A guide to using the Universal Periodic Review (UPR)

Based on experiences documented by a range of children's rights organisations

Introduction to CRIN's research

In November 2010, CRIN launched: ***"The Status of Children's Rights in the Universal Periodic Review"***, the culmination of an extensive analysis of children's rights in the UPR. The report aims to: a) Illustrate how children's rights (and which particular rights) are addressed in the UPR, and: b) Document the experiences of non governmental organisations (NGOs) that have used the UPR.

- *To read the full version of the report, click here.*

- *For background information on the UPR, click here.*

As part of the research process, CRIN extracted children's rights references from each of the countries reviewed to date in the UPR (160 in total). These reports include references to children's rights from all reports submitted prior to the review, mentions during the debate, as well as child rights recommendations and whether States under review adopted these or not.

- *To access CRIN's 160 country reports, click here*

- *View one of these reports: Iran's UPR*

NGOs' experiences in using the UPR

This report aims to give you a snapshot of NGOs' experiences in using the UPR collected from a range of different organisations, both national and international. A questionnaire was sent to a list of organisations that reported to the UPR. Based on responses, CRIN conducted interviews by telephone and/or face to face with a number of respondents, including national and international organisations. Questions focused on each stage of the UPR process: From the pre-review reporting and lobbying, through to the post-review follow-up stage. A summary of key findings can be found below under each stage of the UPR.

1 <u>Pre-review</u>

1) Submitting an NGO report to the UPR

- Individual versus joint reports

Most organisations interviewed submitted reports as part of a coalition, with approximately one-third submitting reports individually. This depended on the size and capacity of the organisation as well as the situation in the country under review, notably the safety of reporting on human rights. Advantages of joining coalitions included avoiding having to navigate a new set of reporting guidelines (the UPR guidelines differ to the CRC), the opportunity to develop ties with other children's rights and human rights organisations, and a way of avoiding duplication.

- *You can access a full list of existing coalitions in <u>Appendix Six in the main report</u> (page 79)*

- *Take a look at <u>past reports</u> submitted to the UPR*

- *If you are new to reporting, read the <u>UPR reporting guidelines</u>*

- Choosing the content of the report

In general organisations focus on issues they work on. However, as reports submitted by NGOs (or other so-called stakeholders) are very short, some used other tactics such as focusing on:

- The most pressing issue at the time of the review

- Issues not covered in national law

- Issues that may need additional international pressure

- Issues unlikely to be mentioned by States or UN Bodies

- Issues in the Concluding Observations released by the Committee on the Rights of the Child .[1]

- *To access the Committee's Concluding Observations for the CRC, <u>click here.</u>*

- *Use existing reports that may have been submitted to treaty bodies*

Many organisations said they used similar information for the UPR report as they did for their CRC report, although the UPR report is more concise and focused on a few issues only. It is worth checking the timeline on when your State is being reviewed by treaty bodies and the UPR and adapt your report according to the information submitted in your other reports, where appropriate.

- *Involve children in the reporting process*

Very few organisations had included children's views in their reports, though many said this was next on the agenda. When considering involving children, organisations need to ensure that they have thought this through and that it will not simply be done in a tokenistic way. The NGO Group for the CRC is currently preparing guidelines on involving children in the CRC reporting process, and a number of international NGOs with experience of child participation have produced manuals on how this can be done ethically.

- *Cooperate with your Ombudsperson / National Human Rights Institution (NHRI)*

Few organisations had cooperated with their Ombudsperson / NHRI (if indeed these bodies existed). NGOs should find out whether there is an Ombudsperson for Children in their country, or similar role, and find out whether they are planning to send in their own report on the UPR. It is worth coordinating input, as in many cases, these institutions may be able to push issues that NGOs cannot.

- *Find out whether you have such an institution in your country, <u>click here.</u>*

2) National Lobbying

- *If possible, lobby your government*

Most organisations interviewed had done some lobbying at the national level in some shape or form. For many, this meant lobbying the government itself. Most often, they lobbied their Ministry of Justice, the Ministry of Foreign Affairs or more specific government departments responsible for specific issues relevant to the NGO, such as the Ministry of Gender, Development and Children's Services. Others reported that it simply wasn't possible or safe to submit a report to the UPR (for example organisations focusing on

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1   *On completion of a State's review by the Committee on the Rights of the Child, the Committee issues a set of Concluding Observations which include a set of recommendations.*

Myanmar and Palestine). This is where joining a coalition can be a invaluable alternative option.

- Consult with your government prior to the review

Naturally, the extent to which it is possible for NGOs and other organisations to meet or generally cooperate with governments prior to the review will vary according to the circumstances in each country. Where cooperation is feasible, think about how best to approach this consultation. For example, some organisations reported how they focused on a couple of key issues rather than trying to cover everything.

3) International Lobbying

- Importance of lobbying

Lobbying States to raise issues or make recommendations to other States presents a significant opportunity for NGOs - but this usually takes place in Geneva. Responses to this question highlighted the marked difference between international and national NGOs. International NGOs generally responded favourably to this, with some NGOs systematically lobbying states to raise specific issues. For national NGOs, the response was often that they would like to have this opportunity, however simply do not have the capacity, contacts or representation in Geneva.

- *To see which States make the most children's rights recommendations, see page 26 of the report*

- *For a guide to which States focus on which issues [2] see page 27 of the report*

- *To read about the lobbying approaches adopted by NGOs, see page 41 of the report*

- *To view a list of all children's rights recommendations rejected (Sessions 1 – 7) of the UPR, click here*

- How about national NGOs who don't have contacts / access to Geneva?

There is nothing surprising in hearing that national NGOs often do not have the capacity to lobby whether at home, or in Geneva. This is where working as coalitions internationally is so important and where international NGOs should support national ones. The NGO Group for the CRC and CRIN are working together to make the UPR and the UN in general more accessible to national organisations.

- *Contact CRIN at info@crin.org* or the NGO Group at secretariat@childrightsnet.org

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2   *See if one of your organisation's key issues is also a focal issue for a UN Member State. For further information about how to lobby States to raise certain issues or include certain recommendations, contact CRIN at info@crin.org or the NGO Group at secretariat@childrightsnet.org.*

2 <u>During-review</u>

Attending the actual review is not possible for many organisations, however there are many ways to stay in touch with the proceedings.

1) If you can attend:

a) Attend the working group review (NGOs are not permitted to speak in the session)

b) Lobby governments: Some organisations stated that lobbying governments in between the review and the plenary session[3] can be critical. This is the point where States have to formulate their position on the recommendations issued to them.

c) Make a statement in the plenary session:

- *NGOs can <u>register</u> to make an oral statement*

- *View <u>past oral statements</u> made during the Plenary Sessions*

2) If you cannot attend :

a) OHCHR operate a <u>webcast</u>[4] of the UPR sessions.

b) International Service for Human Rights (ISHR) produce <u>analytical reports</u> on the State reviews, made available on their website shortly after the event.

c) OHCHR also publish the <u>final report and recommendations</u> after the review.

d) You can access CRIN's <u>children's rights references reports</u> after each review.[5]

3 <u>Post-Review</u>

- Disseminate the review outcomes as widely as possible

The majority of organisations reported that they disseminated the outcomes of the review in a number of ways, for instance sending documents detailing outcomes and recommendations to country offices and

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3   *The Plenary Session takes place approximately 48 hours after the main review. The final outcome report for the State under Review is adopted in this Session.*

4   *Webcasts are streamed live and also an archive features past reviews.*

5   *CRIN upload children's rights extracts reports for the pre-review UPR reports prior to the review itself, to enable organisations to prepare for the upcoming review. Extracts from the final report and recommendations are uploaded as soon as they become available.*

coalition partners, or sending simpler documents to civil society, or contacting the media. Once again, if you would like ideas on how to do this, contact CRIN as we can help with the dissemination, or you can find out how to write to the media in our Media Toolkit.

- *Read CRIN's e-newsletter archive on the Human Rights Council,[6] click here.*

- *Subscribe to CRIN's monthly e-newsletter on the Human Rights Council*

- *Download our Media Toolkit, here*

- *Following up is absolutely crucial!*

It was evident from the survey that follow-up measures had been on the whole limited. A number of organisations agreed it was an extremely important part of the process, and that merely submitting a report was not enough. Some NGOs alluded to the additional workload reporting to this new mechanism created, seeing the UPR as a stand alone instrument as opposed to a complementary advocacy tool.

- Find out how other organisations are doing follow up

- Look at experiences of following up the Concluding Observations for this

- If you have developed a plan for follow up - please share this with CRIN!

- *Ways to follow-up the review include:*

a) General Monitoring: Monitor steps taken by States to implement the recommendations, paying close attention to changes in government policies and practices.

b) Government consultation: Push for a post-review meeting with the government to hear their plans for implementing the recommendations issued to them in the review.

c) Mid-term UPR reports: Read the government's mid-term UPR report. Governments can voluntarily submit mid-term reports to provide an update on what they are doing. If your government has not submitted a voluntary report, encourage them to do so.

- *Click here to see the Netherlands' mid-term report*

- *Click here to access all mid-term reports submitted to date*

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6   *The e-newsletters (CRINMAILs) include information about past and upcoming HRC Sessions, UPR reviews, Special Procedure visits, Special Sessions and wider news involving children's rights at the Council.*

d) Item 6 at the Human Rights Council: Governments may also voluntarily update the Human Rights Council on their progress made under Item 6.

Concluding Remarks

The survey findings show that NGOs and other organisations are still learning about this new mechanism, both in terms of how it works and whether the process will add benefit to their day to day work. An increasing number of children's rights organisations are starting to engage with the UPR - it is therefore critical that the children's rights community works together to share experiences. Organisations should share examples of reporting, lobbying and following-up activities, both successful and less successful. This is particularly important for national and local NGOs who rarely have the capacity, contacts or access to Geneva. CRIN hopes that this short guide, and the more comprehensive report, will start this process of awareness raising and knowledge sharing.

Further Information

- Child Rights Information Network – www.crin.org – info@crin.org

- CRIN's main UPR webpage
- CRIN's main Special Procedures webpage[7]
- CRIN's main Human Rights Council webpage

- OHCHR– www.ohchr.org – civilsocietyunit@ohchr.org (NGOs)

- UPR Info[8] – www.upr-info.org

- NGO Group – www.childrights.net - secretariat@childrightsnet.org

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7 *Includes information on upcoming country and thematic visits, together with children's rights extracts from the Special Procedure mandate-holders reports.*
8 *UPR Info (NGO) raises awareness and provides capacity-building tools to the different actors of the UPR process, such as United Nations Member States, NGOs, National Human Rights Institutions and civil society in general.*