EVENT OUTCOME REPORT

The Universal Periodic Review:
Sharing National Experiences

event organised by

UNIVERSAL RIGHTS GROUP

in cooperation with

the Permanent Missions of Canada and Denmark to the United Nations and
Other International Organisations in Geneva

and the Danish Institute for Human Rights
I. Introduction

The Universal Periodic Review (UPR) was created by the United Nations (UN) General Assembly in March 2006 by Resolution 60/251 of 3 April 2006, which also established the mandate of the Human Rights Council (HRC). The resolution provides that the Council shall “undertake a universal periodic review based on objective and reliable information of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universal coverage and equal treatment with respect of all States; the review shall be a cooperative mechanism, based on an interactive dialogue with the full involvement of the country and with concern and consideration given to its capacity building needs; such a mechanism shall complement and not duplicate the work of treaty bodies.”¹

The second and subsequent cycles of the UPR are meant to focus on the implementation of recommendations emanating from previous reviews as explicitly stated in HRC Resolution 16/21.² This ensures compliance, measurement and continuity of the process with hope of yielding concrete and sustainable results. Indeed, identifying and developing effective follow-up strategies is crucial as the UPR focuses on the improvement of the human rights situation on the ground. Although there have been varying degrees of success and commitment shown by States, a number of significant efforts have led to the understanding that certain practices are fundamental to the UPR follow-up process. These include: the establishment of mechanisms at the national level, on-going national consultations, development of integrated implementation plans and the identification of areas for technical assistance.

On the occasion of the UPR of some countries, the Permanent Missions of Canada and Denmark in collaboration with the Universal Rights Group and the Danish Institute for Human Rights organised an informal seminar on sharing national experience of the UPR with the aim to help countries going through the Second Cycle of the UPR.

The present report summarises the key ideas that were raised during the informal seminar, which was divided in three segments namely experience sharing in the preparation of national report, the implementation structures and process and finally the interactive dialogue during the session of the UPR Working Group. A brief analysis and review of key challenges is also provided. By shedding light on best practices and key challenges that must be addressed in

¹ UNGA Resolution 60/251, paragraph 5(e).
² HRC Resolution 16/21, paragraph 6.
the future cycles, it is hoped that this report contributes to the strengthening of State coordination and engagement with the UPR process.

II. Summary of seminar

a. Introductory remarks

Ms. Catherine Godin, Chargé d’Affaires a.i., Permanent Mission of Canada to the United Nations, described the UPR as being the most innovative new mechanism of the Human Rights Council. Drawing on the experience of Canada, Ms. Godin gave some examples of UPR good practice: improved implementation of human rights obligations, enhanced transparency and accountability, regular assessment and discussion on implementation of recommendations emanating from UPR and other mechanisms, identification of needs and opportunities to assist States in their implementation of human rights. The Canadian delegation was, however, keen to learn from other good practices, including how capitals engage in their preparations and the follow-up processes adopted to ensure a positive trend towards recommendations’ implementation, as well as efforts or opportunities to be undertaken to strengthen and improve the UPR mechanism based on technical support and guidance for smaller delegations and sharing their best practices.

Ambassador Carsten Staur, Permanent Representative of the Permanent Mission of Denmark to the United Nations (Chair), stated that there is general agreement among UN Member States that the UPR is a uniquely valuable addition to the human rights pillar of the UN. There is no clearer indication of this shared value assessment than the fact that all UN Member States – without exception – have chosen to fully embrace the mechanism, which is now in its 2nd cycle of State reviews.
He then identified three main features that make the UPR so successful and unique: its universality, peer-to-peer character and cooperative nature.

He noted that the UPR offers a human rights mechanism to governments which is equal for all, where introspection is the point of departure for recommendations to others and which is non-imposing in nature, while underscoring the ultimate accountability of governments to the human rights of their own people. The full statement can be found at the homepage of the Danish mission to the UN in Geneva.

b. Interactive dialogue

a) Preparation of national report and national consultative process

Mr. Subhas Gujadhur, Director, Universal Rights Group, stated the remarkable achievements of the UPR, which has achieved 100% political participation from all UN Member States during both cycles, with 60% of those states being represented at the Ministerial level during the adoption of second cycle reports. He underscored the core value and principal objective of the UPR, which is to improve the situation of human rights on-the-ground, and the importance of civil society participation.

Mr. Gujadhur briefly explained the six stages of a UPR recommendation from its conception to its implementation as illustrated in figure 1 (below). He offered examples of national processes conducted by countries including Congo, which has set up an inter-ministerial committee to follow up cooperation with UN mechanisms and the participation of civil societies, and Bangladesh, which recognised the important role of civil society actors by submitting their names in annex to the national report. On the issue of dissemination of UPR recommendations and allocation of responsibilities for their implementation (stage 4), Mr. Gujadhur offered the example of the Indonesian Government, which conducted a series of meetings disseminating information regarding the result of its UPR review. In Colombia, Mr. Gujadhur noted that an inter-sectorial Standing Committee launched a national human rights information system to disseminate the UPR recommendations received.
Figure 1 © Universal Rights Group 2015
Mr. Gujadhur further explained the role of a National Action Plan (NAP) prepared by the State and the benefits it could have for streamlining the implementation of UPR recommendations (stage 4). The NAP should be based on the State’s treaty obligations and on the UPR outcome. It should include broad national consultations, and typically requires the State to take certain actions and adopt specific measures. Countries that have set up NAPs include Mauritius, Indonesia, Morocco, Germany and Mexico.

Mr. Gujadhur noted that some countries have also established Inter-Ministerial Committees for follow-up (stage 5), such as Jordan, where the Standing Committee reviewed both the UPR recommendations and the follow up. Costa Rica set up a permanent consultative body in 2011 to ensure follow up and compliance with human rights obligations and coordination of international human rights initiatives. In cases like Colombia, where a coordinating mechanism already existed, the authorities took measures to strengthen it. Morocco, on its side, has set up an Inter-Ministerial Unit on human rights.

Research conducted by URG found that 19 out of a sample of 74 countries had set up National Coordinating Committees to draft the national report and follow up on the implementation of UPR recommendations. 18 of them had also set up NAPs. Mr. Gujadhur noted that, based on these examples, it is clear that the UPR encourages States to establish national structures to address the human rights situation at the grassroots level. It is expected that such examples will multiply as a result of the increasing number of UPR recommendations. He underscored the need for continuous follow-up and implementation of recommendations adopted, but noted that there is no one-size-fits-all approach. In some cases, States had set up a National Coordinating Committee while in other cases, a focal point had been designated to carry out the follow up and implementation. Mauritius has set up a Human Rights Unit within the Prime Minister’s Office responsible for coordinating all human rights issues, and a Human Rights Monitoring Committee comprised of various government ministries and departments, whilst the US has adopted a more decentralised approach with networks of thematic working groups, led by a specialised State agency or departments. Though membership of National Mechanisms will differ, the process is generally more meaningful when membership is as inclusive as possible, bringing together all parts of the society.

Mr. Gujadhur noted a few examples of states developing of human rights indicators to measure implementation. Switzerland has elaborated a matrix of the status of implementation, which clustered the recommendations by thematic issue, content etc.; Mauritius has developed a database of indicators to measure implementation and Benin has
used national, regional and international statistics on issues related to the recommendations and budget allocated to the relevant human rights issues as main indicators for the implementation.  

Finally, on stage six with regard to the elaboration of national reports, Mr. Gujadhur noted that URG research found that States under review usually structure their national consultations along one of the following models:

(i) The State presents a draft of the national report and uses this document as the basis of the consultations. He noted that this was the case with Germany, where the report was discussed in draft form with representatives of the German Institute for Human Rights and a public hearing on the draft report was held in Berlin, which was also broadcast live on the Internet. The hearing offered civil society at large, in particular the NGOs assembled in the German Human Rights Forum, the opportunity to comment on the draft and identify issues that may have been overlooked.

(ii) The State can initiate a more open consultation without presenting a draft national report. This was the case for Jordan, where meetings were held with various civil society coalitions. This created a broad interactive dialogue between civil society and the Standing Committee where ideas and comments could be exchanged for the report preparations.

(iii) The case of Brazil illustrates the combination of above approaches in a two-phase process, whereby a draft report was prepared based on contributions received and made available online for public consultations, enabling broader participation all over Brazil. Mr. Gujadhur also added that in some other instances - like the Netherlands, Republic of Korea, Switzerland and Morocco - stakeholders were consulted and re-consulted at different stages on the content of the country report. In general, there is a perception that this process can be improved with respect to timing and the scope, shape and inclusiveness of the consultations, including the follow up and implementations steps.

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b) Implementation structures and processes

Ms. Shahrzad Tadjbakhsh, Chief, UPR Branch, OHCHR, stressed the importance of a comprehensive national approach in engaging with the Human Rights mechanisms, and in this regard, she flagged the creation of a standing national coordinating mechanism for reporting and follow-up as one key element. Various tools at the disposal of such coordinating committees were also flagged, such as national human rights action plans, and monitoring tools such as databases that include recommendations from all the mechanisms made to the State concerned. OHCHR has been documenting the various practices relating to the establishment of such coordination mechanisms, the development of national human rights action plans, and the required IT tools for the elaboration of databases, to be shared with interested States. Ms. Tadjbakhsh also flagged ways in which UN country teams can support States in their implementation endeavours, and reflected on how the UPR has strengthened the space for dialogue between States and civil society.

It was stressed that the national coordinating and follow-up mechanisms should have a comprehensive mandate: instead of focusing only on the UPR, they should draw on implementing and reporting on recommendations from all the international human rights mechanisms – Special Procedures, Treaty Bodies and UPR – because of the complementarity between recommendations. They need to have standing bodies and a dedicated and
continuous staff, and to establish horizontal links across all the different ministries and broad consultations with the civil society. Such structures were strongly encouraged to engage with all stakeholders, including civil society, NHRIs and parliamentarians, throughout their work. The benefits of these coordinating mechanisms were said to include knowledge management at the national level, higher-quality reports done in much more timely and efficient manner, greater mainstreaming of human rights responsibilities in the different ministries, and development and concrete implementation of a human rights plan. Otherwise stated, the national coordinating mechanisms need coordination capacity, consultation capacity, drafting capacity and knowledge-management capacity.

Regarding whether the proliferation of recommendations may have a negative effect on implementation, Ms Tadjbakhsh argued that the number of recommendations is not that important, because their clustering under themes – which is what a human rights action plan does – enables the States to focus on what it is to get done in a very doable manner.

Ambassador Elayne Whyte Gómez, Permanent Representative of the Permanent Mission of the Republic of Costa Rica to the United Nations Office and other international organizations in Geneva, shared the experience of Costa Rica with the UPR mechanism. She explained that following the first UPR cycle, Costa Rica received a recommendation to establish an inclusive and effective process to follow-up recommendations. It created such a mechanism in 2011, as an advisory body to the executive branch, linked to the Ministry of Foreign Affairs, with the objective of coordinating the national implementation of human rights. The activities and functions of that commission were declared as being of public interest, which means that the decree calls for effective collaboration of all public and private entities. This allowed broad participation of civil society in discussions, and in the elaboration of plans, policies and measures to respond to human rights obligations. Overall, the existence of this commission has secured better performance for Costa Rica, in so far as recommendations of the two cycles were transmitted to their members and then integrated into specific activities, work plans and even in the national development strategy. Thus, the UPR has been a very useful
exercise in highlighting the need for critical examination on progress in the implementation of human rights institutions.

Ms. Gisele Fernandez Ludlow from the Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva reflected on the experience of Mexico with the UPR mechanism. The main actions taken by Mexico were: a thorough analysis of recommendations, including the use of an addendum that established a clear position on the recommendations and helped identifying the new ones and those that were already in the process of implementation; integration of follow-up of UPR recommendations into the national human rights plan; inclusion of a diverse range of actors from government, parliament, local entities and the judicial branch; ensuring regular participation and engagement of civil society. A further example of good practice given by Mexico is the ability not only of following up on implementation of recommendations but also ensure their effective implementation for improvement of human rights situation on the ground.

c) The interactive dialogue during the session of the UPR working group

Ms. Josefin Simonsson Brodén, from the Permanent Mission of Sweden to the United Nations Office and other international organizations in Geneva reflected on the experience of Sweden. She noted that having a time management plan for the UPR working group session was particularly helpful for the Swedish national delegation participating in the UPR. The Swedish delegation had also prepared not only answers for individual questions, but also answers for clusters of questions. Equally useful was the fact that they had several meetings
with NGOs. Ms. Simonsson Brodén also evoked the possibility of postponing recommendations, which means that the government adjourns the decision on acceptance on some recommendations until the formal adoption on the report by the Human Rights Council. In conclusion, the advice from the Sweden’s experience was: start early with the preparation, make early contact with the Secretariat, respect deadlines, include civil society in preparations, attend the pre-session organised by UPR Info, manage your time and prepare good background materials for the session.

Ms. Spela Kosir, from the Permanent Mission of the Republic of Slovenia to the United Nations Office and other international organizations in Geneva, shared the experience of Slovenia in the second cycle of UPR, building on their experience of the first cycle. She explained that the Permanent Mission in Geneva provides an assessment of human rights challenges in Slovenia, which might be raised by other States during the review to the Slovenian Mission attending the review of her country under the UPR mechanism. It also briefs the capital on the experiences of other States with the review. She noted the importance of identifying and anticipating questions during the interactive dialogue. She explained that this allowed the Slovenian team to prepare an answers handbook, which serves as a brief for all members of the delegation participating in Slovenia’s UPR. She also noted that civil society can provide valuable information on human rights challenges and as a way to have a self-critical reflection of the situation. Offering concrete suggestions, Ms. Spela Kosir noted the importance of good time management, thematic clustering of recommendations, and the preparation general and understandable answers to questions, rather than too many details.
III. Conclusions and lessons learnt

A significant challenge discussed was the generation of sufficient political will in the organisation of the national consultations for the preparation of the national report. Although the first cycle of the UPR experienced a 100% participation rate (which is especially encouraging as compared to the reviews under the Treaty Bodies system), political resolve amongst States under review remains mixed. One way of addressing this challenge is increasing the transparency and inclusivity of the national processes. The cross section of States attending the seminar found that the UPR provides an important opportunity for the fostering of dialogue and cooperation with civil society and NHRIs. Moreover, States are explicitly encouraged to “conduct broad consultations with all relevant stakeholders,”\(^4\) and to involve other stakeholders in the implementation of UPR recommendations “when appropriate.”\(^5\) Though one of the documents used as the basis of review is the stakeholders submission, for the review of a State under the UPR mechanism to be meaningful and respect the letter and spirit of HRC resolution 5/1, there is no doubt that continued emphasis must be placed on ensuring that non-State actors can provide their input to the various stages of the UPR process.

Finally, another key issue identified was the importance of continuity of the process. The experience of the cross section of States in attendance shows that the practice of implementing National Coordination Mechanisms and NAPs is an important way of ensuring the continuity and sustainability of the UPR process. Although there has been a marked increase in the number of recommendations submitted by States during the second cycle, the experience of Mexico – now on its 5\(^{th}\) national plan - indicates how a State can manage the implementation of its recommendations

**Lessons learnt**

- The UPR mechanism is a continuous process, as shown in figure 1. There need to establish a proper mechanism to ensure proper follow up, implementation of recommendations, preparation of national report as well as preparation for the review itself.

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\(^4\) HRC Resolution 16/21, paragraph 17
\(^5\) HRC Resolution 5/1, Paragraph 31
• Inter-institutional cooperation, civil society inclusivity and sharing experiences are crucial. The UPR is an ideal instrument for facilitating such partnerships, be it through ministries, national coordinating committees or other independent mechanisms.

• All key stakeholders must be included in the process, including governments, civil society, NHRIs, academia and parliamentarians.

• National Action Plans and strategic planning have proved extremely useful in achieving desired results with regard to the follow and implementation of UPR recommendations.

• The UPR process enables countries to set up national databases that summarise situations both at national and regional levels. These databases require the establishment of indicators, an area in which the OHCHR can assist.

• Political will, transparency and precision of recommendations are significant challenges, but the UPR follow-up process helps by highlighting certain areas of responsibility and areas for improvement.

• The UPR is now at a very important stage. There is a need to identify at this stage, establish best practices, assess the challenges faced in terms of preparation of national report, the UPR review, implementation of recommendations accepted and provide technical assistance to countries that need it.

• States need to adopt a collaborative approach, establishing partners nationally and internationally across a range of partners and coalitions.
Annex 1

Sharing national experiences of the UPR

Permanent Mission of Canada

12h00 to 15h00, Friday 8th May

Programme

12h00  Arrival and buffet lunch

12h30  Welcoming Remarks by Ms. Catherine Godin, Chargé d’Affaires a.i., Permanent Mission of Canada to the United Nations

12h40  Introductory remarks by Ambassador Carsten Staur, Permanent Representative of the Permanent Mission of Denmark to the United Nations (Chair)

12h50  Tour de Table by all participating countries with upcoming UPR, indicating specific questions of interest re. UPR-process.

13h00  Interactive dialogue:

I. Preparation of national report and national consultative process

‘The importance of the national preparation process,’ Mr. Subhas Gujadhur, Director, Universal Rights Group

‘The experience of Denmark,’ Ms. Christine Petheö, Head of Section, Department of Human Rights, Danish Ministry of Foreign Affairs (by videolink)

Comments and questions
II. The interactive dialogue during the session of the UPR working group


Comments and questions

III. Implementation structures and processes

‘Good practice with implementation,’ Ms. Shahrzad Tadjbakhsh, Chief, UPR Branch, OHCHR


‘The experiences of Mexico,’ Ms. Gisele Fernandez Ludlow, Second Secretary, Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva

Comments and questions

14h55 Wrap-up and closing remarks by the Chair

15h00 Close
## Annex 2

### Participants

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<td>1.</td>
<td>Canada</td>
<td>Ms. Catherine Godin</td>
<td>Chargée d'affaires a.i.</td>
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<td>2.</td>
<td>Canada</td>
<td>Ms. Elizabeth Williams</td>
<td>Counsellor</td>
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<td>Canada</td>
<td>Ms. Esther Van Nes</td>
<td>Legal Adviser</td>
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<td>Canada</td>
<td>Ms. Leigh McCumber</td>
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<td>5.</td>
<td>Australia</td>
<td>Ms. Emily Hill</td>
<td>Third Secretary</td>
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<td>Costa Rica</td>
<td>H.E. Ms. Elayne Whyte Gomez</td>
<td>Permanent Representative</td>
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<td>Denmark</td>
<td>Ms. Marie Louise Koch Wegter</td>
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