Conference on the UPR within the framework of the HRC Review:

Discussions on Follow-up, Implementation Assessment and Second Cycle

19 November 2010
Centre de Conférence de Varembé, Salle B
9 rue de Varembé, Geneva, Switzerland

SUMMARY OF THE DISCUSSION

This Conference was organised in Geneva, Switzerland on 19 November 2010 by UPR Info with the support of the Open Society Foundation-Budapest. Around 40 participants representing States, non-governmental organisations (NGOs) national human rights institutions (NHRIs), international and inter-governmental organisations, and the Office of the High Commissioner for Human Rights (OHCHR) gathered to discuss the UPR mechanism and its status within the 2011 HRC Review with regard to the following topics:

1. Implementation of the UPR recommendations;
2. Assessment of the implementation of the UPR recommendations and perspectives for the Second cycle.

In the opening briefing, H.E. Ambassador Omar Hilale, who was appointed as a Facilitator on the UPR at the HRC Review process, noted that around 486 recommendations have been proposed with regard to the UPR part. This number shows that the UPR is though a key mechanism of the HRC yet it is not perfect. The Ambassador emphasized that the aim is not to reform the UPR, but to strengthen it by preserving its objectives.

1. IMPLEMENTATION OF THE UPR RECOMMENDATIONS

The discussion around that topic started off with sharing of State experience, role played by inter-governmental organisations to assist the States in the implementation and engagement of all other stakeholders, capacity-building of States, and technical assistance provisions.

The **ownership a State has within the UPR process** was emphasized several times during the discussion. Herein it was pointed that this ownership could be used as an incentive to successful follow-up. This ownership was said to be maintained in all aspects, including the engagement of the international community (UN actors and States). Nevertheless, it was recommended to improve the engagement of NGOs in the process.

During the discussion it was reminded that all the UPR recommendations are time-bound. To facilitate the process of implementation it is recommended that States come up with a **plan of action and a timeline**. Identifying specific actions would help with ideas of concrete technical assistance that is needed for those actions. It was underlined that not all actions require financial support and a State should bear responsibility for its own resources as some recommendations can be implemented with

resources that State already has. It was also recommended that the **UN country teams are involved in the technical assistance provision**.

The midterm reporting by States should be encouraged. However, States may face challenges or constraints when producing a full report. To facilitate the **midterm reporting** an idea was brought forward for States to prepare an **implementation table** with several columns: 1. Recommendations; 2. Response (accepted/rejected); 3. Progress made/Status of implementation. Herewith the inter-relatedness and cooperation of the UPR with other UN mechanisms should be maintained.

The issue of prioritisation of recommendations was supported by some participants and raised concerns from others. The main concern is that a State would implement only those recommendations which it considers to be important. Here it was also said that **no hierarchy should be given to recommendations** coming from different bodies of the UN system.

2. ASSESSMENT OF THE IMPLEMENTATION OF THE UPR RECOMMENDATIONS AND PERSPECTIVES FOR THE SECOND CYCLE

To assess the implementation it is helpful to use five categories of action for the UPR recommendations developed by Professor Edward McMahon with support of UPR Info.[1] These categories have been created to classify a specific action contained in each recommendation. Professor McMahon shared the findings of his research on recommendations: Category 1: technical assistance and sharing information (3% of recommendations made during sessions 1-6); Category 2: continue an action (10%); Category 3: consider a change (16%); Category 4: general action (40%); Category 5: specific action (30%). Professor suggested that though it is possible to assess some Category 2, 3 and 4 recommendations yet **it is crucial to encourage action-oriented Category 5 recommendations**. Clustering of recommendations was brought up as a thought for reflection as it may significantly reduce the number of recommendations.

To secure the efficient implementation, a State under Review (SuR) should thoroughly examine a proposed recommendation and see **what was implied by the recommending State**. Herewith a standard language for States when proposing their recommendations may be found useful. It was also suggested that **the recommending States could take this opportunity to assist the SuR** in the implementation.

With regard to actors involved in the assessment, it was suggested that **NHRIs due to their specific mandate should follow on the UPR implementation** by providing mid-term reporting. T**he same was noted for NGOs' part** in the assessment. It was recommended that a special fund should be created for NHRI participation in the UPR as well as NHRI role to be recognised and enhanced at different stages of the process.

As for the UN actors involvement in the assessment process, it was noted that the UPR is a state-driven process and thus the **primary responsibility for implementation belongs to the State**. The Institution-

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[1] Categories were created for the database of all UPR recommendations. The database is available at http://www.upr-info.org/database/

Building Package does not specify the role of the UN actors and OHCHR in particular. However, the **OHCHR may take actions to support the implementation and make it meaningful** in terms of providing guidelines and possible clustering of recommendations. In general terms it was noted that such UN agencies as UNCTs, OHCHR and UNDP could use the UPR in a holistic manner and engage each other. Since the **UNCTs have a greater capacity to report on the UPR implementation**, it was proposed to extend a Trust Fund to the use of UNCTs along with State delegations to bring the former to Geneva and engage them better in the UPR process. The role the OHCHR specifically could play in the assessment process needs further discussions at different levels.

It was also pointed that it is necessary **to further study other stakeholders' information on the implementation and follow-up**. Besides the UN actors and NHRIs, the regional human rights organisations are important in assessing and reporting on the developments from the ground.

3. CONCLUSION

The overall discussion served as a good food for thought for different actors of the UPR process. Implementation of the UPR recommendations on the ground and its further assessment are key points of the whole mechanism, and only they can show the efficiency of the UPR and the value it adds to promotion and protection of human rights and freedoms.

By covering such landmark points of the UPR process, the discussion at this Conference gave an opportunity for good exchange of views and different opinions on what actions need to be taken to provide for efficient implementation and assessment of the UPR recommendations.

The ideas shared and the overall discussion of this Conference could be fed into the broader 2011 HRC review debate to make the UPR part within the review process meaningful and more productive, and add **substantial issues** on the table for further reflection.