitoring of implementation and were complemented by action strategies mapping out how CSOs can support the realisation of the UPR recommendations. After the workshop, the Group Rapporteur of each thematic subgroup was responsible for coordinating the finalisation of their implementation plan and to send it back to *UPR Info Africa*. Upon receipt, *UPR Info Africa* compiled all thematic implementation plans into one document with a coherent structure.

### Multi-stakeholder dialogue on UPR implementation

A few months later, at the adoption of Kenya's second UPR Working Group Report Kenya accepted 192 out of 253 recommendations. On the back of the Kenyan government's commitment to implement these recommendations, *UPR Info Africa* co-organised a two-day workshop with the aim of creating space for a multi-stakeholder dialogue on effective and inclusive implementation of UPR recommendations. 50 civil society members and over 15 government representatives participated in the event. On the first day, a workshop was held for CSOs to follow up on the March meeting, where the implementation plan and indicators for UPR recommendations were discussed and updated. A parallel session trained government



representatives on the UPR, and prepared them for the dialogue with CSOs. Once all stakeholders were more aware of what they could gain through partnerships with all actors, a bilateral dialogue was organised on the second day for CSOs and government representatives to discuss the way forward, including identifying the opportunities for multi-stakeholder implementation of UPR recommendations. At the end of the meeting it was mutually agreed by all actors to continue the discussion in September 2015 in order to finalise a joint matrix for UPR implementation. Crucial to the success of the multi-stakeholder dialogue was *UPR Info Africa*'s ability to financially support the implementation of the activity. This further deepened *UPR Info Africa*'s engagement with high-level government officials on policy and legislative issues.

### Cabinet adopts the UPR report

Before the September meeting, the Cabinet needed to table and discuss Kenya's UPR Working Group Report that had been adopted by the UN Human Rights Council in March. Once approved, the Ministry of Justice began coordinating implementation of recommendations together with line-ministries. It follows that *UPR Info Africa* and its partner organisations' engagement at the ministerial level prior to the Cabinet adopting the report had largely depended on the goodwill of the ministerial officials and their good relations with civil society. Before the September workshop, a series of meetings between *UPR Info Africa* and the Ministry of Justice took place to discuss how to most efficiently cluster the recommendations in the implementation matrix. After constructive deliberations with the Ministry of Justice, it was ultimately decided that the implementation matrix should be guided by four sets of themes, namely Legal and Institutional Reforms; Civil and Political Rights; Economic, Social and Cultural Rights; and Group Rights. The rationale behind this decision was that clustering rights into four well-known umbrellas provides a clear structure and pinpoints what recommendations a certain ministry is responsible for implementing. As a result, the implementation plan has a designated column identifying what government body bears the duty to ensure fulfilment of a given recommendation.

### A joint national implementation matrix

Financially supported by OHCHR, the September 2015 workshop brought together government officials, the NHRI and CSOs to develop a national implementation matrix for the second cycle UPR recommendations. This matrix was developed using the CSO implementation plan that the CSOs and the NHRI developed at the CSO strategy workshop as a blue print. Participants were divided into working groups following the thematic clusters; Legal and Institutional Reforms; Civil and Political Rights; Economic, Social and Cultural Rights; and Group Rights. An added value of this strategy was that CSOs benefitted from getting to know the UPR focal point within the ministry responsible for implementing recommendations related to their concerns. Government officials had the same advantage of getting to know civil society representatives working on the same issues as them. Such meetings contribute to building a mutual understanding of each other's needs, opportunities and challenges in the implementation phase.

In the implementation matrix, each recommendation is provided with SMART indicators to guide all stakeholders in monitoring implementation rates. It was agreed that rather than putting in arbitrary timelines for implementation, it would be convenient to illustrate the interaction between the UPR and ongoing government activities. Therefore, the timelines attributed to each recommendation are aligned with the country's development programme, *Vision 2030*, and the strategic plans of the various ministries. This approach creates an added impetus for implementation and makes it more sustainable as activities set out to implement *Vision 2030* simultaneously contribute to fulfilment of UPR recommendations. The implementation plan moreover demonstrates the complementarity between concluding observations from Treaty Bodies and UPR recommendations, by pairing similar outputs together in the column identifying the number of the UPR recommendation.

The fine-tuning of the implementation matrix was conducted by a core group consisting of the Ministry of Justice, *UPR Info Africa*, OHCHR, and Kenya National Commission on Human Rights. Once a finalised version was produced, a one-day multi-stakeholder validation meeting was organised. After the meeting, OHCHR Kenya edited the docu-

ment to incorporate additions made by the participants. Finally, the matrix was published and officially launched on 3rd June 2016. The momentum around Kenya's mid-term stage in 2018 will be a prime opportunity to take stock of implementation of UPR recommendations which will indirectly lend itself as an evaluation of how effective the implementation matrix has been. Looking back at, it is evident that the implementation matrix is a result of constructive multi-stakeholder cooperation involving the government, CSOs, the NHRI and OHCHR. This multi-stakeholder cooperation creates a promising foundation for an efficient and inclusive implementation phase.

#### 2.2.4 Funding for states' human rights

Established by Human Rights Council resolution A/HRC/RES/7/17,<sup>41</sup> the OHCHR disperses two funds to enhance states' interaction with the UPR process. First, the UPR fund for Participation<sup>42</sup> is geared towards facilitating participation of the State under Review (SuR) in the UPR Geneva stages, with a particular emphasis on least developing countries. The UPR Voluntary Fund,<sup>43</sup> as already foreseen in the institutional-building package of the Human Rights Council contained in resolution A/HRC/RES/5/1,<sup>44</sup> supplements the first by focusing on assisting states in the implementation of UPR recommendations. Funds are made available by donations from states and other stakeholders of the Human Rights Council. The fund also acts as an avenue for collaboration between UN agencies and states at the domestic level. The UPR Voluntary Fund was utilised to set up SIMORE in Paraguay and has been helpful in realising implementation in several countries. While the example below showcases successful use of the UPR Voluntary Fund, throughout the process of collecting testimonies for this study we have come to realise that several countries that would qualify for applying to the fund are not aware of its existence.

Panama received a number of first and second cycle UPR recommendations<sup>45</sup> alongside several concluding observations from Treaty Bodies<sup>46</sup> on increasing birth registration of indigenous children and children living in rural areas. In the aftermath of Panama's second review, in 2015, OHCHR assisted the state in the establishment of an inter-ministerial UPR working committee to coordinate implementation. In the

process, OHCHR noted that this set of recommendations, if implemented in a sustainable manner, carried the potential of providing tangible human rights improvements. OHCHR approached the Electoral Tribunal, an independent state institution mandated to keep the civil registry, to promote the recommendations and identify what had already been done to fulfil them. It was discovered that, since 2011, the Directorate of Civil Registry of the Electoral Tribunal had implemented, with support from the United Nations Children's Fund (UNICEF), various initiatives aimed at closing the gap in birth registration existing in the indigenous areas of the country (Comarcas). The Electoral Tribunal informed OHCHR of the existence, in remote areas of the *Ngabe-Bugle Comarca*, of communities of *Mama Tata*<sup>47</sup> followers that had traditionally refused to be registered and, consequently, were not entitled to any public services.

The backdrop to the gap in birth registration among certain segments of the indigenous peoples living in the *Comarca* was rooted in, first, the difficulty to access these areas and, second, that the most dedicated followers of *Mama Tata*, the predominant religion in the *Comarca*, interpreted the religion as preventing parents from registering their children with the Electoral Tribunal. *Mama Tata* communities had their own registration system kept by *Mama Tata* religious leaders. Most of those not registered with the Electoral Tribunal were believed to be women and children, since men were more likely to register themselves in order to be able to work outside of the *Comarca* (mainly seasonal work in Costa Rica).

As a result of contacts held through the traditional authorities of the *Comarca* with some *Mama Tata* leaders, some communities seemed to be open to be inscribed in the civil registry. However, further dialogue was needed with other leaders and at community level, in order to ensure proper knowledge and understanding of the registration process and its consequences. The Electoral Tribunal also needed support in order to carry out the registration process. The Electoral Tribunal and OHCHR agreed to undertake a concerted effort to address the issue, with support from the UPR Voluntary Fund.

As part of the joint project, OHCHR and the Electoral Tribunal conducted an investigation to explore the reasons behind the reluctance to register. The study revealed that many *Mama Tata* followers did

not register their births for several reasons, including an erroneous belief in the consequences of registration and a deep-seated distrust of the state due to the historical abandonment of the indigenous territories and their population. A trust-building exercise between the Electoral Tribunal and *Mama Tata* religious leader was carried out, which included incorporating members of the *Nagbe Bugle* population as part of the registration teams.

Several places were mapped where it was likely to find significant numbers of unregistered *Mama Tata* followers. As a first step, the Electoral Tribunal convened religious and political leaders from each region of the *Comarca* to a meeting to inform them about the registration procedure and to answer the questions they had. After this first contact, if the leaders accepted the Electoral Tribunal's missions, these were scheduled, and the leaders were responsible for raising awareness among people through community radios.

Registration was not successful in all the planned locations. The Electoral Tribunal did not receive the consent of religious leaders in one of the three regions of the *Comarca*. However, 10 registration missions took place in the other two regions (*Nedrini* and *Ño Kribo*). Registration missions took seven to ten days each, due to the difficulty of accessing several communities and to allow people from the area to get to the registration points. Missions included indigenous *Ngabe* among their members in order to have a better understanding of the population's fears and concerns about the implications of the registration. As a result, 372 unregistered births were registered and identification documents were issued to 3114 minors and 1428 adults. Following a request from the Electoral Tribunal, OHCHR provided financial assistance to the Electoral Tribunal from the UPR Voluntary Fund. For each mission, it was agreed upon what the respective contributions from the UPR Voluntary Fund and the Electoral Tribunal should cover.

## Stakeholders' engagement with the UPR

The purpose of this chapter is to highlight how stakeholders perceive the UPR, their efforts to maximise its utility and good practices stemming from their engagement with the mechanism. In doing so, it is hoped that the examples contained in the subchapters below will contribute to a greater understanding of the needs, opportunities and challenges faced by different actors in the UPR process. Furthermore, the rich number of examples provided from UPR interaction across the globe can inspire actors to replicate good practices.

It would be impossible to reflect the full wealth of knowledge and excellent examples of stakeholders' engagement with the UPR. Therefore, the aim is not to provide an exhaustive list of so-called best practices or offer an in-depth overview of all actions that each stakeholder can take at the various UPR stages. For such technical advice and commentary, we encourage the reader to consult the many practical guides available.<sup>48</sup> The UPR engagement of states and CSOs are allocated a section respectively. The chapter on other stakeholders elaborates on how NHRIs and UN agencies have interacted with the UPR.

### 3.1 States

Overall, states view the UPR as an indispensable mechanism and the pinnacle achievement of the Human Rights Council. The mechanism is a welcomed departure from the deficits of the Commission of Human Rights and viewed as a non-adversarial tool where recommendations are made in good faith and contributes to genuine government engagement in the implementation process. The modalities of the UPR foster constructive engagement with the mechanism and fruitful relations between all stakeholders. This chapter is split between states' engagement with the UPR in their respective roles as State under Review and Recommending state.

#### 3.1.1 State under Review

States consider UPR recommendations to be helpful both in terms of improving the domestic human rights situation but also in terms of promoting a dialogue within the government on how to best implement recommendations. The Human Rights Department of the Ministry of Foreign Affairs in Paraguay holds that recommendations are useful to advance the domestic human rights situation. Paraguay notes recommendations only if they run counter to domestic laws and policies, such as abortion-related issues. In the first cycle Paraguay accepted all 189 recommendations. In Norway, the MFA Section for Human Rights and Democracy confirms that many recommendations received during their second cycle review covered ongoing processes, such as the setting up of a NHRI, and the recommendations and the broader UPR process provided an additional push in this regard. Over two UPR cycles, Uruguay accepted all recommendations but one that challenged recent human rights improvements.

#### Consultations with civil society

Although states are encouraged to prepare their national UPR reports through a "broad consultation process at the national level with all relevant stakeholders",<sup>49</sup> in practice this is often subjected to available funds and capacities of governments. Another issue is the lack of a clear definition of what broad consultations should entail. This gap can create conflicting expectations between CSOs and the government. In order to avoid misunderstandings, it is vital that the state uphold a transparent and constructive dialogue with civil society at all stages of the UPR, including a discussion on how to implement consultations in the process of drafting the National Report and in the follow-up phase. In order to be broad and meaningful, states typically benefit from collaborating with the NHRI, if existing, in consultations both



in and outside the capital. It is crucial that consultations comply with the universality of human rights, are gender-balanced and that CSOs are not excluded based on the rights they are championing. Invitations should be issued well in advance and the agenda developed in cooperation with the NHRI and CSOs. Additional barriers may arise due to weak internal government coordination creating an uncertainty about what ministry should take the lead in organising consultations.

In order to collect input from stakeholders for the National Report of the first UPR of the Maldives in 2010, the President of the Maldives established the UPR Standing Committee<sup>50</sup> under the Chairmanship of the Minister of Foreign Affairs. The MFA lead the drafting process of the report and presented draft versions to the Committee for their comments. A final draft was made available online and offered an opportunity for the public to input. Outcomes of seminars on specific human rights issues held in the capital and at a neighbouring atoll were also included in the report.<sup>51</sup>

As previously outlined, a transparent and effective NMRF is a useful framework for enhancing consultations. Innovative approaches providing civil society space, such as Sweden holding a debriefing session with CSOs in Geneva immediately after their UPR, have provided a natural bridge between the review and the national implementation process. Stakeholders should aim to set the bar high, both in terms of the quantity and quality of consultations throughout the UPR cycles.

### Actions on noted recommendations

Several countries including Sierra Leone and Sweden do not rule out actions being taken on recommendations that have been noted by the state. In the former, some recommendations were noted as it was deemed necessary to create public debates to enable the political leadership to make a final decision on whether to accept or note the recommendation. Moreover, following its first UPR in 2011, Denmark accepted 20 new recommendations in its 2014 mid-term report.<sup>52</sup>

### Deciding the status of recommendations

While the factors for deciding the status of recommendations vary, the vast majority of states consider

recommendations helpful in improving their human rights record. The Justice Sector Coordination Office under the Ministry of Justice of Sierra Leone holds that recommendations received shows deep insight of the progress and challenges attributed to the human rights situation in the country. Sierra Leone and Norway consider whether a recommendation can be implemented ahead of the next review, other states, such as Paraguay, view implementation as an intrinsic and continuous part of the overall advancement of human rights not limited to a specific UPR cycle.

According to Sweden, in order to avoid politicisation it is crucial that acceptance of recommendations is not conditioned upon what state is making the recommendation. Sweden decided on as many recommendations as possible already during the review while others required further consultations and reflections and were left pending. Some recommendations that were noted are not necessarily incompatible with the state's human rights aspirations and could have been accepted if they were phrased differently, but if a decision for instance needs the consent of the parliament the government cannot accept a recommendation before such a decision.

States that have left all recommendations pending to the adoption stage have found this to be a beneficial practice. In the first cycle, Norway accepted some recommendations already during the review and left others pending until the adoption stage. However, in their second UPR they left all recommendations pending at the review stage which accommodated an inter-ministerial discussion that paved the way for a more informed debate in the government on already ongoing processes and strategies for implementing recommendations. This significantly increased the awareness of the UPR and the role of the different ministries in the follow-up phase. The Czech Republic also left all second cycle recommendations pending to the adoption which provided time for inter-ministerial discussions and an increased number of accepted recommendations. This practice also allows for greater input from civil society at an early stage, between the UPR and the adoption of the UPR Working Group Report, which sets the scene for an inclusive and effective implementation process.

**NMRFs.** There is an overwhelming consensus among states that efficient and transparent NMRFs urgently

need to replace ad hoc bodies in order to ensure sustainable implementation of UPR recommendations. In Norway, the MFA leads the inter-ministerial coordination of implementation of UPR recommendations while the follow-up of recommendations relate to a host of areas that are more closely affiliated with the work of other ministries. Therefore second cycle recommendations were divided among ministries, and some required inter-ministerial coordination to reach a conclusion on how to collaborate in the implementation of the recommendations. As a result of internal deliberations, recommendations were clustered into *accepted*, *noted*, *accepted but already implemented* and *partially accepted*. As per usual practice, however, OHCHR UPR secretariat put *partially accepted* in the basket of *noted* recommendations in full compliance with resolution A/HRC/RES/5/1.

Within the Office of the Government of the Czech Republic there is a sub-office headed by the Minister for Human Rights, Equal Opportunities and Legislation which is responsible for coordinating reporting to human rights treaties that the state is party to. While it coordinates with line-ministries, the state would benefit from a systematic approach to treaty and UPR reporting through a NMRF. The government moreover has a Government Council for Human Rights that works as an advisory body for the government and is composed of government representatives, CSOs and academic experts. In these bodies, sporadic discussions on UPR implementation and treaty observations are conducted and new legislation is introduced for comments.<sup>53</sup> Concerted and systematic follow-up strategies by states streamline, besides internal cooperation, meaningful interaction with CSOs and the NHRI. In this light, a dedicated link was added to SIMORE for the second UPR where Paraguayan civil society could post comments and information for the National Report.

The Inter-ministerial Human Rights Committee in Haiti facilitates follow-up and reporting on recommendations from United Nations and regional human rights mechanisms, including strengthening the capacity and coordination of national stakeholders in gathering information and reporting on progress made in the implementation of recommendations from the UPR and other UN human rights mechanisms.<sup>54</sup> States that have cooperated with UPR

*Info* in the follow-up phase such as Mongolia, Niger, Thailand, Tanzania and Nepal have been involved in organising multi-stakeholder dialogues on the implementation of UPR recommendations. These events serve as an opportunity to develop constructive partnership between civil society, NHRIs and the government; a five-year implementation plan, and SMART recommendations for monitoring recommendations. Through *UPR Info*'s regional offices in Bangkok and Nairobi, continuous support is provided to all UPR stakeholders to ensure that they are equipped to fulfil their roles in the implementation phase.

**Databases and NHRAPs.** Systematically updated databases that cluster human rights recommendations received by the state and monitors implementation are helpful tools to ensure sustainable implementation. This data can also facilitate the establishment of the National Human Rights Action Plan (NHRAP) as it tracks corresponding actions, or lack thereof, by the government.

Mandated to produce the NHRAP, the *Human Rights Commission of New Zealand* decided to align the second NHRAP with second cycle UPR recommendations. Under the slogan “accountability through transparency” the Commission made recommendations and corresponding government actions available to the public through an online database that is continuously updated by the Commission.<sup>55</sup>

NHRAPs can also be the instrument that outlines the mandate of the NMRF. This was the case in Mauritius where the NHRAP of Mauritius proposed the establishment of the two mechanisms, situated within the Prime Minister's Office, that together constitute the NMRF. The NHRAP established that the Human Rights Unit should develop human rights indicators and benchmarks and that the Human Rights Monitoring Committee should be tasked with monitoring the performance of the state against these measurements.

Besides facilitating inter-ministerial coordination of UPR implementation, SIMORE also provides a database which allows the public to access and monitor implementation of human rights recommendations made to Paraguay from the UN and the Inter-American Court of Human Rights of the Organization of American States (OAS). Located on the server of the Ministry of Foreign Affairs, queries to the data-

base can be made through search criteria, such as the year the recommendation was issued, the mechanism that made the recommendation, the populations affected, issues or rights related to the recommendation and the institution responsible for implementation<sup>56</sup> SIMORE is a good example of an NMRF that facilitates inter-ministerial coordination of implementation and also encapsulates a database that supports the drafting of the NHRAP.

**Reporting.** In order for reporting to be sustainable, it is central that the State under Review approaches reporting as a benefit and not a burden. Transparent reporting is key for Recommending states and CSOs to obtain updated and relevant information. The National Report should therefore contain an assessment of the progress of implementation of received UPR recommendations, including noted recommendations. This comprehensive reporting would benefit from including this information in the format of a grid, either in the National Report, as in the cases of Mali<sup>57</sup> and Sri Lanka,<sup>58</sup> or in an annex, as in the cases of Colombia<sup>59</sup> and South Africa.<sup>60</sup>

As a consequence of the postponement of the third cycle to spring 2017, and the lack of an official UPR follow-up mechanism, mid-term reporting has become even more important. Therefore, two and a half years after their review, states should provide the Human Rights Council, under Item 6 General Debate, with a progress report on their received recommendations. As of June 2016, 63 states had submitted UPR mid-term reports over two cycles.<sup>61</sup>

### 3.1.2 Recommending states

As is to be expected, states are partly guided by their national human rights priorities when crafting recommendations and heavily rely on efficient cooperation between their Permanent Mission, embassies and the capital. However, their role does not end with the review, as they also are a legitimate stakeholder in the implementation phase.

It is not a coincidence that much information to this chapter was provided by Western and Latin American states, with few examples from Africa and Asia.

It would be beneficial to the UPR if all countries engaged at the same level, which does not necessarily imply additional financial resources. Many countries still see the UPR as a diplomatic event limited to Geneva, although the importance of their role as stakeholders during the implementation phase has been stressed repeatedly. The universality of the UPR implies engagement of Recommending states at all UPR stages.

### Prior to the review: the process of drafting recommendations

For the Czech Republic, the procedure of drafting recommendations starts with the Department of Human Rights & Transition Policy within the MFA, which sends requests for information to embassies located in the State under Review. The capital sends draft phrases to the Permanent Mission in Geneva



(PMUN) indicating the overall direction of advanced questions and recommendations. The PMUN then drafts the final version and the capital approves of the language in the last instance. The MFA is the coordinating body when shaping Sweden's UPR recommendations, collecting input from its embassies and the PMUN. Sweden's recommendations from the previous cycles are also taken into consideration in the process.

In Canada, the process starts when the PMUN of Canada sends out an email with relevant sources a number of weeks prior to the UPR to all divisions of the MFA in Ottawa including the relevant embassies.

The PMUN requests support during the drafting of recommendations and sets out the timelines and reminds colleagues about Canada's recommenda-

tions from the previous cycles and highlights its priorities. The initial draft is either written by the in-country mission or by the relevant geographical desk at the MFA. This process is typically underpinned by internal consultations. The final approval is given at the level of the Director General before recommendations are made at the UPR session. Since the beginning of the second cycle, Costa Rica, the United Kingdom, Algeria, Australia, Canada, Germany, the Netherlands, Uruguay, Morocco and Portugal have adopted the approach of making recommendations to all states to underscore the universality of the mechanism. Uruguay also stresses the importance of collaborating with the Troika so that recommendations are reflected correctly in the UPR working group report.

Some states report that cooperation between the MFA and the PMUN can be challenging as the former has a clear human rights focus when drafting recommendations whereas the desks consider the geopolitical landscape and bilateral relations with the State under Review. The PMUN of Sweden has endeavoured to increase the knowledge in the capital on how to draft action-oriented recommendations, and our organisation has been assisting the Swedish MFA in the same way as we supported the Dutch, Finnish, and Belgium MFAs to deliver an increasing number of SMART recommendations.

A growing number of states are concerned by the number of recommendations, to the point that they pledged to exercise a self-imposed limit, usually two, on the number of recommendations they make to the State under Review. It is our position that this is potentially harmful to the UPR as the increase of recommendations brings many advantages:

- It is an opportunity to link recommendations from the previous cycles to the current. Indeed, limiting the number of recommendations would increase the risk of not reiterating recommendations that have not been implemented since the previous review as addressing new issues would likely trump follow-up recommendations. Such a development would ultimately be to the detriment of the human rights

situation on the ground as the spotlight would be turned to new issues, leaving unresolved human rights issues behind.

- By referring back to recommendations made in previous cycles, the pressure on the State under Review to take action on the issue is amplified.
- Whilst the principle of universality is core to the UPR and should be protected, limiting the number of recommendations to a set number would result in a situation where states with 10,000 inhabitants would receive the same number of recommendations as those with millions.
- A significant number of recommendations addressing the same concern indicate that this is a particularly troubling human rights challenge. A high number of identical recommendations do not overburden the State under Review as they call for a similar action. Rather, it shows the concerns of the international community on a specific issue.
- Issues that are perceived to be sensitive are more likely gain prominence in the UPR if the number of recommendations allocated to Recommending states remains unlimited.

In fact, the time limit imposed by the speakers list make it impossible for a state to make an excessive amount of recommendations. Between the first and second cycle, we witnessed an increase of recommendations due to the number of states taking the floor during the reviews. In the second cycle (session 13 to 22), an average of 69 states made recommendations compared to 39 states in the first cycle (session 1 to 12). The average number made to the State under



Review has settled around 200, and the recent UPR sessions do not indicate further increase. Hence to focus must be on making SMART action-oriented recommendations that when implemented lead to an improvement of the human rights situation on the ground.

### Linking recommendations to ongoing initiatives

It is encouraging to note that recommendations often tap into already ongoing initiatives, thus allowing the UPR to strengthen bilateral cooperation to the benefit of all stakeholders. On average, the Czech Republic makes four recommendations to nine states per session and prioritises countries with serious human rights situations, states in which it has a residential embassy, fellow EU countries, neighbouring states, and Eastern Partnership Countries. The Czech Republic also endeavours to do follow-up recommendations from the previous cycle. States often prefer not to make recommendations in isolation but rather utilising the UPR to foster or maintain bilateral cooperation and to share good practices. Canada, for example, works with Jamaica on military cooperation and made a recommendation to Jamaica linked to this. Eventually, Canada made four recommendations to Jamaica in the second cycle, one of which recommended that Jamaica:

*“Amend regulations related to arrest and detention by the Jamaica Constabulary Force, so that they clearly define the rights of detainees, strengthen judicial oversight of arrests, and provide specific remedies for breach of duty.”*

Similarly, the Norwegian embassy in Kenya use their knowledge on business and human rights to follow the implementation of the recommendation the state made to Kenya to:

*“Develop a national action plan for the implementation of the Guiding Principles on Business and Human Rights.”*

Norway also made recommendations to Madagascar on protection of rainforests in both cycles.<sup>62</sup> This is an area where the Norwegian Agency for Development Cooperation (NORAD) already cooperates with the government of Madagascar, and the UPR is another avenue to bolster this cooperation.<sup>63</sup> Norway also encourages embassies to relate, wherever possible, at least one of their recommendations to an existing

cooperation framework with the recipient state. Paraguay, drawing on its experience gained by setting up SIMORE, makes recommendations to other states on either strengthening or establishing a NMRF. This is obvious, but since the UPR is a political mechanism, recommendations suggested to States under review reflect Recommending states national priorities.

### As previously recommended

In order to avoid each cycle becoming an isolated silo it is critical that links are strengthened between them.<sup>64</sup> A concrete way in which Recommending states can contribute to this process is by reiterating recommendations that were either noted in the previous cycle or accepted but not adequately implemented since the last cycle. In this vein, Uruguay urges CSOs to remind states of their previous recommendations in order not to lose track of follow-up. Uruguay uses the *UPR Info* pre-sessions and other sources to gather first-hand information from CSOs about what has been and what has not been implemented since the previous cycle. This information then feeds into the process of shaping recommendations. Several states utilise this strategy of recycling recommendations in cooperation with CSOs.

For example, Switzerland recommended Australia in its first review to “[...] not detain migrants other than in exceptional cases, limit this detention to six months and bring detention conditions into line with international standards in the field of human rights”. The recommendation was noted and Switzerland reiterated the recommendation in the second cycle adding “*as previously recommended*”. It is worth mentioning that the Refugee Council, an Australian CSO, participated in the pre-session to raise the issue of detention of asylum seekers in front of many delegations. This concern was also reflected in their UPR submissions to both the first<sup>65</sup> and second<sup>66</sup> UPR of Australia.

### Partnering with civil society

Partnership between states and civil society in the UPR is mutually beneficial as the former depend on first-hand information from CSOs, who in turn rely on states for economic and political support.

The Swiss Agency for Development and Cooperation (SDC) in Bolivia has provided support to CSO led

initiatives geared at bolstering implementation of first cycle UPR recommendations and strengthening CSO cooperation ahead of the state's second cycle review. SDC's engagement contributed to nationwide consultations involving 542 CSO organisations, the NHRI and government officials. Beyond the domestic scope, capacity building efforts undertaken by SDC enhanced CSOs advocacy at the international level which influenced the recommendations of states participating in the UPR of Bolivia. Moreover, SDC Bolivia contributed to shaping Switzerland's recommendations to Bolivia with a view to establish synergies between UPR recommendations and programs within its human rights and justice portfolio, thus strengthening bilateral cooperation.

Uruguay engages as much as possible with civil society both on the ground and in Geneva since they have first-hand and updated information on the human rights situation. Particularly ambitious Norwegian embassies have even developed follow-up plans tracking implementation of recommendations stemming from the UN human rights system. Some Canadian missions host in-country pre-sessions and debriefing meetings with civil society after the review. These are typically embassies with strong human rights profiles which may lead them to engage directly with CSOs. In countries where civil society is under threat, technical and financial support from the donor and diplomatic community is often strengthened. In reality, it may be more difficult for CSOs that are not potential targets for reprisals to receive state funding. It is critical that the donor and diplomatic communities ensure that CSOs are funded throughout the UPR cycle. This duty constitutes more than a moral imperative as their work enables states to interact with the UPR in an effective manner, and ultimately safeguards the credibility of the mechanism.

### 3.2 Civil society organisations

This chapter aims to offer a comprehensive overview of CSOs interaction with UPR. In doing so, it addresses the issue of funding, the benefits of working in coalitions and partnering with other UPR stakeholders. The chapter furthermore looks at how CSOs have advocated for increased attention to underrepresented issues at the UPR and tools available to amplify and sustain their UPR activities. Finally it notes that

CSOs are increasingly using the UPR as a vehicle to merge the development agenda with human rights.

Since the advent of the UPR, civil society input has been vital for its effective functioning. CSOs in all regions of the globe contribute with primary evidence through submissions to the Stakeholder's Report and oral interventions at the adoption stage. They act as a driver to keep the UPR on the agenda throughout the five-year UPR cycle and are vital to support implementation and hold governments accountable to deliver on their UPR commitments. In supporting the establishment of implementation plans and action strategies that take into account recommendations from other human rights mechanisms, they employ SMART indicators to track not just the government's performance but also how their own activities feed into fulfilling recommendations.

While it is crystal clear that states are the duty-bearers carrying the primary responsibility of ensuring implementation of UPR recommendations, CSOs have a legitimate secondary mandate to contribute to the process. Indeed, it is equally clear that, whenever possible, civil society engagement with the UPR must go beyond contributing to the inputs, through submissions and oral statements, to actively engaging with the outputs, that is, implementation of recommendations.

The ultimate aim of CSOs' UPR advocacy is to see their proposed recommendations implemented, a challenging voyage that can be unpacked in six stages. First, anchored in first-hand evidence from the ground, CSOs develop SMART recommendations that they advocate for states to use in the UPR of the State under Review. Second, CSOs utilise the window between the UPR and the adoption of the UPR report to encourage the state to accept their priority



recommendations, were they not already accepted during the review. The *Nepalese Informal Sector Service Center* (INSEC) did this successfully during the second Review of Nepal which resulted in the government accepting four additional recommendations.<sup>67</sup> Third, during the implementation phase, CSOs should to the extent possible engage in constructive dialogue with all UPR stakeholders to assess how they can contribute to implementation. This does not per se require additional resources as the work already carried out by civil society groups may in fact contribute to implementation. Fourth, CSOs will benefit from employing a watch dog role monitoring the implementation rate and holding the government accountable for the promises of implementation made during the UPR process. Fifth, partnering with other UPR stakeholders is crucial for monitoring and implementation. Key partners during the implementation stage are the states that issued recommendations as they will be interested in receiving updates from CSOs that closely follow the process. The sixth and final step completes the cycle with a call for CSOs to repeat their suggested recommendation if implementation has not been satisfactory in the run-up to the next UPR.

The UPR is allowed to fulfil its potential when stakeholders work constructively in partnership to improve human rights on the ground. Moving away from naming and shaming, the UPR has in some locations been able to create a common understanding about the needs, opportunities and challenges that the government and civil society encounter, which has remedied previously adversarial deadlocks.

### 3.2.1 Funding for CSOs UPR activities

Ensuring sufficient funding for CSOs, and particularly CSO coalitions, is integral for effective, inclusive and sustainable implementation of UPR recommendations. Their importance for the effectiveness of the UPR cannot be overemphasised. The diplomatic and donor communities has a critical role to fulfil in ensuring that CSOs can stay engaged throughout the UPR cycle and go beyond a watchdog role to actually support implementation on the ground. However, states with weak human rights records are often characterised by an unwillingness to provide financial support to independent CSOs, creating a vicious cocktail hampering the activities of CSOs where they

are needed the most. So called foreign agent laws and similar legislative tools ban foreign funding for non-profit organisations leaving them in a dire situation where they struggle to access funding both at home and from donors abroad, forcing a close-down of many organisations. Such developments severely undermine the effectiveness of UPR implementation.

States should also ensure their own civil society is healthy. In Australia, the Refugee Council, a peak body representing 217 member organisations and advocating on behalf of refugees and asylum seekers, utilises the UPR as one of its venues to raise international awareness about the situation for refugees and asylum seekers in Australia. The organisation deems that, rather than receiving observations from treaty experts, recommendations from like-minded, and other states, could trigger government policy change in this area. In mid-2014, the Refugee Council, was made aware that the federal government cut the funding to the organisation with immediate effect. “There is freedom of speech but the taxpayer shouldn’t have to fund the microphone”, said the Minister for Immigration and Border Protection referring to the Refugee Council’s Advocacy work.<sup>68</sup>

This was not the first time that the organisation had its funding cut. In 2001, under a different government, their funds were cut and not reinstated until 2007 under a new administration. Aside from creating severe financial implications for the Refugee Council, the move was indicative of the government not prioritising human rights, nor civil society space, or the work of the organisation which encompassed policy advice to the government on matters related to asylum seekers and refugees. In fact, the money from the government was earmarked to deliver policy advice and not to advocacy activities. While the financial contribution constituted a modest budget line for the government, it comprised almost a third of the Council’s budget. In the aftermath there was an upsurge of donations from member organisations and individuals which meant that the organisation could resume its foreseen UPR activities well ahead of the second UPR of Australia in November 2015.

For the first two cycles of the UPR, members of *The Coalition of Malaysian NGOs in the UPR Process* (COMANGO) pooled financial resources on a voluntary basis to cover their UPR activities, combined with limited periods where they received funding to carry

out consultations. Since 2015, COMANGO receives funding through one of its co-secretariats EMPOWER, a three-year grantee of the Commonwealth Foundation. In this project EMPOWER and COMANGO are monitoring the improvement of human rights in Malaysia in accordance with implementation of UPR recommendations through evidence-based input into the different stages of the UPR process.<sup>69</sup>

Rather than terminating UPR activities, many CSOs are adapting to the reality of scarce funds. *OSF Mongolia* has supported the *Mongolian Human Rights NGO Forum* (MHRN Forum) since its establishment in the advent of the state's first UPR in 2010 through capacity building trainings, funding for consultations, and preparation of submissions to the UPR, and for attending international events. The *MHRN Forum* is currently in an expansive phase and in 2015 *OSF Mongolia* provided regional trainings involving CSOs from all provinces of the country. As a result, the coalition has seen a remarkable increase of organisations from outside the capital joining the *MHRN Forum*. *OSF Mongolia* aims to continue its support to the *MHRN Forum* until it has consolidated into a self-sufficient and sustainable organisational structure. In Armenia, *OSF Armenia* has been supporting the domestic UPR coalition since its establishment in 2009, and is the organisation driving the initiative. In order for the informal coalition to continue its work in an adequate manner, *OSF Armenia* has noted that strengthened leadership is a necessity in order for its work to become sustainable.

According to *Jamaicans for Justice*, the lack of funding for advocacy is the perennial problem for all sectors of civil society in Jamaica. As a consequence, advocacy activities in the country are mainly carried out by CSOs with a primary focus on providing social care services. But since there are no funds available to engage in high-level dialogue with the government, or to develop action plans to monitor and evaluate implementation, it is challenging for Jamaican civil society to match the quantity and quality of advocacy work that is needed to harness the momentum of the UPR. While the development of a coherent policy plan that is persuasive to the government might be cheap to construct in terms of financial resources, the human capital that is needed to sustain UPR engagement over time is not. The issue of inadequate wages for human rights workers is echoed by

the *Miguel Agustín Pro Juárez Human Rights Center* (Center Prodh). It creates a vicious circle that leaves many defenders in financial insecurity, in addition to other security concerns, that makes it impossible to combine a career with family life. As salaries are often far from competitive enough to attract many professionals, it provokes short-term employment harmful to the sustainability and institutional memory of the organisations.

While some states have made excellent use of the UPR Voluntary Fund in implementing UPR recommendations, no such funding opportunity is available for CSOs. The lack of funds for civil society severely undermine the effectiveness of the UPR as CSOs are unable to sustain their UPR engagement throughout and between UPR cycles. As a result, a key actor to the process is obstructed to provide first-hand evidence of the human rights situation on the ground. Therefore, states should as a matter of urgency seize the renewed UPR momentum created by the third UPR cycle to agree on how a CSO UPR Fund could be established and operationalised before the mid-term stage. In its absence, it is essential that the donor community boosts its contributions to CSOs UPR work. This includes, in particular, **core funding and financial support for CSOs follow-up activities**, which do not always result in tangible outputs, but is vital for holding the government accountable and supporting implementation during the full UPR cycle.

### 3.2.2 Civil society coalitions

In order to maximise the influence of their UPR activities, CSOs have found it beneficial to work in international and national coalitions. Encouraged by the modalities of the UPR that recognise the legitimate space of CSOs and welcome constructive input from CSOs through national consultations and joint submissions, CSO coalitions have mushroomed in various constellations. Some pursue human rights improvement through various mechanisms whereas others are entirely dedicated to the UPR. It is not uncommon for a CSO to be a member of several networks, and as such, may work primarily on the UPR in one setting and on, for example, Treaty Body reporting in a separate context together with organisations.

**Registration.** The degree to which CSO coalitions are formalised varies significantly and is sometimes linked to funding and political considerations. As



many donors will not extend financial support to unregistered CSOs, access to funding can work as a driver for CSO coalitions to pursue registration. Others, like the Irish UPR coalition *Your Rights Right Now* (YRRN) have established a terms of reference among its members to formalise their work, but have chosen not to register as a legal entity. The same angle is taken by the COMANGO which established terms of reference in 2014 which set out that apart from national CSOs, international CSOs with a local base in Malaysia can become members of the coalition. They decided not to register as registered organisations sometimes face intimidation by state agencies. In Malaysia, legislation requires CSOs to register their organisation but this provision does not envelop coalitions. In Mongolia, the *MHRN Forum* has not registered their coalition but established a structure in 2015 in which members take turns to lead the work of the *MHRN Forum* on a monthly basis including secretarial duties, coordination of activities and communications among members.

Established in 2009, it was decided through consultations that the *Working Group on Human Rights in India and the UN* (WGHR) should take over the lead CSO role on the UPR, commencing with the follow-up process after India's initial UPR. Drawing its legitimacy from the mandate given to the coalition by civil society rather than through registration, the Working Group, while not being registered as a legal entity, carved out its role as an organisation providing capacity building trainings across the country for civil society members to strengthen their UPR engagement. An advantage of not formalising a CSO coalition is that it simplifies bringing in new members. Drawing on the holistic nature of the UPR, coalitions are keen on mirroring the inclusiveness of all human rights. Thus, if a certain sector of rights is not covered, a CSO encompassing competencies in this area can be brought to the coalition either on an ad hoc basis, for example during the drafting process of a joint submissions, or as permanent members of a non-registered coalition.

**Solidarity.** COMANGO describes this process of coming together under one umbrella as an exercise strongly underpinned by an unprecedented notion of solidarity between CSOs. Working in coalitions has allowed CSOs working on the same issues in different regions to come together in smaller coalitions

as well as providing a nationwide and inclusive UPR platform that encompasses CSOs advocating for all human rights. Another factor that contributed to the establishment of COMANGO is that Malaysia has ratified a very limited number of human rights covenants and conventions. In this light, the UPR becomes a critical stage for civil society to encourage the state to ratify more conventions and to engage with CSOs.

This notion of solidarity is echoed by members of the *Thai CSOs Coalition for the UPR*, which stresses that while some members had prior experience of submitting communications to the UN, the coalition opened the doors for structured and systematic follow-up on implementation of UPR recommendations, including those that the government noted. Moreover, the *Thai CSOs Coalition for the UPR*, is convinced that acting as a credible UPR stakeholder also increases the potential of accessing funds from the diplomatic and donor community.

**Cross-fertilisation.** As noted by *OSF Mongolia*, the *MHRN Forum* was established to share knowledge, resources and capacities in the process of writing the submissions to the UPR and follow-up on implementation. The first UPR of Mongolia, in November 2010, triggered the establishment of the *MHRN Forum* consisting of over 40 organisations from several provinces of the state. The *MHRN Forum* predicted that a joint report would yield more impact than several individual submissions. Furthermore, member organisations previously working on isolated issues highlight that through engaging with the coalition they have gained a broader understanding of cross-thematic human rights issues in the country and established new CSO partnerships.

Ahead of Armenia's first UPR in 2010, *OSF Armenia* coordinated the joint submission of the national CSO UPR coalition. When the informal coalition decided to also issue a submission to the second UPR of the state, *OSF Armenia* invited partners and other organisation to take part in the drafting process. To maximise the effectiveness and inclusiveness of the process, thematic working groups engaged with for them relevant clusters of recommendations. Each working group followed their respective time plan containing dates for drafts, meetings and revisions leading up to the deadline for the joint submission.

In parallel, *OSF Armenia* delivered capacity-building workshops on the UPR to strengthen the coalition's knowledge of the mechanism and to fine-tune their advocacy strategies. *OSF Armenia* also coordinated the applications and the CSO delegation's meetings with the diplomatic community in Geneva during *UPR Info's* pre-session of Armenia's second UPR. This strategy proved successful as the thematic scope, as well as the number of contributing CSOs, dramatically increased between the first and second submission.

In Armenia, the UPR established a momentum for CSOs to work together in a previously unparalleled manner, creating a promising launch pad for future activities. After the review, *OSF Armenia* and the coalition cooperated with *UPR Info* to develop implementation plans and action strategies to facilitate the implementation process.

CSO coalitions have also provided safe space for discussions on sensitive issues. During the CSO strategy workshop on implementation of UPR recommendations in Sierra Leone, criminalisation of FGM elicited a strong debate. Some participants argued that if adult women consented to the practice they should be allowed to undertake it. Participants reacting to this position questioned what benefits FGM brought to women commenting that if it was criminalised no women would pursue the practice. As a response to this sentiment it was said that if FGM was to be criminalised the practice would continue underground (which some participants said was already happening). In the end, the plenary went back to the recommendation made by Germany,<sup>70</sup> that Sierra Leone had accepted, which clearly called for criminalisation of FGM. The plenary finally agreed that it would be counterproductive to add language to an already accepted recommendation and that disassociating from full criminalisation would hamper the process of implementing the recommendation. As a result, it was unanimously decided that criminalisation of FGM should be included as an objective in the Outcome Charter of the workshop.<sup>71</sup>

**Legitimacy and sustainability.** CSO coalitions are by default better equipped to establish and sustain fruitful cooperation with governments as their inclusiveness and ability to speak with a uniform voice renders more credibility and legitimacy to their cause compared to an independent organisation. In addition, a coalition is less vulnerable to staff turnover and

better protected from knowledge gaps due to their capability to pool human and financial resources from a number of CSOs. Coalitions have often taken a leading role in the "broad consultation process at the national level with all relevant stakeholders" that states are expected to implement in an inclusive way ahead of their UPR in line with resolution A/HRC/RES/5/1.

The disconnect between the call for consultations and the reality on the ground can however be of considerable depth, as was the experience of the *Working Group on Human Rights in India and the UN* (WGHR) that regretted the lack of genuine and inclusive national consultations leading up the first and second cycle UPR of India. Invitations came with such a short notice that CSOs had limited opportunities of coordinating amongst themselves and were not as broad-based as expected. However, ahead of the state's third UPR in May 2017, the National Law University of Delhi, commissioned to write the National Report, was tasked by the government to organise consultations. In the first two-day consultations, 25 civil society representatives participated and a government official was present to respond to questions. A second consultation is planned but civil society has not yet been informed of the date. It is believed that the government has become increasingly aware of the work of the WGHR which has created a push for consultations.

A striking common denominator among CSO coalitions is the aspiration to engage in consultations with their members and constituencies ahead of participating in pre-sessions as well as in the drafting process of joint stakeholder submissions. While human and financial resources sometimes constitute barriers to achieving the full extent of desired inclusiveness of such workshops, it is no doubt that coalitions deem them a main priority.

### 3.2.3 Collaboration between CSOs and governments

Cooperation between government and CSOs must go beyond a mere facade to have a tangible impact. Trust and transparency between UPR stakeholders is critical to establish a mutually beneficial partnership that allows for information change and practical coordination of implementation efforts. Such cooperation is often underpinned by personal rela-

tionships built up and sustained over time, making CSOs vulnerable for changes in government as a new administration might not be interested in continuing funding civil society or follow up on joint projects, forcing CSOs to re-establish relations with policy makers. However, a new leadership might also create a momentum for advancement of human rights should the new government be more sensitive to the human rights concerns of civil society. Regardless, it has proved vital for civil society to identify actors of change within the administration to use as entry points to ministries in charge of implementing UPR recommendations. While it is generally appreciated that the UPR has contributed to strengthening relations between civil society and governments, each state is characterised by its unique dynamic in terms of cooperation between UPR stakeholders. The spectrum ranges from joint UPR implementation plans, to non-existing communications between civil society and the government. While it may be true that governments are not willing to engage with civil society on human rights that they are actively undermining, the UPR has, like no other UN human rights mechanism, called upon states to engage in dialogue with civil society.

Looking at concrete examples, the *Miguel Agustín Pro Juárez Human Rights Center* (Center Prodh), a coalition of Mexican and international civil society organizations, produced an implementation plan after the second review of Mexico that divided all recommendations into thematic blocks and linked them to actions needed for implementation. The plan was subsequently disseminated to the executive, legislative and judicial branches of the government including state governments of Mexico. The feedback received from the judicial branch, through the Supreme Court, resulted in a meeting with CSOs to discuss implementation of UPR recommendations which led to two concrete results: a public forum in which members of the judicial branch and civil society presented the UPR recommendations and an internal training plan on the part of the Supreme Court for judicial authorities. After the second UPR of Mexico in October 2013, CSOs also met on repeated occasions with the Ministry of Interior and proposed to establish an inter-ministerial UPR committee consisting of ministerial representatives and CSOs tasked to agree on specific actions for implementation. It took several meetings during the second half of 2014 to

define the mandate and membership of its working groups until, for unknown reasons, the Ministry of Interior halted communications. Nonetheless, CSOs' experience of engaging with the government created an embryo for cooperation in the future.

In order to show transparency and establish a ground for cooperation, *OSF Armenia* invites representatives from the Ministry of Foreign Affairs, which is the government's UPR focal point, to their activities. In 2011, the government was set to create an inter-ministerial UPR working group for implementation, but no news emerged from the process until a public inquiry from civil society was issued to the Office of the Prime Minister. Soon afterwards, the decree establishing the committee was made public. Similarly, the *MHRN Forum* was aware that the MFA had drafted a UPR implementation plan that the cabinet had adopted but not made public. The coalition is therefore submitting an official letter to the government calling for the disclosure of the plan and, if not satisfied with the content, will demand changes accordingly. The role of the Mongolian and Armenian coalitions is instrumental to encourage civil society to sustain its UPR work and to keep the UPR as a government priority.

In the context of Ireland's first UPR in 2011, the government conducted regional public consultations, typically lasting for 2–3 hours, in several locations. Members of the public were informed through advertisements and the state invited the NHRI and several NGOs to make presentations before inviting comments from the floor. The state sessions were carried out in addition to any consultations already undertaken either by civil society groups, such as *Your Rights, Right Now*, a coalition of 17 civil society organisations and the NHRI. Ahead of Ireland's second UPR, *YRRN* invited the government to attend three regional consultations with members of the public. While the government officials took notes and endeavoured to answer some questions from the floor, direct engagement by, and with the State, was limited. According to CSOs, space for meaningful consultations was more limited ahead of the country's second UPR compared to the first.

In Nepal, the government engaged in consultations with civil society after its first UPR of Nepal in 2011 which resulted in an informal multi-stakeholder forum comprising representatives from all ministries, members of parliament, UN agencies, INGOs,

the NHRC, the Dalit and Women NHRCs and other national CSOs. This forum met twice to discuss implementation but a change in government led to the discontinuation of the initiative. Encouragingly, consultations took place between the government and civil society during the drafting of Nepal's second National Report. In the second cycle, all stakeholders, with the support of *UPR Info*, constructed an implementation plan containing SMART indicators for tracking implementation of recommendations. This was submitted to the MFA and followed-up with two consultative meetings with a host of government institutions. As a result, the government's second cycle implementation plan is more robust than their first cycle implementation plan.

The *Thai CSOs Coalition for the UPR* has noted a clear shift in the way that the government approaches them as a coalition compared to when they acted as individual organisations. In an unparalleled step, the government invited the coalition to present their views on the recommendations that Thailand received after their second UPR in May 2016. After the adoption of Thailand's UPR report in September 2016, a multi-stakeholder dialogue will bring together civil society and the government to establish the structure for cooperation in the implementation stage. It is hoped that this meeting will close the time gap between the UPR and the implementation process that slowed down progress in the first cycle.

The UPR has been successful in facilitating unprecedented dialogues between CSOs and government. In Thailand, the government appreciated the transparent approach employed by the coalition and their willingness to seek compromises and solutions to common issues. Multi-stakeholder dialogues establish a joint understanding between actors of their

respective needs, opportunities and challenges. This in turn constitutes an enabling baseline for continued cooperation.

### 3.2.4 Parliamentarians: underestimated allies for CSOs?

The *MHRN Forum* has worked extensively with parliamentarians with the objective of keeping the UPR on the agenda throughout the UPR cycles and making implementation more sustainable. To involve the parliament, the *MHRN Forum* linked the competencies of parliamentarians with UPR recommendations, including the adoption of the state budget and the parliamentary monitoring competencies. Hence, in 2013–2014, the *MNHR Forum* met with the Head of the Human Rights Subcommittee of the Parliament of Mongolia, the Heads of the Political Parties and several other Members of Parliament to inform how they can accelerate UPR implementation. In Nepal, *INSEC* is appealing to parliamentarians and the Parliamentary Human Rights Committee to be more attentive on the UPR and to bring up UPR recommendations for discussion in parliament. *INSEC* also provides parliamentarians with documentation on the UPR and the role of the parliament in promoting implementation of recommendations. *INSEC* deems that their advocacy has been successful and that parliamentarians are increasingly sensitive to human right issues.

It is clear that there is space for involvement of parliamentarians in the UPR and civil society needs to strengthen its cooperation with parliamentarians as they are in an ideal position to keep the UPR on the agenda of the legislative, executive and judicial branches of the state throughout the full UPR cycle. Ahead of the third cycle, more strategising is needed on how parliamentary groups and international organisations such as the Inter-Parliamentary Union and the Parliamentarians for Global Action can be involved in all stages of the UPR process.



### 3.2.5 CSO partnerships with National Human Rights Institutions

Together with the *National Human Rights Commission of Mongolia*, the *MHRN Forum* arranges a monthly “human rights breakfast”, each with a different human rights theme. This is an excellent opportunity to popularise human rights and raising awareness about the UPR. The event has been successful in attracting participants from outside the coalition, and even outside of the capital, to raise their human rights concerns. Journalists sometimes attend and the *MHRN Forum* considers extending invitations to government officials.

During the window between the first and second UPR cycle, the Government of India, and in particular the Ministry of External Affairs, was open to collaboration with civil society and the NHRIs. This space was seized by the *WGHR* to, for the first time, bring together India’s nine NHRIs which resulted in the *WGHR* and the NHRIs creating separate monitoring tools to track implementation of UPR recommendations. Going forward, the *WGHR* notes that it is important the NHRIs continue to liaise with civil society to strengthen their institutions. In neighbouring Nepal, the *National Coalition for the UPR*, employing the *INSEC* as its secretariat, works together with NHRIs to coordinate their UPR activities and strengthen cooperation with the government.

In Malaysia, the National Human Rights Commission has in the past facilitated consultations between the government and the CSO coalition *COMANGO*. While some commissioners are less keen on working with the coalition, one commissioner has been directly involved with the work of *COMANGO* prior to becoming a commissioner and the coalition hopes to utilise this as an entry point to cement fruitful cooperation. A similar case is reiterated in India where the member of the NHRC responsible for CSO consultations during the drafting of the NHRC submission to India’s third UPR cycle lacks a rapport with civil society due to insufficient experience working with human rights. The examples from Malaysia and India spotlight the importance that commissioners have a valid academic and professional background compounded with the integrity and willingness to act as independent bridge-builders between the government and civil society.

In Mexico, civil society regrets that the National Human Rights Commission fails to execute its mandate as an independent institution. In this light, *Center Prodh* argues that it would be a good idea to change the modalities of the UPR reporting so that civil society is not lumped together with the NHRC in the Stakeholder Report as it takes away space for independent voices to raise their concerns and incorrectly represents the role of the NHRC in the country. Incidentally, the Australian Human Rights Commission suggests that a separation of civil society and NHRI input into two reports could be a step towards increasing the impact of NHRIs in the UPR and emphasise their independent mandate.

In acting as bridge-builders between UPR stakeholders and facilitating dialogue between governments and civil society, NHRIs occupy an important role in the UPR. Their independent assessment of the human rights situation in the state is invaluable to the functioning of the mechanism.

### 3.2.6 UN agencies as drivers for CSO UPR engagement

Many CSO coalitions find that UN country teams (UNCT) can be allies in securing civil society space in the UPR by reminding governments about their legitimate role during national consultations both before and after the review. In India, the *WGHR* has been able to undertake UPR activities funded by the UN Country Representative’s independent fund. In Colombia and Panama, civil society organisations implement UPR recommendations in coalition with UN agencies and the government. The UNCT in a given state is however restricted by its mandate as enshrined in the United Nations Development Assistance Framework (UNDAF) signed between the UNCT and the government. In states where human rights are not a government priority, the UNDAF may not contain a strong human rights element, thus imposing limitations on the areas where the UNCT can collaborate with civil society.

Regardless of the degree to which the UNCT can move on human rights, it is critical that other UN agencies beyond OHCHR streamline the UPR in their working plans. For example, UN Women is well placed to engage with the government on recommendations pertaining to women’s rights, UNICEF with regard to recommendations on the rights of the child, and

UNHCR on recommendations relating to refugees and migrants, to mention a few. After both reviews, OSF Armenia cooperated with the United Nations Development Programme (UNDP) to bring together civil society and the government for a constructive dialogue on UPR implementation. In November 2015, the Ministry of Foreign Affairs in Armenia and UNDP, with the support of *UPR Info* and *OSF Armenia*, co-organised a Multi-Stakeholder Dialogue Day including over 15 government representatives and over 30 CSOs to discuss the implementation phase. UN agencies such as UNCHR, UNFPA and UNICEF were also present. Without the support of UNDP, the government and CSOs would most likely not have been brought together. The event demonstrated that the dialogue must continue with dedicated support from all UPR stakeholders.

### 3.2.7 Advocating for underrepresented issues at the UPR

The topic of a recommendation, as well as its quality,<sup>72</sup> impacts the potential for acceptance and subsequent implementation. While it is impossible to identify the exact impact that CSO advocacy has on what recommendations states are making, civil society notes a reluctance among states to raise new or emerging human rights issues in the UPR.

It is however noteworthy that, by invoking a comprehensive advocacy strategy, CSOs have succeeded in raising underrepresented issues in the UPR. Together with partner organisations, the Geneva-based organisation *Franciscans International* utilised the UPR, the Committee on the Rights of the Child (CRC) and the Human Rights Committee (HRC) to address the infanticide in Benin. In Benin's first<sup>73</sup> UPR, the Holy See made a recommendation on the issue, which was accepted. In 2010, *Franciscans International* travelled to Benin to organise a roundtable with UN agencies, the EU, CSOs and the government to raise awareness on the issue, and highlight the recommendation. This event triggered a host of awareness raising activities by *Franciscans International's* local partners. Ahead of Benin's second UPR in 2012, *Franciscans International* shifted focus from awareness raising to advocating for legislative measures such as criminalising ritual killings of so-called 'witch children' in the penal code. *Franciscans International* advocated for action-oriented recommendations and Benin received 14

recommendations related to ritual infanticide of children accused of witchcraft. In the first UPR of Benin, Denmark<sup>74</sup> raised an advanced question on ritual infanticide and the United Kingdom<sup>75</sup> raised the issue in an advanced question during Benin's second review. However, none of the states made any recommendations on the subject. *Franciscans International* assesses that their long-term advocacy on ritual infanticide in Benin has brought positive results. As no other CSO worked on this particular area *Franciscans International* assesses that their advocacy contributed to raising awareness of infanticide in Benin. A child code that had been advocated for by *Franciscans International* in cooperation with UNICEF was promulgated in December 2015 prior to the country's review under the CRC and the penal code containing an article on infanticide is currently being debated by the government.

Ahead of Thailand's first review, *Sexual Rights Initiative* (SRI) advocated for recommendations geared to improve the human rights situations of sex workers. Finland made a recommendation<sup>76</sup> on this topic that Thailand accepted. After the review, SRI partners have continued to interact with the government on providing services such as condoms, emergency contraception, and sexually transmitted infection checks.

As a part of the advocacy on the human rights of small-scale miners, members of the *MHRN Forum* utilised the *UPR Info* pre-session to inform the diplomatic community in Geneva about the issue. During the second UPR of Mongolia in 2015, Hungary<sup>77</sup> and Switzerland<sup>78</sup> made specific recommendations on the topic which were accepted by the government. As a follow-up, members of the *MHRN Forum* reiterated the need for implementation of these recommendations at a roundtable discussion with the donor and diplomatic community in Ulaan Bator.

### 3.2.8 Tools for CSO participation

**Implementation plans and action strategies.** Civil society as well as governments have utilised various tools to facilitate UPR reporting and implementation of recommendations. As previously mentioned, CSOs across Africa and Asia have drafted action strategies to map out how they can support implementation. To monitor implementation they have also created implementation plans containing all

recommendations their state received with corresponding actions expected of the governments and SMART indicators. An added value to the implementation plans is that they include similar recommendations made from other mechanisms such as regional institutions, the Treaty Body system or Special Procedures. CSO implementation plans have provided a foundation for discussion on implementation in countries such as Sierra Leone and Thailand and constituted a catalyst for national implementation plans in Mongolia, Nepal, and Kenya.

Organised by *UPR Info* and local partners, the multi-stakeholder dialogue on the implementation of UPR recommendations is an opportunity for civil society representatives and government officials to engage in an interactive dialogue and share their respective implementation strategies. All UPR stakeholders are invited to the dialogue including UN agencies, the NHRIs, parliamentarians and the media.

It is encouraging to note that the UPR has triggered best practices in the creation of monitoring tools and that these are shared among national CSO coalitions. Based on the *WGHR*'s monitoring framework,<sup>79</sup> *COMANGO* developed an implementation plan interweaving UPR recommendations with similar recommendations from Treaty Bodies and other state obligations. In Mongolia, the *MHRN Forum* developed monitoring indicators for each recommendation based on what CSOs expected from the government in terms of implementation. This document was submitted to the Head of the Human Rights Department within the MFA who predicted that at least 70% of the CSO expectations would be reflected in the government action plan for implementation of the UPR recommendations.

**Factsheets.** CSOs in Mongolia,<sup>80</sup> Thailand,<sup>81</sup> Australia,<sup>82</sup> Myanmar,<sup>83</sup> Moldova,<sup>84</sup> Uganda<sup>85</sup> and Venezuela have developed UPR advocacy factsheets to accompany submissions and participation in *UPR Info*'s pre-sessions, thereby increasing CSO influence in the UPR process. Typically, each thematic factsheet contain an assessment of implementation of recommendations since the previous cycle, an overview of the domestic legal framework, challenges in the area, and specific and action-oriented recommendations. The recommendations suggested in the factsheets constructed by the *Thai CSOs Coalition for the UPR* were proposed based on recommendations previ-

ously made by UN Treaty Bodies and Special Procedures, and make reference to the SDGs, increasing the likelihood that Recommending states would use them in the UPR of Thailand.

Factsheets support Recommending states to make relevant and action-oriented recommendations, compiling all information they need on a theme in a user-friendly manner. The State under Review also benefits from this constructive engagement by CSOs which speak with a uniform voice on a set list of priority concerns. Consequently, factsheets can facilitate UPR dialogue between local CSOs and the government at all stages of the UPR, paving the way for efficient and inclusive implementation.

**CSO mid-term reports.** CSO mid-term reports have accumulated a wealth of good practices such as basing reports on credible first-hand evidence; clustering of recommendations into thematic segments; reporting on both accepted and noted recommendations; assessing implementation on the levels of laws, practices and policies by fully implemented, partially implemented and not implemented and highlighting CSOs implementation efforts. *Americans for Democracy & Human Rights in Bahrain* published a mid-term report assessing progress on all recommendations that Bahrain received during its second UPR.<sup>86</sup> The *Irish Centre for Civil Liberties* produced a score-card invoking a traffic-light structure to take stock of progress at mid-term. In the document, a "green" recommendation marked implementation, "orange" indicated some progress whereas "red" marked an absence of implementation.<sup>87</sup>

**Databases.** Online databases for tracking implementation have been utilised by several organisations as it has the added advantage of making recommendations and corresponding implementation efforts, or lack thereof, available to the public. SRI developed a members-only database<sup>88</sup> which focuses explicitly on sexual and reproductive health rights issues addressed in national UPR reports and CSO submissions. Similarly, in Mali, the *Coalition Malienne des Défenseurs des Droits Humains* (COMADDH) created a public database to assess the implementation of recommendations.<sup>89</sup>

**NHRAPs and NMRFs.** It is widely acknowledged among UPR stakeholders that ad-hoc solutions to follow up and reporting in the UPR, and other UN

human rights mechanisms, fails to accommodate the openness, transparency and effectiveness required of a NMRF. The lack of a NMRF, in some instances compounded by an absence of a NHRAP has limited the potential of sustainable implementation of UPR recommendations. In this light, both the *WGHR* and *YRRN* will continue to encourage their respective governments to set up NMRFs as the mechanism facilitates inter-ministerial communications and cooperation between governments and CSO coalitions. To avoid the government making UPR implementation conditional upon funding, the *Thai CSOs Coalition for the UPR* has aligned their implementation plan to the government's upcoming fourth NHRAP, for which the government have secured funds. Moreover, the Thai government noted recommendations pertaining to the situation for refugees, but by aligning proposed steps for implementation with the objectives of the UNGA High-Level Meeting on Refugees and Migrants (September 2016), the coalition hopes to assist the government in strengthening the impetus for implementation. In the same vein, the *WGHR* endeavours to align their recommendations contained in their joint submissions for India's third UPR with the recommendations that OHCHR submits to the UN Compilation Report. The same approach served *INSEC* well in the implementation process of Nepal's second cycle UPR recommendations, particularly since *INSEC* was deeply involved in the preparation of the NHRAP. The Nepali NHRAP contains provisions on gender sensitive budgeting at district, municipal and village level which has the potential to achieve human rights improvements on the ground. Due to a knowledge gap at local decision making level of what gender sensitive budgeting really entails, *INSEC* has undertaken a series of awareness raising activities to provide clarity on the topic.

In the follow-up phase, CSOs draw on their accumulated expertise from working on human rights protection and promotion on a daily basis and use these experiences to provide input to implementation tools. When CSOs integrate the UPR into already ongoing activities, their engagement with the mechanism becomes more cost-effective and sustainable. SMART follow-up plans executed by CSO coalitions lend themselves as safeguards towards sustaining progress made by civil society in the UPR as they facilitate internal coordination. Moreover, these strategy documents will also serve the government as

an entry points for kick-starting the implementation process.

### 3.2.9 CSOs Linking the Sustainable Development Goals to the UPR

Together, the UPR and the SDGs create a powerful allegiance as a human rights-based approach to development provides a legally binding framework for implementation of the SDGs. First, implementation of the SDGs contributes to the realisation of a vast array of human rights. Second, by combining the political will secured in the UPR with the financial backing of the SDGs, a promising foundation for sustainable implementation of human rights and development goals can be achieved. As many UPR recommendations are directly related to the goals and targets of the SDGs, it follows that several of the SDG indicators set out to monitor implementation of the goals and targets also lend themselves as indicators for tracking implementation of UPR recommendations. To mention but one, the SDG target 5.3 *Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation* is not only phrased as a UPR recommendation but has two corresponding SMART indicators; 5.3.1 *Proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18*, and 5.3.2 *Proportion of girls and women aged 15–49 years who have undergone female genital mutilation/cutting, by age*. As there is seldom a pressing need to reinvent the wheel, these SMART indicators can be recycled to track implementation of the numerous UPR recommendations that call for an end to harmful practices.

To our best knowledge, no government has yet mainstreamed the SDGs into their UPR work. Hence much space remains to fully utilise the mutually reinforcing dynamic between the two elements. Nevertheless, through CSO implementation plans, steps are already underway among civil society in Nepal, India, and Malaysia. If the trend of successfully merging the development agenda with UPR recommendations continues to be championed by CSOs it adds a further incentive for states to replicate the procedure.

In a joint submission ahead of Armenia's second UPR cycle, CSOs drew on the Millennium Development Goals stating that "despite legislative guarantees provided by the Law on State Guarantees of Equal Rights and Opportunities for Men and Women, women comprise 10.69% of the parliament, much lower than



MDG targets.”<sup>90</sup> The need to secure women’s political participation is codified in SDG target 5.5 and its corresponding indicators.<sup>91</sup>

A chief objective of *Plan International’s 2016–2020 Global Influencing and Partnerships plan* is to increase government accountability for progress on child rights and gender related SDG commitments. To realise this goal *Plan International’s* United Nations Office in Geneva is piloting a monitoring approach that integrates SDGs with human rights in 10 countries coming up for UPR. Underpinning this project is a multi-sectoral and independent SDG tracker initiative that measures progress on the implementation of the SDGs that are particularly relevant for girls and women.<sup>92</sup> It is hoped that by linking existing international human rights mechanisms like the CRC, CEDAW and the UPR to monitor progress of the SDGs, it will raise the profile of the former and strengthen SDG accountability and implementation.

### 3.3 Other UPR stakeholders

This chapter begins by outlining the role of NHRIs in the UPR process. It provides insights into the UPR work of the Danish Human Rights Institution, the National Human Rights Commission New Zealand, the Equality and Human Rights Commission in the United Kingdom and the Human Rights Commission Sierra Leone. It then moves on to cover the effect of the UPR on UN agencies and how, particularly OHCHR, has utilised the UPR to promote human rights.

#### 3.3.1 National Human Rights Institutions

National Human Rights Institutions that adhere to their mandate as independent bodies play a critical role in all stages of the UPR. Ahead of the review, many NHRIs work as the bridge between CSOs and the government. Through their advocacy efforts, NHRIs are also suggesting recommendations to states. Some of their concerns will be aligned with those of civil society, creating a momentum for coalitions such as the Core Working Group on the UPR in Sierra Leone, created in the aftermath of the *UPR Info’s* pre-session in Geneva and comprises the Human Rights Commission of Sierra Leone (NHRI) and CSOs. Several of the recommendations suggested by the National Human Rights Commission of New Zealand (the NHRI) were subsequently recommended to New Zealand, both during the first

and second cycle,<sup>93</sup> including a recommendation by Burkina Faso to “Develop a new human rights action plan under the auspices of the New Zealand Human Rights Commission.” This recommendation in particular had far reaching effects as it resulted in the creating of an online public platform measuring the state’s compliance with UPR recommendations.

It is crucial that NHRIs participate in the follow-up to share their independent assessment of the progress of implementing recommendations and ensure that the process is inclusive of civil society. NHRIs are also at the forefront of promoting a human rights-based approach to the realisation of the SDGs, supporting implementation and identifying tools for sustainable cooperation between governments and civil society. The goal of this chapter is to share insights and lessons learnt from four NHRIs that can inspire other independent institutions to enhance their UPR engagement.

#### Danish Institute for Human Rights

The Danish Institute for Human Rights (DIHR), the only NHRI with an explicit mandate to promote human rights also outside of the state’s jurisdiction, is one of the key actors leading the process of merging the human rights doctrine with sustainable development. In its 2015–2017 International Strategy, Human Rights and Development is highlighted as a thematic focal area.<sup>94</sup> The DIHR’s *Human Rights Guide to the SDGs* illustrates synergies between SDG targets and human rights standards contained in a wide range of human rights instruments.<sup>95</sup> Anchored in the guide, the DIHR has produced in-depth publications on the SDG indicators<sup>96</sup> and the potential for a human rights-based approach to the follow-up and review of the 2030 Agenda for sustainable development.<sup>97</sup> These efforts have trickled down to DIHRs UPR work in several ways, including matching recommendations with the SDGs in their UPR submissions, thus highlighting the dual dynamic of the recommendations; improving human rights on the ground, and contributing to sustainable development.<sup>98</sup>

Working specifically on the UPR of Denmark, DIHR engaged with the Danish MFA, the government’s UPR focal ministry, and the Danish UPR Committee, a standing CSO committee of the Council of Human Rights under the Danish Institute of Human Rights, to ensure space for civil society in the preparation of

the second cycle National Report. The Danish UPR Committee works on UPR reporting and lends itself as an entry point for civil society to the MFA. Consultations took place in four major cities in Denmark, each with a specific heading: discrimination, vulnerable groups, surveillance and privacy, rule of law and public administration. The themes functioned as triggers to broader discussions with present stakeholders. As a complement to the public hearings, DIHR launched the e-initiative *My Opinion*, to which civil society and individuals could input to the Danish UPR process. *My Opinion* received a total of 215 emails, which surpassed the expectations of the institution. DIHR also had a hearing with the Department of Foreign Affairs and Council for Human Rights in Greenland. Following the consultations, a summary of all the hearings was published on the website of the institution. As a follow-up, CSOs were encouraged to issue joint submissions. Ahead of Denmark's second UPR, the DIHR also brought together CSOs for a workshop sharing best practices on CSO submissions to the UPR, stressing the need for SMART recommendations and reference to outputs from other human rights mechanisms. In parallel, the DIHR issued an independent UPR submission.

### National Human Rights Commission New Zealand

The legislation establishing the National Human Rights Commission of New Zealand mandates the Commission to produce the National Human Rights Action Plan (NHRAP). The first NHRAP that the Commission produced failed to be adopted by the government. Learning from this experience, the Commission aligned the second NHRAP with second cycle UPR recommendations and created a public online tool monitoring implementation. Here, all UPR recommendations and government's corresponding actions to ensure implementation are made available to the public. This way, the NHRAP taps into what the different ministries are already doing and holds them to account for what they have promised to do through the UPR, thereby avoiding the process of adoption that stalled progress in the first NHRAP. In drafting the mid-term report, the Ministry of Justice will utilise the NHRAP to set out the actions that it has taken in response to the UPR. This process is foreseen to further deepen the relationship between the commission and the government.

The Samoan Ombudsman's Office is currently developing their own NHRAP database prototyped on the one developed by the Commission. The Samoan version will enable ministries to update it with their actions corresponding to implementation of human rights obligations. After piloting this feature in Samoa, the Commission will consider opening up a back channel for ministries in New Zealand to allow them to provide input to the online NHRAP. The Commission will however remain the entity that publishes their contributions, acting as an impartial gatekeeper. It also hopes to bring in the SDGs and Treaty Body observations to the NHRAP before the beginning of the third UPR cycle. Ahead of the third review of New Zealand, the Commission is encouraging civil society to use the NHRAP to assess implementation gaps and to address these in their submissions.

The NHRC of New Zealand engages with civil society in issue-specific roundtables ahead of the states' reviews in UN human rights mechanisms. One focus of the meetings is to identify gaps in the NHRAP and to develop strategies to address those shortfalls. This is supplemented by ongoing educational efforts with CSOs and parliamentarians to show how to practically use the NHRAP to accelerate implementation of human rights obligations. From the side of the government, it is committed to making the UPR processes a collaborative exercise and the Commission has relatively easy access to government officials. It has also interacted with the EU delegation and other embassies in Wellington, for example through an in-country pre-session and presentations on the NHRAP.

CSOs were however disappointed when a year of constructive UPR consultations, led by the Ministry of Foreign Affairs and Trade, ended after the review. Due to the lack of a high-level multi-stakeholder NMRF, the dialogue between the government and civil society has suffered, illustrated by their approach to SOGI in the implementation process. Although the government of New Zealand received no SOGI recommendations, the government pledged during the review in Geneva to take action on related civil society concerns. However, once back in Wellington, no government official knew who was supposed to be in charge of this work. While the Ministry of Foreign Affairs and Trade was well acquainted with the issue and made the pledge during the review, the Ministry of Justice

and other agencies, tasked with implementation, did not have the same knowledge, commitment or resources, so the pledge had been unsuccessful in triggering implementation. The NHRAP exposed this gap and the Commission consulted government officials and CSOs working on the issue. As a result, the Ministry of Health is moving towards establishing a specialist advisory group on the circumstances for intersex people. The NHRAP has been a driver for multi-stakeholder discussions involving the Commission, government and civil society. The Commission will continue to build on this success by encouraging all actors to use the NHRAP to extract information, prepare reporting and to advance partnerships.

### Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) in the United Kingdom convenes quarterly meetings of the Treaty Monitoring Working Group that consists of representatives from UK government departments, the UK parliament Joint Committee on Human Rights, the National Preventative Mechanism, and the EHRC respectively. The Scottish Human Rights Commission and Northern Irish Human Rights Commission participate in the Working Group once a year to discuss issues pertinent to their jurisdictions, as well as maintaining their own relationships with the UK and devolved governments. The body, established during the second UPR cycle, is the primary forum for government and relevant accountability mechanism discussions on reporting and implementation of human rights issues reserved to the UK Government. The EHRC is endeavouring to establish terms of reference for the group to formalise working methods and increase accountability.

There is a consensus between the EHRC and the Joint Committee on Human Rights to hold to account the government departments responsible for gaps in the implementation of international commitments and to advocate for and support progress. From the perspective of the EHRC, it is necessary that the group remains a confidential forum for government officials to be comfortable in having free and frank conversations about implementation. This forum is especially important considering that the UK government is yet to create a formal implementation plan. At the UK's review by the Committee on the Rights of the Child in 2016 the delegation of the Department for Education

entertained the idea of developing a follow-up plan to concluding observations. It shows that there is interest at a departmental level, which could be used as a lever to encourage a systematic and sustainable cross-government approach to the implementation of UN recommendations.

In terms of consultations, the UK government held online and face to face consultations for the second mid-term review, an initiative which had significant support from the then Minister of Justice. In preparation for the third cycle, stakeholder consultations on the UPR were held in each of the UK's four countries in October 2016.

According to the EHRC, one of the biggest benefits of the UPR is the exposure of the United Kingdom's human rights record at the international level. Since the United Kingdom wants to maintain a solid international reputation, particularly as a member of the Human Rights Council, it pays significant attention to the state-driven UPR. Nationally, the UPR has proved useful to pin human rights on the agenda of the UK government. The Commission is working with the Joint Committee on Human Rights to ensure that parliamentarians increasingly engage with the mechanism, which should further raise the UPR's domestic profile.

### Human Rights Commission Sierra Leone

Sierra Leone was reviewed in 2011 and the Human Rights Commission of Sierra Leone (HRCSL) reached out to the Network of African National Human Rights Institutions and the Global Alliance of National Human Rights Institutions (GANHRI, formerly ICC) to collect information on how NHRIs can engage with the process. The Commission engaged CSOs by supporting them in the UPR process and specifically to submit thematic reports. HRCSL also worked with the government to strengthen their capacity to write the National Report, and also took part in the government consultations. The Commission submitted a report and attended the UPR of Sierra Leone. At the mid-term stage of the first cycle, the HRCSL together with the government and civil society arranged with financial support from the OHCHR and UNDP a conference to assess implementation and build consensus on the way forward to the second cycle review. The conference adopted an outcome resolution calling on the state to establish a National UPR Coor-

dination Working Group to coordinate the implementation process. The resolution also adopted a matrix as both a monitoring tool to assess progress and an action plan for implementation during the second half of the first cycle. However, implementation of first cycle recommendations was severely undermined, in part due to the need for certain recommendations to be subject to constitutional review and also due to the Ebola outbreak.

HRCSL took leadership during the second cycle review and worked with CSO on development of their reports in parallel to also submitting on behalf of the Commission. Together with CSOs, the HRCSL participated in UPR Info's Sierra Leone pre-session ahead of the state's second review. The participants created a UPR coalition, the Core Working Group on the UPR, which subsequently cooperated with *UPR Info* in the follow-up phase. This involved developing implementation plans, action strategies as well as conducting a multi-stakeholder dialogue with the government on inclusive UPR implementation in August 2016.<sup>99</sup> The adopted Letter of Cooperation from the dialogue calls, *inter alia*, on the government to reinvigorate the inter-ministerial UPR committee.<sup>100</sup> The UPR has assisted the HRCSL to establish fruitful and transparent cooperation with the Ministry of Justice through its Justice Sector Coordination Office tasked to spearhead the government's UPR involvement. This has contributed to finding a common ground between the HRCSL, civil society and the government. As a result, the UPR has enabled all actors to move away from the mistrust between stakeholders that tainted the first cycle. Moreover, the Commission has supported the creation of a Human Rights Network of Journalists geared towards systematic and coordinated reporting on the human rights situation in the country including holding the government accountable for its human rights obligations.

### 3.3.2 UN agencies

Considering that the broad scope of UPR recommendations, implementation often corresponds with the mandate of UN agencies such as UNICEF, UNHCR, UN Women and WHO. Consequently, effective and inclusive implementation of UPR recommendations should be a priority for UN agencies at both the international and domestic levels.

Since the inception of the UPR, OHCHR has been involved in both the substance and process of the UPR and constitute a natural supporter of the mechanism and its stakeholders. Since 2014, OHCHR funds national UPR officers in the office of the United Nations Resident Coordinator tasked with integrating UPR recommendations in UN Country Team (UNCT) programs. This project has been piloted in six countries in Latin and South America; Ecuador, Uruguay, Peru, Chile, Argentina and Brazil.<sup>101</sup> OHCHR has also identified the need to strengthen the involvement of parliamentarians in the UPR process to make implementation sustainable. To this end, OHCHR and the Inter-Parliamentary Union co-organised four regional seminars between 2013 and 2014 for parliamentarians to share their practices on how they have engaged with the various stages of the UPR. Such good examples included addressing UPR implementation at parliamentary debates and engaging in the drafting of the National Report.

According to the Chief of the Americas, Europe, and Central Asia Branch in the Field Operations and Technical Cooperation Division of OHCHR, the UPR is the main entry point to other recommendations from the international human rights mechanisms. Once a state has received recommendations from two UPR cycles, Treaty Body concluding observations and visits by Special Procedures mandate holders are thematically clustered, they become the x-ray of what needs to be done in order to ensure greater compliance with the legal obligations countries have entered into by ratifying treaties or political commitments they have made in the UPR.

In this light, the OHCHR Regional Office for South-East Asia enhanced the capacities of the UNCT in the Lao People's Democratic Republic and Thailand to strengthen UPR follow-up and reporting in the respective state. In taking a human rights-based approach to development, the UNDAFs of these states include provisions on multi-stakeholder implementation of UPR recommendations.<sup>102</sup> OHCHR has also assisted governments in developing human rights indicators to track implementation of recommendations from the UPR, Special Procedures and Treaty Bodies. These indicators sharpen inter-ministerial coordination and aid governments to monitor and report on state institutions' compliance with their human rights duties.<sup>103</sup>

A Human Rights Officer at OHCHR Regional Office for South-East Asia notes that the office engages with governments ahead of the states' UPR review to encourage them to make voluntary commitments on key human rights issues. After the UPR, it not only engages on the recommendations that were accepted by the state but also engages for government action on noted recommendations which relate to OHCHR priority areas. As the UPR process allows the states to declare what commitments they want to make to improve their human rights situation, the government sees it as a more acceptable process in terms of engaging with the international community for promotion of human rights.

The Officer also highlights that the procedure of submitting information to the UN Compilation Report triggers discussions within the UNCT on human rights issues. As an example, in Thailand, the UN Resident Coordinator's Office with the contribution from the UN agencies in the country prepared the UNCT contribution report to the UPR process. The UNCT contribution report contains information on issues that the UN agencies had engaged in with the government, and issues that it will focus on in the coming years. The report also included practical recommendations on how the human rights concerns could be addressed. OHCHR contributed to this process and provided technical support to the UNCT.

The advent of the UPR also prompted internal developments at the OHCHR. The Chief of the OHCHR UPR branch notes that the UPR has contributed to a paradigm shift in the field where previously human rights were seen by the UN family as being strictly within the domain of OHCHR, to a greater appreciation of human rights as a priority for the entire UNCT. OHCHR also supports the idea that the UPR has opened a window of opportunity for UN agencies who traditionally have not explicitly engaged on human rights. Due to the scope of human rights addressed in the UPR, an increasing number of UN agencies can appreciate the usefulness of employing the UPR as a lever in their discussions with national and regional authorities.

This way, implementation of UPR recommendations is mainstreamed among all UN agencies under the umbrella of a UNCT, which assists agencies in achieving their objectives set out in the UNDAF. One expected accomplishment is the support that OHCHR provides to governments in setting up NMRFs and human rights implementation plans, and ensuring that they include SMART indicators, commitment from the highest political level and meaningful space for CSO consultations. An effective NMRF is a prerequisite for UPR recommendations to be mainstreamed systematically in national development processes and in action plans of all ministries.

As noted by the OHCHR UPR branch, NMRFs support the government in being more specific when requesting capacity building assistance from OHCHR as a SMART implementation plan identifies capacity and implementation gaps and enables the state to ask for concrete technical support on specific areas. OHCHR can fulfil these requirements in a better way when the UNDAF contains a strong component of implementation of the requirements and recommendations from all UN human rights mechanisms.

The Chief of the Human Rights Treaties Branch of the OHCHR notes that the UPR is another avenue for outcomes of the Treaty Bodies to be used, stating that it is an excellent follow-up exercise to the observations of the Treaty Bodies. This includes UPR recommendations calling for ratification of treaties and submission of outstanding reports. UPR documentation is moreover included in the background materials provided to Treaty Body experts ahead of state reviews. Other examples of cross-fertilization in the UN human rights machinery include UPR recommendations calling for standing invitations to Special Procedures mandate holders and the Universal Human Rights Index.<sup>104</sup>

# A checklist for successful UPR engagement

The checklist contained in this penultimate chapter extracts good practices from the previous chapters. Based on *UPR Info*'s experience of tried and tested formulas of UPR engagement, the checklist provides an 'at a glance-guide' for sustainable and successful interaction with the UPR.

## 4.1 State under Review

- ✓ In general, it is a good idea to leave all recommendations pending until the adoption stage to facilitate inter-ministerial dialogue and discussion with civil society on the status of recommendations, increasing the likelihood for sustainable implementation.
- ✓ Respond clearly to all recommendations in the UPR Working Group Report by either noting or accepting them. If a recommendation contains more than one action, the state should split it and clarify which section it accepts or notes.
- ✓ Report to the Human Rights Council one year after the UPR on the implementation status of five recommendations; submit a mid-term report to the Human Rights Council taking stock of progress; report on all received recommendations, accepted and noted, in the National Report.
- ✓ Establish a permanent National Mechanism for Reporting and Follow-up consisting of ministerial focal points with a clear mandate to consult with all UPR stakeholders. To be effective, the NMRF needs to be equipped with a database that is regularly updated and inclusive of all human rights recommendations received from regional and international mechanisms, including the Sustainable Development Goals and related goals and targets. The public database should contain SMART indicators against which progress made in implementing recommendations is assessed.
- ✓ Consult, every six months, with an inclusive and diverse scope of CSOs to allow space for civil soci-

ety guidance on implementation of recommendations including updating them on progress and addressing their concerns. In order to ensure that CSOs are brought on board as key implementation partners and their information and concerns are included in reporting, the government and/or the NMRF should initiate consultations.

- ✓ Develop a National Human Rights Action Plan (NHRAP) to identify ministries responsible for implementation and to establish SMART indicators to measure implementation. The plan, inclusive of recommendations received from all regional and international human rights mechanisms including the SDGs, should be developed by the government and the NMRF in collaboration with the NHRI and civil society.

## 4.2 Recommending states

### In Geneva

- ✓ Make precise and action-oriented recommendations by employing the SMART method tied, whenever possible, to ongoing bilateral initiatives.
- ✓ Submit advance questions on the progress of implementation as it increases the likelihood of the State under Review addressing developments since the previous review.
- ✓ Refer to previous recommendations if no action has taken place by recycling recommendations, adding the language "as previously recommended".
- ✓ Utilise Human Rights Council Item 6 General Debate to ask about steps taken to implement recommendations as it provides an organic platform for follow-up.
- ✓ Use the adoption stage to obtain clear responses to recommendations, details on implementation plans and to offer technical assistance and South-South cooperation.

#### At the national level

- ✓ Continue the bilateral dialogue with the State under Review at the national level to ensure effective, inclusive and sustainable implementation of recommendations.
- ✓ Support civil society financially to ensure that they have the means to carry out their UPR activities.
- ✓ Support civil society politically to ensure that they are free to work on the UPR and are regularly consulted by the government.

#### 4.3 Civil society organisations

- ✓ Work in coalitions to maximise impact, knowledge and resources. Speaking with one uniform voice increases the likelihood of establishing a partnership with the government.
- ✓ Engage with all UPR stakeholders, including states, parliamentarians, NHRIs, media and UN agencies.
- ✓ Refer to first-hand information in all written and oral interventions to the UPR. Such evidence illustrates the invaluable contributions of CSOs to the mechanisms and is a lever in dialogues with UPR stakeholders.
- ✓ Develop a SMART UPR strategy document outlining expectations on the state and how CSOs can support the government in the implementation process. This way CSOs can move beyond its watchdog role to utilise its expertise as an implementing partner.
- ✓ Raise awareness of UPR recommendations and government commitment at the national level to close the information gap between the Geneva stages of the UPR and the domestic implementation phase.
- ✓ Submit joint and individual mid-term reports to ensure that the voices and concerns of civil society are brought to international attention.
- ✓ Translate recommendations into local languages.
- ✓ Organise in-country pre-sessions 2 months before the review in Geneva.

#### 4.4 National Human Rights Institutions

- ✓ Participate in, or when necessary advocate for, national consultations before, during and after the UPR to encourage multi-stakeholder cooperation throughout the cycle. Participate as a co-organiser to ensure broad-based invitations of CSOs, consultations at locations beyond the capital, and that CSO concerns are taken on board in government reports.
- ✓ Raise awareness of UPR recommendations and government commitment at the national level to close the information gap between the Geneva stages of the UPR and the domestic implementation phase.
- ✓ Support the effective functioning, or establishment, of the National Mechanism for Reporting and Follow-up.
- ✓ Monitor and report on UPR implementation by submitting individual mid-term reports to ensure an independent assessment based on first-hand evidence of implementation of UPR recommendations.

#### 4.5 Parliamentarians

- ✓ Engage in, or create if not existing, an All-Party Parliamentary Human Rights Committee to raise awareness both within the parliament and with constituencies about the state's human rights obligations and the progress of realising UPR recommendations.
- ✓ Request updates on implementation of UPR recommendations during parliamentary debate sessions to keep the UPR on the government's agenda throughout and between UPR cycles.
- ✓ Get involved in the drafting process of the National Report and ensure consultations with civil society.
- ✓ Insist in inclusion of parliamentarians in state delegation participating in the Geneva stages of the UPR, as well as in the process of deciding the status of received recommendations.
- ✓ Consult with national and international civil society to address their human rights concerns.
- ✓ Engage in global human rights promotion and protection through organisations such as the Inter-Parliamentary Union and the Parliamentarians for Global Action.

#### 4.6 United Nations agencies

- ✓ Incorporate UPR recommendations into United Nations Development Assistance Framework (UNDAF) and Common Country Programming to ensure that implementation is mainstreamed throughout the entire UN country team.
- ✓ Contribute to closing the gaps between Agenda 2030 and the human rights doctrine by ensuring that a human rights-based approach is employed in all development activities.
- ✓ Support the government to establish a NMRF and a national action plan for human rights according to the criteria outlined in chapter 5.1
- ✓ Ensure that civil society is frequently consulted, their concerns taken on board and that they are free to carry out their monitoring and implementing activities without fear of reprisals, by providing political and financial support to CSOs and CSO coalitions.

#### 4.7 Journalists

- ✓ Establish a national Human Rights Network for Journalists to maximise coverage, knowledge and resources of human rights reporting.
- ✓ Work through all available platforms including written media, TV, radio, town hall meetings and social media.

- ✓ Provide timely information to the public on government commitments made during the Geneva stages of the UPR. The UPR is broadcasted live online.
- ✓ Monitor implementation progress as well as meaningful inclusion of civil society in the UPR process. Report on both success stories and shortcomings of all UPR stakeholders.
- ✓ Hold the government accountable for compliance with its human rights duties. Join CSO coalitions in order to support implementation of recommendations on freedom of the press.

#### 4.8 Academics

- ✓ Conduct research on the human rights improvements resulting from implemented UPR recommendations to highlight the successes of the mechanisms and to identify shortfalls.
- ✓ Ensure that findings are shared in a variety of mediums to increase the public's knowledge of the UPR.
- ✓ Establish human rights classes analysing the UPR, barely studied by scholars.



# Conclusion

The UPR has established itself as an effective tool for national multi-stakeholder dialogue on human rights and development. Just like culture, value systems and traditions, the domestic human rights situation is never constant but always changing. The inherent solution-oriented modalities of the UPR have facilitated discussions on these themes by providing an unprecedented platform for common understanding between national actors.

The UPR does work. Halfway through the first UPR cycle, 55% of accepted recommendations and 19% of noted recommendations were either partly or fully implemented. This illustrates that the UPR is delivering on its promise to improve human rights on the ground. Like no other international human rights mechanism, the UPR has succeeded in gaining the political support of all UN Member States. Due to the ability of the UPR to provide a periodic x-ray of the human rights situation in states, states may consider to align their overall human rights engagement with the UPR. The increase of NMRFs and national action plans is another encouraging sign of an increasing number of states taking sustainable implementation seriously, thus contributing to the effectiveness of the mechanism. Tools like these streamline reporting

and follow-up, not only in the UPR, but on all human rights obligations of the state.

CSOs have seized the opportunity given by the UPR to show their government that they are credible partners willing to compromise and take responsibility to advance the national human rights situation. Civil society is often at the forefront of starting the implementation process by presenting the government with strategy documents containing SMART indicators for monitoring implementation. Grassroots CSOs have also proved that they are able to support the government in fulfilling UPR recommendations. In order to safeguard the UPR activities of CSOs in a sustainable manner, it is of paramount importance that the diplomatic and donor community bolster political and financial support, particularly for grassroots CSOs engaged in the follow-up phase.

In the third cycle, implementation must be at the helm of UPR deliberations. Directly linked to this is the need for Recommending states to urgently upgrade all of their recommendations to action-oriented recommendations and reiterate them in the next review if they have not been implemented. This is the only way to guarantee a stronger correlation between implementation of UPR recommendations



and improvement of human rights on the ground. It is unworthy of the UNs principal human rights mechanism to be undermined by vague recommendations aimed at weakening the mechanism. When under review, states must move away from citing a lack of resources and the number of recommendations as justifications for failing to implement recommendations. The objective of the UPR Voluntary Fund is to support implementation and states working through NMRFs testify that once clustered, the actions needed to ensure implementation becomes manageable. There is no room in the third cycle for lacklustre participation, or worse, persistent non-cooperation.

Moving forward, the UPR is also a promising driver for merging the SDGs with human rights implementation as they are mutually reinforcing. Some states have already included recommendations from Treaty

Body and Special Procedure recommendations in their national action plans, incorporating SDG goals, targets and indicators would make these instruments even more robust. This mutually reinforcing dynamic should be fully utilised in the third cycle.

The UPR has demonstrated its usefulness in spreading universal human rights norms across the globe. To sustain progress and allow the mechanism to reach its full potential, all UPR stakeholders have a responsibility to ensure sustainable implementation of UPR recommendations. The present study demonstrates the need to move beyond promises and to learn from human rights advocates active on the local, domestic and international levels. This way, the butterfly effect created by the UPR can contribute to human rights improvements in all corners of the world.

# Endnotes

- 1 For an overview on the action categories of UPR recommendations, please see: UPR Info, *Beyond Promises*, 2014, pp. 21–25. Online:  
[https://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)
- 2 Session 13 to 18
- 3 Session 19–24
- 4 Based on the action category constructed by Professor Edward McMahon. Online:  
[https://www.upr-info.org/database/files/Database\\_Help\\_Guide.pdf](https://www.upr-info.org/database/files/Database_Help_Guide.pdf)
- 5 For a comment on the opportunities and constraints CSOs face in acquiring funds for their UPR activities, please see chapter 3.2.
- 6 UPR Info, *Beyond Promises*, 2014, p. 5 Online:  
[https://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)
- 7 *Recommended that marital rape, child abuse and domestic violence be criminalized, perpetrators are prosecuted and sanctioned, human rights training be provided for officials dealing with instances of domestic violence and child abuse, and that child-sensitive procedures be adopted during criminal proceedings involving children*
- 8 *Ensure that domestic violence is properly punished and victims, including those of marital rape, are properly protected*
- 9 <http://english.yonhapnews.co.kr/national/2013/05/16/3/0302000000AEN20130516003100315F.HTML>
- 10 <http://lib.ohchr.org/HRBodies/UPR/Documents/Session13/FI/FinlandImplementation2.pdf>, 2014, p. 9
- 11 <http://tgeu.org/more-equality-for-trans-persons-in-finland/>
- 12 *Recommended that a national commission on human rights be established in accordance with the Paris Principles in fulfilment of its voluntary pledges*
- 13 *Recommended that a national commission on human rights be established in accordance with the Paris Principles*
- 14 *Recommended that a national commission on human rights be established in accordance with the Paris Principles*
- 15 [https://www.upr-info.org/sites/default/files/document/burkina\\_faso/session\\_16\\_-\\_april\\_2013/ahrcwg.616bfa1burkinafasoe.pdf](https://www.upr-info.org/sites/default/files/document/burkina_faso/session_16_-_april_2013/ahrcwg.616bfa1burkinafasoe.pdf), paras. 9, 64
- 16 <https://www.article19.org/resources.php/resource/37717/en/tajikistan:-media-law>
- 17 [https://www.upr-info.org/sites/default/files/document/czech\\_republic/session\\_14\\_-\\_october\\_2012/czechrepublic\\_midterm\\_2015.pdf](https://www.upr-info.org/sites/default/files/document/czech_republic/session_14_-_october_2012/czechrepublic_midterm_2015.pdf), paras. 40–41
- 18 Namibia mid-term report, p.10  
[https://www.upr-info.org/sites/default/files/document/namibia/session\\_10\\_-\\_january\\_2011/namibia\\_midterm\\_2013.pdf](https://www.upr-info.org/sites/default/files/document/namibia/session_10_-_january_2011/namibia_midterm_2013.pdf)

- 19 [https://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=oahUKEwiKubP\\_y9XPAhUFshQKHXT\\_DqEQFggjMAE&url=http%3A%2F%2Fwww.ditshwanelo.org.bw%2FFINAL%2520Civil%2520Society%2520Universal%2520Periodic%2520Review%2520\(UPR\)%2520Mid-Term%2520Report.docx&usg=AFQjCNG8qnvN8r7-3CZBB8dNaJNPPlkkZA&sig2=YF35sd9XWgine5qLdZrYBg](https://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=oahUKEwiKubP_y9XPAhUFshQKHXT_DqEQFggjMAE&url=http%3A%2F%2Fwww.ditshwanelo.org.bw%2FFINAL%2520Civil%2520Society%2520Universal%2520Periodic%2520Review%2520(UPR)%2520Mid-Term%2520Report.docx&usg=AFQjCNG8qnvN8r7-3CZBB8dNaJNPPlkkZA&sig2=YF35sd9XWgine5qLdZrYBg)
- 20 <http://www.mmegi.bw/index.php?aid=57995&dir=2016/february/23>
- 21 [https://www.upr-info.org/sites/default/files/document/botswana/session\\_15\\_-\\_january\\_2013/botswana\\_mid-term\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/botswana/session_15_-_january_2013/botswana_mid-term_2016.pdf), p. 34
- 22 <http://www.mmegi.bw/index.php?aid=63643&dir=2016/october/07>
- 23 *Bring its legislation into conformity with its commitment to equality and non-discrimination, by prohibiting discrimination based on sexual orientation or gender identity*
- 24 *Bring its Criminal Code into conformity with its international commitments by taking appropriate steps to ensure that same-sex activity between consenting adults is not subject to criminal sanctions*
- 25 *Confirm its commitments to equality and non-discrimination by decriminalizing consensual sexual relations between adults of the same sex as well as any discriminatory provisions with respect to lesbian, gay, bisexual and transgender persons*
- 26 *Repeal all provisions in its domestic law criminalizing consensual sexual activity between adults of the same sex and combat discrimination against lesbian, gay, bisexual and transsexual persons through political, legislative and administrative measures*
- 27 <http://www.seychellesnewsagency.com/articles/5198/Seychelles+parliament+passes+bill+to+decriminalize+sodomy>
- 28 <http://www.seychellesnewsagency.com/articles/4702/Seychelles'+parliament+to+consider+decriminalising+homosexuality+in+>
- 29 UPR Info, *Beyond Promises*, 2014. Online:  
[https://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)
- 30 <https://www.upr-info.org/en/news/upr-info-asia-supports-thai-csos-engaging-with-the-royal-thai-government-to-inform-its-state-o>
- 31 (1) Administration of Justice & Freedom of Expression; (2) Right to Privacy; (3) Right to Life (torture, enforced disappearances); (4) Right to Health; (5) People living with HIV & Key-affected Women; (6) Migrant Rights; (7) Land Rights & Natural Resources; (8) Human Rights Situation in the South; (9) LGBTI Community; (10) Indigenous People; (11) Refugees, Asylum Seekers, Stateless Persons, Human Trafficking; (12) Rights of the Child; (13) People Living with Disabilities; and (14) Older Persons Rights.
- 32 <https://www.upr-info.org/en/news/supporting-the-formation-of-the-thai-csos-coalition-for-the-upr>
- 33 <https://www.upr-info.org/upr-process/pre-sessions>
- 34 <https://www.upr-info.org/en/news/thai-voices-from-the-ground-pre-sessions-on-thailand-held-in-bangkok>
- 35 [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_-\\_thailand2016-en.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-en.pdf)
- 36 <https://www.upr-info.org/en/news/thailand-from-the-review-to-the-upr-follow-up-phase-with-the-thai-csos-coalition-for-the-upr>
- 37 [https://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_-\\_thailand2016-en.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-en.pdf)

- 38 <http://www.mre.gov.py/mdhpy/Buscador>
- 39 Poverty, Institutional Strengthening / LGBT, Persons Deprived of Liberty, Indigenous Peoples / Afro-descendants / Migrants, Children and teenagers, Women, People with disabilities / Older Persons.
- 40 <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/220/24/PDF/G1522024.pdf?OpenElement>
- 41 <http://www.ohchr.org/EN/HRBodies/UPR/Documents/RES-6.17.pdf>
- 42 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRFundParticipation.aspx>
- 43 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRVoluntaryFundFinancialAndTechnicalAssistance.aspx>
- 44 [http://www.upr-info.org/sites/default/files/general-document/pdf/a\\_hrc\\_res\\_5\\_1\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/a_hrc_res_5_1_e.pdf)
- 45 <http://s.upr-info.org/2cycgUV>
- 46 Committee on the Rights of the Child (2011); Committee on the Elimination of Racial Discrimination (2010), Human Rights Committee (2008).
- 47 A syncretistic religion that mixes Christian beliefs with animism.
- 48 The tab How to participate on *UPR Info*'s website offers an entry point for practical suggestions on interaction with the UPR: <https://www.upr-info.org/>
- 49 [http://www.upr-info.org/sites/default/files/general-document/pdf/a\\_hrc\\_res\\_5\\_1\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/a_hrc_res_5_1_e.pdf), para. 15(a)
- 50 Ministry of Foreign Affairs (Chair) President's Office Ministry of Home Affairs Ministry of Health and Family Ministry of Education Ministry of Human Resources, Youth and Sports Attorney General's Office Maldives Police Service Human Rights Commission of the Maldives Care Society (NGO) Hand-in-Hand (NGO) Transparency Maldives (NGO) Maldives Detainee Network (NGO) UN Resident Coordinator's Office (Observer).
- 51 [https://www.upr-info.org/sites/default/files/document/maldives/session\\_9\\_-\\_november\\_2010/ahrcwg.69mdv1rev.1maldives.pdf](https://www.upr-info.org/sites/default/files/document/maldives/session_9_-_november_2010/ahrcwg.69mdv1rev.1maldives.pdf)
- 52 <https://www.upr-info.org/en/news/denmark-accepts-20-new-recommendations-mid-term>
- 53 <https://www.vlada.cz/en/pracovni-a-poradni-organy-vlady/>
- 54 [http://www.ohchr.org/Documents/Issues/HRIndicators/A-HRC-27-41\\_en.pdf](http://www.ohchr.org/Documents/Issues/HRIndicators/A-HRC-27-41_en.pdf), p. 8
- 55 <http://npa.hrc.co.nz>
- 56 <http://www.mre.gov.py/mdhpy/Buscador/Home>
- 57 [https://www.upr-info.org/sites/default/files/document/mali/session\\_15\\_-\\_january\\_2013/a\\_hrc\\_wg.6\\_15\\_mli\\_1\\_e.pdf](https://www.upr-info.org/sites/default/files/document/mali/session_15_-_january_2013/a_hrc_wg.6_15_mli_1_e.pdf)
- 58 [https://www.upr-info.org/sites/default/files/document/sri\\_lanka/session\\_14\\_-\\_october\\_2012/ahrcwg.614lka1e.pdf](https://www.upr-info.org/sites/default/files/document/sri_lanka/session_14_-_october_2012/ahrcwg.614lka1e.pdf)
- 59 [https://www.upr-info.org/sites/default/files/document/colombia/session\\_16\\_-\\_april\\_2013/ahrcwg.616col1colombiaannexivs.pdf](https://www.upr-info.org/sites/default/files/document/colombia/session_16_-_april_2013/ahrcwg.616col1colombiaannexivs.pdf)
- 60 [https://www.upr-info.org/sites/default/files/document/south\\_africa/session\\_13\\_-\\_may\\_2012/a\\_hrc\\_wg\\_6.13.zaf\\_1\\_annex1.pdf](https://www.upr-info.org/sites/default/files/document/south_africa/session_13_-_may_2012/a_hrc_wg_6.13.zaf_1_annex1.pdf)
- 61 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>

- 62 *First cycle: That the principles of governance set out in the Universal Declaration of Human Rights are applied, as they are key to the sustainable management of natural resources, such as protected rainforests, and essential to the realization of fundamental economic, social and cultural rights. Second cycle: Apply broadly the principles of governance set out in the Universal Declaration of Human Rights, as they are key to the sustainable management of natural resources, such as protection of rainforests, and essential to the realization of fundamental economic, social and cultural rights, as recommended previously*
- 63 <https://www.norad.no/en/front/countries/africa/madagascar/>
- 64 UPR Info, Starting all over again? An analysis of the links between 1st and 2nd cycle UPR recommendations, 2015. Online: [http://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_starting\\_all\\_over\\_again\\_january\\_2015.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_starting_all_over_again_january_2015.pdf)
- 65 Time limitations for the detention of asylum seekers should be codified in law to ensure that no asylum seeker, including those who are in the process of being removed from Australia, is detained beyond six months. Online: <https://www.refugeecouncil.org.au/r/sub/1007-UPR.pdf>
- 66 Australia should repeal the mandatory detention provisions in the Migration Act, codify that asylum seekers be detained only as a last resort, stipulate in law maximum time limits on immigration detention and introduce a system of periodic judicial review of all decisions to detain. Online: <http://hrc.org.au/wp-content/uploads/2014/10/NGO-Coalition-UPR-Recommendations.pdf>
- 67 *Study the possibility of accepting the competence of the Committee against Torture (Panama); Study the possibility of the ratification of the OP-CAT (Panama); Take all necessary measures towards acceding to the Rome Statute of the ICC (Cyprus); Amend the 2014 Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC) in compliance with the Supreme Court ruling of 26 February, 2015 in order to uphold international standards relating to accountability for gross violations of international human rights and international humanitarian law (Denmark).*
- 68 <http://www.smh.com.au/federal-politics/political-news/scott-morrison-says-he-was-unaware-of-refugee-council-funding-until-after-budget-night-20140530-399bq.html>
- 69 <http://www.commonwealthfoundation.com/grants/monitoring-improvement-human-rights-malaysia>
- 70 *Abolish FGM and as a first step support those initiatives from within the country which call for prohibiting FGM at least for minors of under 18 years age*
- 71 [https://www.upr-info.org/sites/default/files/sl\\_step\\_1\\_outcome\\_charter\\_2.pdf](https://www.upr-info.org/sites/default/files/sl_step_1_outcome_charter_2.pdf)
- 72 UPR Info, Beyond Promises, 2014, pp.21–25. Online: [http://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)
- 73 *Develop an awareness campaign to address traditional beliefs that are harmful to the rights of children, especially their right to life.*
- 74 [https://www.upr-info.org/sites/default/files/document/benin/session\\_2\\_-\\_may\\_2008/questionstobeninrev.20.pdf](https://www.upr-info.org/sites/default/files/document/benin/session_2_-_may_2008/questionstobeninrev.20.pdf)
- 75 [https://www.upr-info.org/sites/default/files/document/benin/session\\_14\\_-\\_october\\_2012/advancequestionsbenin2012add2.pdf](https://www.upr-info.org/sites/default/files/document/benin/session_14_-_october_2012/advancequestionsbenin2012add2.pdf)
- 76 *Increase its efforts to address the human rights challenges faced by all sex workers*
- 77 *Consider the ratification of the Minamata Convention and update article 4.1.23 of the Law on Minerals of Mongolia, which applies to small-scale mining, to secure mining rights to small-scale miners and formalize their operation as soon as possible*

- 78 *Elaborate and implement a national action plan on the use of mercury in the artisanal mining sector in order to protect the health of workers involved in the work of this sector as well as the environment*
- 79 [http://www.upr-info.org/sites/default/files/general-document/pdf/wghr\\_tracking\\_implementation\\_monitoring\\_tool\\_2013.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/wghr_tracking_implementation_monitoring_tool_2013.pdf)
- 80 [https://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_mngof\\_en.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_mngof_en.pdf)
- 81 [https://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_-\\_myanmar2015.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_myanmar2015.pdf)
- 82 <http://hrlc.org.au/universal-periodic-review-of-australia-in-november-2015-ngo-materials/>
- 83 (English) [https://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_-\\_thailand2016-en.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-en.pdf)
- (Thai) [https://www.upr-info.org/sites/default/files/general-document/pdf/upr\\_advocacy\\_factsheets\\_-\\_thailand2016-th.pdf](https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-th.pdf)
- 84 <https://promolex.md/evaluarea-periodica-universala/?lang=en>
- 85 <http://cesr.org/article.php?id=1891>
- 86 [http://adhrb.org/wp-content/uploads/2014/04/ADHRB\\_February2014\\_web.pdf](http://adhrb.org/wp-content/uploads/2014/04/ADHRB_February2014_web.pdf)
- 87 Your Rights Right Now, *UPR of Ireland – Interim Reporting Stage*, 2014. Online: [http://www.rightsnow.ie/assets/33/D33ABD13-E5DA-4A01-8E3B5D67B7E4587D\\_document/ICCL\\_UPR\\_Interim\\_Stage\\_compendium\\_March\\_2014.pdf](http://www.rightsnow.ie/assets/33/D33ABD13-E5DA-4A01-8E3B5D67B7E4587D_document/ICCL_UPR_Interim_Stage_compendium_March_2014.pdf)
- 88 <http://sexualrightsinitiative.com/universal-periodic-review/data/> (initially based on UPR Info’s database and subsequently improved).
- 89 <http://epu-mali.org/etat-de-mise-en-oeuvre/>
- 90 [http://www.un.am/up/file/UPR%20report%20from%20OSI\\_ESCR\\_Volume%20II\\_eng.pdf](http://www.un.am/up/file/UPR%20report%20from%20OSI_ESCR_Volume%20II_eng.pdf), p.3
- 91 *Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life*
- 92 Plan International, *Counting the Invisible*, 2016. Available at <https://plan-international.org/because-i-am-a-girl/counting-invisible-girls>.
- 93 *Ensure that the new legislation on surveillance of communications by the intelligence service complies with international law, particularly with the principle of proportionality (Switzerland); Speed up the rebuilding and compensation process in the aftermath of the Canterbury earthquakes (Germany); Facilitate the realization of economic, social and cultural rights through the reconstruction of the areas affected by earthquakes in 2010 and 2011 (Algeria).*
- 94 *The global development context implies increasing pressure on human rights. Millions of people have been lifted out of poverty due to globalisation and economic development over the past three decades. But the environmental costs of this development in terms of climate change, desertification, air pollution, and depletion of water resources have proven to be unsustainable in both environmental and human terms. At the same time, despite economic growth the gap between rich and poor has increased globally. This has spurred a shift to a sustainability-focused global development agenda. In implementing this agenda, human rights principles and institutions will need to create a global development framework that is both sustainable and just in its outcomes.* Online: [http://www.humanrights.dk/files/media/dokumenter/udgivelser/strategies/dihr\\_international\\_strategy\\_2015-17.pdf](http://www.humanrights.dk/files/media/dokumenter/udgivelser/strategies/dihr_international_strategy_2015-17.pdf), p.10

- 95 <http://sdg.humanrights.dk/>
- 96 [http://www.humanrights.dk/files/media/dokumenter/sdg/dihr\\_human\\_rights\\_reference\\_paper\\_to\\_the\\_sdg\\_indicators\\_new.pdf](http://www.humanrights.dk/files/media/dokumenter/sdg/dihr_human_rights_reference_paper_to_the_sdg_indicators_new.pdf)
- 97 [http://www.humanrights.dk/sites/humanrights.dk/files/may\\_17\\_follow-up\\_and\\_review\\_sdg\\_docx.pdf](http://www.humanrights.dk/sites/humanrights.dk/files/may_17_follow-up_and_review_sdg_docx.pdf)
- 98 DIHR, *UPR of Denmark 2016 – List of Selected Recommendations*, 2016. Online:  
[http://menneskeret.dk/files/media/dokumenter/nyheder/list\\_of\\_selected\\_recommendations\\_upr\\_denmark\\_24\\_session\\_2016\\_-\\_new\\_version.pdf](http://menneskeret.dk/files/media/dokumenter/nyheder/list_of_selected_recommendations_upr_denmark_24_session_2016_-_new_version.pdf)
- 99 <http://www.upr-info.org/en/upr-process/follow-up>
- 100 [http://www.upr-info.org/sites/default/files/letter\\_of\\_cooperation\\_sierra\\_leone.pdf](http://www.upr-info.org/sites/default/files/letter_of_cooperation_sierra_leone.pdf)
- 101 OHCHR created a movie about the project. Online:  
[https://www.youtube.com/watch?v=wBaoGg\\_YGDU](https://www.youtube.com/watch?v=wBaoGg_YGDU)
- 102 UNGA, *Report of the Office of the United Nations High Commissioner for Human Rights, Technical assistance and capacity-building options for integrating human rights into national policies*, 2017, paras. 34–36
- 103 UNGA, *Report of the Office of the United Nations High Commissioner for Human Rights, Technical assistance and capacity-building options for integrating human rights into national policies*, 2017, paras. 42–44
- 104 <http://uhri.ohchr.org/en>





[www.upr-info.org](http://www.upr-info.org)