



**ENHANCING THE EFFECTIVENESS OF THE  
UN UNIVERSAL PERIODIC REVIEW:  
A CIVIL SOCIETY PERSPECTIVE**

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# CIVICUS

## Who We Are

CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS strives to promote marginalised voices, especially from the Global South, and has members in countries throughout the world.

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PERIODIC REVIEW: A CIVIL SOCIETY PERSPECTIVE  
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## SUMMARY

Since being launched by the United Nations Human Rights Council (UN HRC) in 2008, the Universal Periodic Review (UPR) has emerged as the principal international mechanism to facilitate the comprehensive examination of a country's human rights record. The unique multi-stakeholder and cooperative approach of the UPR has also provided a valuable platform for civil society organizations (CSOs) to engage with a wide range of government, UN, civil society and other stakeholders on pressing human rights issues.

This paper, through interviews with representatives of CSOs from across the globe, attempts to establish a ground level perspective on how the UPR mechanism can be enhanced and improved to ensure the effective realization of international human rights norms including the creation of a safe and enabling environment to promote and protect human rights.

Based on these interviews, the growing prominence of the UPR appears to parallel the reduced space nationally for civil society actors to operate without undue interference.<sup>1</sup> As national governments increasingly seek to impose unwarranted restrictions on the rights to freedom of association, assembly and expression and actively persecute independent civil society actors, international mechanisms including the UPR are becoming increasingly critical.

Accordingly, for civil society operating within acutely restrictive environments with few national avenues to address sensitive human rights issues, the UPR has emerged as a vital conduit to mobilize international support to encourage governments to undertake essential policy reforms. In several cases at the national level we have also seen a greater willingness among relevant national state actors to initiate or resuscitate a dialogue or cooperation with civil society on contentious human rights issues.

However, the UPR also appears to be a victim of its own success. The vast majority of interviewees reported severe limitations and in some cases growing restrictions on civil society's participation in the UPR process. Civil society groups from Azerbaijan to Venezuela, Rwanda and Malaysia underscored that governments, in an apparent attempt to frustrate and undermine the UPR process, are routinely resorting to actively subverting civil society engagement in the UPR. Such obstacles, which emerge as a patchwork of existing and UPR-specific restrictions, are increasingly thwarting civil society cooperation and the integrity of the UPR mechanism.

While partly a consequence of its fledgling nature, effective implementation of UPR recommendations is hampered not only by a lack of political will, but also by awareness deficits among a broad contingent of national government and civil society stakeholders. Civil society respondents reported a number of systemic problems, including inadequate informational and financial resources, and challenges with mobilizing a cross-section of civil society and government representatives outside of capital cities and major financial centres to engage in the UPR process.

Safeguarding against the prospect of the UPR remaining as an "elitist institution which stays in Geneva" will require a concerted and deliberative approach to better ensure that the UPR recommendations are mainstreamed throughout all relevant national, regional, and international human rights mechanisms. More broadly, the advancement and effectiveness of the UPR in helping to realize the universal human rights aspirations of all countries and their peoples depends upon the extent to which all stakeholders are willing to protect, promote and invest in this process.

## METHODOLOGY

As part of CIVICUS' core objectives to promote better conditions for civil society and ensure that civil society has stronger influence on decision-making processes, CIVICUS has supported its members to contribute to all stages of the UPR.<sup>2</sup> Since the beginning of the second UPR cycle in 2012, CIVICUS has made over 50 UPR submissions focusing on restrictions on the rights to freedom of peaceful assembly, association,

1 CIVICUS Civil Society Watch Report 2015 <http://www.civicus.org/images/CIVICUSCivilSocietyWatchReport2015.pdf>

2 CIVICUS, "CIVICUS Strategic Priorities," 19 March 2012. <http://civicus.org/images/stories/CIVICUS%20SPs.English.Final.pdf>

expression as well as persecution of human rights defenders.<sup>3</sup> Each of these reports are compiled or submitted in conjunction with our national and regional civil society partners operating on the ground.

In addition, CIVICUS has supported hundreds of national civil society representatives from nearly 50 countries to engage in national and international lobbying activities pertaining to the UPR. From Bahrain, to the Philippines, to Ethiopia, CIVICUS has provided a platform for human rights defenders (HRDs) to undertake strategic advocacy at the UN HRC and at the national level to encourage governments to create and maintain a safe and enabling environment for civil society. Moreover, as part of this initiative, CIVICUS has supported its partners to organize nearly 30 national consultations to develop strategies to engage in the UPR as well as to monitor and support the implementation of recommendations that their respective governments committed to during their UPR examinations.

From January to June 2014, CIVICUS interviewed activists from 15 countries in four continents on their experience with the UPR process at both the national and international level. The interviews were conducted to capture civil society practitioners' perspectives on how to enhance the effectiveness of the UPR process and increase civil society participation in all stages of the UPR mechanism. We would like to thank the following interviewees for making the time and effort to speak with us. Their reflections have helped shaped this paper.

Table 1: Interviewees per region

Region	Interviewees
<b>Africa</b>	<ul style="list-style-type: none"> <li>• Lewis Mwape – Zambia Social Council for Development (ZCSD), Zambia</li> <li>• Solange Fiaty – Formerly of the West African Human Rights Defenders Network (RODDH/WAHRDN), Togo/West Africa</li> <li>• Epimack Kwokwo – Ligue des Droit de la Personne dans la Région des Grands Lacs (LDGL), Rwanda/Great Lakes</li> </ul>
<b>Latin America</b>	<ul style="list-style-type: none"> <li>• Feliciano Reyna – CIVILIS Human Rights, Venezuela</li> <li>• Camila Asano – Conectas Human Rights, Brazil</li> </ul>
<b>Middle East</b>	<ul style="list-style-type: none"> <li>• Michael Payne – Americans for Democracy &amp; Human Rights in Bahrain (ADHRB), Bahrain/Middle East</li> <li>• Bihter Moschini – Arab NGO Network for Development (ANND) Lebanon/Middle East and North Africa</li> <li>• Maryam Al-Khawaja – Gulf Center for Human Rights (GCHR), Gulf Region</li> </ul>
<b>Asia</b>	<ul style="list-style-type: none"> <li>• Ramana Sorn – Cambodia Center for Human Rights (CCHR), Cambodia</li> <li>• Long Trinh Huu – Vietnamese Overseas Initiative for Conscience Empowerment (VOICE), Vietnam</li> <li>• Jerald Joseph – Pusat Komnas, Malaysia</li> <li>• Cristina Tinay Palabay – Karapatan, Philippines</li> <li>• Sukhrobjon Ismoilov – Expert Working Group, Uzbekistan</li> </ul>
<b>Europe</b>	<ul style="list-style-type: none"> <li>• Dragan Popovic – Policy Center, Serbia</li> <li>• Leila Alieva – Center for National and International Studies (CNIS), Azerbaijan</li> </ul>

3 CIVICUS, "CIVICUS at the UN (Geneva)." <http://civicus.org/index.php/en/what-we-do-126/2014-04-25-05-01-37/geneva>

## BACKGROUND OF THE UPR

Operating under the auspices of the UN Human Rights Council, the Universal Periodic Review requires the examination of the human rights records of all 193 UN Member States every 4.5 years. Using international human rights law including the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties to which the State is party as its benchmark, the primary objective of the UPR is to support States to improve the human rights situations in their country.<sup>4</sup>

During the first cycle of the UPR from 2008-2011, every UN Member State participated in the process. Since the process began over seven years ago, over 40,000 recommendations have been made to governments spanning the gamut of human rights issues ranging from torture to access to education to freedom of assembly and association.<sup>5</sup> Currently in its second cycle, States are expected to outline the measures they have taken to implement recommendations posed during their initial review under the first cycle and make commitments to ensure greater realization of international human rights norms at the national level.

Civil society groups are provided two primary entry points to participate in the UPR. Principally, CSOs are permitted to submit joint or individual reports on the human rights situation of the State under Review (SuR) and can additionally make oral statements during the adoption of the report at the UN HRC in Geneva, Switzerland. However, while “States are encouraged to conduct broad consultations with all relevant stakeholders”, specific obligations have not been set out to ensure effective implementation of UPR recommendations or clarify to what extent civil society and other stakeholders should be involved in the implementation process.<sup>6</sup>

## UPR AS A BATTLEGROUND: GOVERNMENTS THWARTING THE COOPERATIVE APPROACH AND CIVIL SOCIETY ENGAGEMENT

While the UPR is heralded as a unique mechanism constituted by a constructive approach and multi-stakeholder dialogue, a number of interviewees voiced concern that governments proactively seek to polarize and marginalize the UPR. Principally, several CSOs observed that their governments maintained an adversarial approach including employing inflammatory and accusatorial rhetoric to undermine the legitimacy of the UPR in the eyes of the general public. In addition, respondents expressed concern that their governments use the UPR as a podium for grandstanding to defend their human rights record rather than address shortcomings in their willingness or ability to uphold international human rights commitments. These and other approaches, while difficult to counter, serve as a significant obstacle to ensure that the UPR remains a credible platform to engage in open and candid dialogue on critical human rights issues.

CSO representatives from a number of countries including Malaysia, Serbia and Venezuela lamented that their governments were failing to uphold the core pillars of the UPR process by employing divisive tactics to limit the impact of civil society engagement in the UPR.

“The space for civil society and advocacy on sensitive topics is shrinking in Malaysia and groups critical of the government are routinely being accused of following a Western agenda. Within the UPR process, the persecution and smearing of independent groups has been rampant.” - Jerald Joseph, Pusat Komus, Malaysia

In Venezuela, Feliciano Reyna, director of CIVILIS Human Rights, noted that the government maintained an antagonistic approach to the UPR by publicly proclaiming that the process is a “test” and a “battle” in which it has to “defend the revolution against NGOs and the West.”

<sup>4</sup> United Nations Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

<sup>5</sup> UPR Info, “Statics of UPR Recommendation” <http://www.upr-info.org/database/statistics/>

<sup>6</sup> Human Rights Council resolution 16/21, 25 March 2011, <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session16/Pages/ResDecStat.aspx>

In Serbia, Dragan Popovic of the Policy Center echoed similar concerns stating that the Serbian government's participation in the UPR was motivated not by a sincere desire to address deficits in its human rights implementation, but rather to defend itself from unwarranted criticism. According to Dragan, the government purposefully misrepresented its human rights record in an attempt to counter the international community's legitimate criticism. Dragan Popovic further revealed that the Serbian government's lofty rhetoric, while appeasing the international community, had few implications on the ground: "They promise the earth and in the end implementation falls to zero."

## GOVERNMENT PERSECUTION AND INTIMIDATION OF CIVIL SOCIETY TO PREVENT EFFECTIVE PARTICIPATION

Unwarranted restrictions on the legitimate activities of civil society groups as well as targeted obstructionism relating to the UPR continue to pose serious challenges to effective engagement with the UPR. Civil society representatives have articulated a number of concerns about how governments continue to invoke restrictive legislation, persecute HRDs and mobilize government affiliated or supported organizations to undermine the effective participation of independent civil society voices in all stages of the UPR. In a number of instances, existing legislative restrictions on the activities of CSOs have severely hampered civil society's ability and capacity to coalesce behind the UPR. Such restrictions impede the full realization of the UPR at all levels and jeopardize the possibility of civil society monitoring and ground level implementation of recommendations.

In Uzbekistan, Sukhrobjon Ismoilov, Director of the Expert Working Group, described an environment in which persistent government targeting of human rights defenders and CSOs made it virtually impossible for national organizations to coordinate and contribute to the UPR. At the time of Uzbekistan's UPR examination in April 2013, at least eleven civil society activists were imprisoned while scores of others had been forced to flee the country for fear of government persecution.<sup>7</sup> Civil society activists who remained in the country were also subjected to a number of debilitating legal restrictions.

"Due to increased government repression it is very difficult for activists to work together. Most leaders of independent organizations in Uzbekistan have left the country while those that have stayed don't have adequate training or are too afraid to effectively contribute to the UPR." - Sukhrobjon Ismoilov, Expert Working Group, Uzbekistan

Among other legal barriers impeding their engagement in the UPR, CSOs operating in Uzbekistan are required to seek the explicit permission of the Ministry of Justice to hold or invite international actors to a conference.<sup>8</sup> As a result of these and other unwarranted restrictions, CSOs were unable to convene prior to the UPR submission deadline, marshal information for the UPR or develop joint submissions.

In Malaysia, independent civil society organizations were directly targeted and harassed by the government for participating in the UPR. Under the auspices of COMANGO (Coalition of Malaysian NGOs in the UPR Process), a diverse coalition of 54 CSOs, civil society in Malaysia fostered considerable media and popular interest in Malaysia's 2013 UPR examination. In the face of escalating government intolerance of dissenting and critical voices, COMANGO examined a number of sensitive issues including discrimination against LGBTI persons and women under Sharia law. While COMANGO had actively cooperated with the Malaysian Government on several occasions including during multi-stakeholder consultations in the capital, Kuala Lumpur, and with the Malaysian delegation in Geneva in 2013, the government later attempted to dissolve and demonize the organization.

<sup>7</sup> CIVICUS, Expert Working group, "Submission to the UN Universal Periodic Review 16th Session of the UPR" <http://www.civicus.org/images/stories/CIVICUS%20EWG%20Fiery%20Hearts%20UPR%20for%20Uzbekistan%20Submission%2016th%20Session.pdf>

<sup>8</sup> CIVICUS, Expert Working group, Ibid

In a media statement made on 8 January 2014, the Secretary General of the Home Ministry of Malaysia declared COMANGO an “unlawful organisation” for “championing rights that deviate from Islam”.<sup>9</sup> As justification for the decision, the Minister cited the widely criticized Societies Act of 1966, which endows the government with outsized discretion to dissolve an organization on vague grounds including contravening the “morality” of the state.<sup>10</sup> The government’s decision to deregister COMANGO, which to date has not been implemented, patently contravenes Malaysia’s international obligations to uphold the rights to freedom of association and expression.

According to Epimack Kwokwo of LDGL (Ligue pour la défense des droits de l’homme dans la région des Grands Lacs) harassment and intimidation of civil society in Rwanda has resulted in less critical positions by civil society, the jettisoning of programs considered sensitive, and growing self-censorship.<sup>11</sup> As a result, Epimack Kwokwo reported that civil society in Rwanda has faced nearly insurmountable challenges to establishing and maintaining independent civil society coalitions to engage in the UPR process.

## MISINFORMATION AND ATTEMPTS TO SUBVERT CSO PARTICIPATION

The legitimacy of the UPR is in large part predicated upon the diversity and veracity of the information governments and the Office of the High Commissioner for Human Rights (OHCHR) receive from independent civil society actors. However, in a number of countries, governments, under the auspices of the ruling party, routinely mobilize and work with civil society groups created by or sympathetic to them to input in the UPR process. In some instances, respondents highlighted how their governments marshalled GONGOs (Government Organized NGOs) to make submissions to the UPR to construct a more positive image of the human rights situation in their countries. In other instances, governments organized consultations with partisan groups to facilitate input into the UPR process while refusing to cooperate with groups seen as critical of official policy. Such practices undermine the independence of the UPR process and gravely jeopardize the possibility of inclusive engagement to support realization of UPR recommendations.

In Vietnam, officials have erected a severely stratified regulatory framework which actively fosters support for specific mass organizations and government sponsored groups, while effectively preventing the creation of an independent civil society sector. Under the heavily criticized law on the “Organization, Activities and Management of Associations” only six groups, all of whom are given privileged legal protection and preferential treatment, are permitted to conduct advocacy work and comment on the formulation of public policy in Vietnam.<sup>12</sup>

According to Long Trinh Huu of the Vietnamese Overseas Initiative for Conscience Empowerment (VOICE), as a result of these and other extra-legal barriers to their activities, independent HRDs and unregistered CSOs were prevented from engaging in government organized preparatory activities in advance of Vietnam’s UPR examination in February 2014. However, while independent civil society groups were not permitted to attend pre-UPR consultations arranged by the government, during Vietnam’s UPR examination in Geneva, representatives of the Vietnamese government delegation disingenuously stated that they had engaged in a robust and pluralist dialogue with civil society. The government’s assertion that the “the report was drafted with a comprehensive approach thanks to the active contributions of non-governmental organizations and the people” misleadingly asserts that diverse civil society groups contributed to and endorsed the government’s official national UPR.

<sup>9</sup> International Service for Human Rights, Malaysia must reverse ban against leading human rights coalition, 1 January 2014, <http://www.ishr.ch/news/malaysia-must-reverse-ban-against-leading-human-rights-coalition>

<sup>10</sup> CIVICUS, Pax Romana, 11 March 2013, “Submission to the UN Universal Periodic Review 17<sup>th</sup> Session of the UPR” <http://civicus.org/images/CIVICUS%20Pax%20Romana%20Malaysia%20UPR%20Submission%202013.pdf>

<sup>11</sup> CIVICUS, EHAHRDP, 23 March 2015, “Submission to the UN Universal Periodic Review, 23<sup>rd</sup> Session of the UPR” [http://www.civicus.org/images/Joint\\_UPR\\_Submission\\_on\\_Rwanda\\_-\\_CIVICUS\\_and\\_EHAHRDP\\_-\\_23rd\\_Session.pdf](http://www.civicus.org/images/Joint_UPR_Submission_on_Rwanda_-_CIVICUS_and_EHAHRDP_-_23rd_Session.pdf)

<sup>12</sup> CIVICUS, “Submission to the UN Universal Periodic Review 18<sup>th</sup> Session of the UPR Working Group, Vietnam,” 17 June 2013, [http://civicus.org/graham/images/CIVICUS\\_-\\_Vietnam\\_UPR\\_Submission\\_2013.pdf](http://civicus.org/graham/images/CIVICUS_-_Vietnam_UPR_Submission_2013.pdf)

“Far too often, the government will only cooperate with NGOs which are sympathetic to its policy, effectively undermining the independence and objectivity of the UPR process.” - Lewis Mwape, Zambia Council for Social Development, Zambia

While providing financial and technical support to national civil society groups to engage in the UPR is a welcomed and often necessary measure, such support is commonly subjected to state manipulation. In Venezuela, in advance of its examination in February 2011, government mobilization of mass organizations to contribute to the UPR created an unbalanced, pro-government perception of Venezuela’s human rights record. According to Feliciano Reyna, of CIVILIS Human Rights, in Venezuela the government supported hundreds of partisan organizations to submit reports which “resulted in lopsided government praise in NGO submissions.” These and other strategies employed by some governments, which selectively facilitate sympathetic groups to participate in the UPR, dilute the UPR process and undermine potential collaboration between independent civil society and the government.

## UPR: AN OPPORTUNITY TO ENHANCE NATIONAL ADVOCACY

For the vast majority of respondents, and especially for those operating in restrictive environments, one of the greatest advantages of the UPR process is the opportunity it provides to resuscitate or amplify on-going national advocacy initiatives. While the prospect of governments voluntarily implementing recommendations on the core civil society freedoms remains relatively slim, the UPR process appears to provide an important occasion to engage with the authorities and mobilize national constituents on sensitive issues.<sup>13</sup> A number of respondents also highlighted that the UPR sometimes provided a relatively safe and protected space to advocate on contentious issues at the national level in otherwise challenging environments.

Following Azerbaijan’s examination under the UPR in April 2013, CIVICUS’ partner, the Center for National and International Studies (CNIS), organized an extensive civil society consultation to develop a national strategy to encourage the government to implement recommendations pertaining to civil society space. In the context of Azerbaijan, where the government has orchestrated a systematic crackdown on all forms of dissent, the UPR consultation provided a viable and protected space for civil society to dialogue on the deteriorating environment for civil society in the country.<sup>14</sup>

According to Leila Alieva, President of CNIS, the participants “not only developed a strategy and roadmap to monitor the UPR, but also had a chance to raise awareness about newly adopted restrictive amendments to the NGO law and mobilise support from civil society around these and other emerging issues.” While numerous civil society activists and HRDs have since been forced to flee the country or have been imprisoned under politically motivated charges, the UPR engagement strategy which emerged from the post-UPR consultation continues to serve as an important platform to consolidate civil society positions and international advocacy on growing restrictions on civic freedoms in Azerbaijan.<sup>15</sup>

In a number of interviews, respondents highlighted that the UPR provides civil society with a crucial and seemingly rare opportunity to directly convene and cooperate with the government on pressing human rights issues. For example, in Lebanon, Bihter Moschini of the Arab NGO Network for Development (ANND) stated that: “The UPR provided CSOs with a rare platform to advocate for policy changes at the national level including a number of important meetings with relevant government ministries to identify avenues for greater cohesion to address UPR recommendations.”

<sup>13</sup> UPR Info, “Beyond Promises: The impact of the UPR on the ground” [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)

<sup>14</sup> CIVICUS, CNIS, “Calls for Azerbaijan to end crackdown on civil society and uphold Council of Europe Commitments,” 24 October 2014 <http://www.civicus.org/index.php/en/media-centre-129/press-releases/2139-calls-for-azerbaijan-to-end-crackdown-on-civil-society-and-uphold-council-of-europe-commitments>

<sup>15</sup> CIVICUS, CNIS, “Azerbaijan: Civil Society and Media Crackdown Underway in the Run-up to Presidential Elections” 30 September 2013. <http://civicus.org/index.php/en/news-and-resources-127/1893-azerbaijan-civil-society-and-media-crackdown-underway-in-the-run-up-to-presidential-elections>



“Togo’s UPR process provided an important occasion where the state and civil society could overcome old prejudices. The UPR mechanism enabled us to start cooperating and working with the government, which was is a rarity in Togo where civil society is seen as supportive of the opposition rather than of human rights.”  
 – Solange Fiaty, West African Human Rights Defenders Network (RODDH/WAHRDN), Togo/West Africa

In Brazil and Cambodia, civil society groups offered a similar perspective underlining that the intrinsic value of the UPR is the access and opportunity it affords to activists to create the space for dialogue and advocacy with their respective governments. In Brazil, Conectas Human Rights, which regularly engages with the Brazilian Government on a variety of human rights issues, has mainstreamed the UPR throughout its national level advocacy approach. According to Camila Asano, who believes that the “UPR provides important leverage for civil society when engaging with the government,” Conectas routinely invokes and highlights recommendations accepted by Brazil when engaging the government. In Cambodia, the Cambodian Center for Human Rights (CCHR) reiterated similar sentiments stating that the UPR provides a unique opportunity to “institutionalize dialogue” with the government. According to Ramana Sorn, who coordinates CCHR’s UPR activities, “while the UPR itself has not led to much substantive change, the opportunity it provides for advocacy on the ground makes participation worthwhile.”

On some occasions, respondents reported that national level advocacy on civic space issues raised during the UPR translated into substantive policy change on the ground. According to Cristina “Tinay” Palabay, Secretary General of Karapatan in the Philippines, the UPR helped to “resuscitate the conversation on forgotten issues” which resulted in a “tangible impact on the national environment for civil society including the repeal of a number of restrictive laws and the introduction of much needed legislative protections for HRDs.”

## STRUCTURAL CHALLENGES TO CIVIL SOCIETY PARTICIPATION AT THE NATIONAL LEVEL

Despite the growing recognition among both government and civil society of the UPR mechanism’s valuable role in facilitating collaborative approaches in addressing national human rights deficits, several respondents highlighted that severe structural impediments persist which limit effective advocacy on and implementation of UPR recommendations. Principally, a number of groups underscored the challenges of increasing and diversifying civil society engagement with the UPR without adequate resourcing and technical support. Accordingly, the UPR in many countries appears to remain the privilege of well-connected and well-resourced CSOs based in capital cities.

“The UPR process is elitist and a closed shop. It is plagued by a lack of input from a wide spectrum of civil society, especially those operating outside of the capital. To ensure greater buy-in and effective implementation, it is imperative to mobilize a larger contingent of civil society, especially at the provincial level.” – Lewis Mwape, Zambia Council for Social Development, Zambia

In Malaysia and the Philippines, representatives of Pusat Komang and Karapatan highlighted that they faced severe difficulties in ensuring that indigenous and grassroots groups were able to effectively contribute to the UPR process. Due to resource constraints, capital-based CSOs played an outsized role in contributing to the UPR throughout each phase of the process. As result of the failure to engage with communities outside the capital, the concerns of large segments of society were not adequately represented in the UPR and rural communities were the least likely to be able to use the UPR as platform to amplify their causes with government and other relevant stakeholders.

According to a number of interviewees, domestic state officials also suffered from severe awareness and capacity deficits on how to effectively ensure that UPR recommendations were streamlined across various

departments and ministries. Such limitations jeopardize the feasibility of ensuring that the most marginalized and isolated citizens and groups are able to benefit from the UPR process.

Respondents in Serbia and Zambia echoed that government institutions responsible for overseeing the effective mainstreaming and implementation of recommendations also suffered from awareness deficits about the UPR process. In Serbia, Dragan Popovic, Director of the Policy Center, reflected that while representatives of ministries who were selected to attend Serbia's UPR examination in Geneva in 2013 were generally more conversant with the UPR process, local government suffered from a lack of awareness of the UPR process. According to Dragan Popovic: "The majority of the government has little idea about the UPR process or the outcome of the examination. High ranking ministers rarely speak about the UPR and have failed to encourage a discourse around the process."

Such sentiments reinforce concerns that the UPR is a process that "stays in Geneva" and therefore lacks practical relevance at the national level. In Zambia, Lewis Mwape of ZCSD highlighted that the failure to conduct wide-scale trainings and disseminate other tools to increase understanding of the UPR undermined the possibility of ensuring that recommendations are incorporated into the government's long-term human rights priorities and planning.

## **"THE WHOLE WORLD IS WATCHING": INTERNATIONALIZING LOCAL ISSUES**

Among respondents operating in contexts where civil society is subjected to severe legislative and extra-legal restrictions, international mechanisms, including the UPR, are seen as increasingly important platforms from which to advocate and create pressure on national governments. In particularly restrictive national contexts where domestic avenues for engagement on democratic rights are limited, the UPR provides a crucial ingress for national civil society groups to raise awareness and publically dialogue about sensitive issues on a global stage. A number of civil society groups from several regions highlighted that the UPR helps to "internationalize an issue" by institutionalizing the space for civil society to address the international community about politically sensitive issues as well as those which generally do receive the explicit attention of the Council and its ancillary bodies.

In Vietnam, according to VOICE, Vietnam's UPR examination in February 2014 provided an unprecedented opportunity to conduct international advocacy. Although the government banned HRDs from travelling abroad to engage in the UPR process, VOICE was able to find strategic methods to bring several dissent bloggers and HRDs from Vietnam to attend the examination. This cycle was the first occasion since the creation of the UN Human Rights Council in 2006 where national activists from Vietnam were able to travel outside of the country to address an intergovernmental organization. According to Long Trinh Huu of VOICE, as a result of the UPR, "Vietnamese HRDs are now coming out of the shadows and are increasingly being legitimised in the eyes of the Vietnamese people." In addition to providing an invaluable entry point for advocacy at the UN, the UPR also provided a "hook" to conduct advocacy with foreign governments at the national level and other intergovernmental mechanisms such as the European Union and liaise with international civil society groups who are barred from working in Vietnam.

However, according to Long Trinh Huu, "while the UPR presents an opportunity for the independent civil society in Vietnam to have a voice on the international stage, at home they still face real risks from their government." Of particular concern is the continued state persecution of the HRDs who were able to directly participate in the UPR examination upon their return to Vietnam. Several of the activists who travelled to Geneva were detained and strip searched at the airport in Vietnam and continue to be monitored today, while others have had their passports confiscated and have been subjected to travel bans.

"During the UPR, the Government of Cambodia is obligated to sit in front of dozens of states, including its international donors, and defend its human rights record and publically promise to make substantive reforms. While the likelihood of national implementation might be minimal, the UPR provides a rare chance to echo the demands we have been making at home." – Ramana Sorn, Cambodia Center for Human Rights (CCHR), Cambodia

The importance of coordination of national civil society groups at the international level was highlighted by a number of groups, who viewed the UPR as an unparalleled occasion for national groups to build coalitions to support international campaigns. In Venezuela, Feliciano Reyna of CIVILIS Human Rights reiterated similar perceptions that the UPR not only “increases visibility of the situation” but “provides a platform where civil society working in different areas of human rights can come together for a common agenda at the international level.” In Brazil, Camila Asano of Conectas Human Rights also highlighted that the UPR provides international coverage to issues which are generally only the subject of national scrutiny. According to Camila, “Issues which might not otherwise garner the attention of international community are much more likely to be addressed during the UPR.”

In addition, according to Michael Payne of Americans for Human Rights & Democracy in Bahrain (ADHRB), where systematic restrictions on fundamental rights are regularly taken up by the Council, the UPR allows HRDs to raise issues which are “not in the headlines”.<sup>16</sup> Michael Payne highlighted that during Bahrain’s UPR examination in May 2012, international governments raised over 90 pressing human rights concerns ranging from cultural identity to land rights. Michael Payne underscored that the universality of the UPR process provides the space for Bahraini HRDs to emphasise the “root of the problems” and encourage the Council to “address not only symptoms of human rights violations but also their causes.”

## HARMONIZING INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS WITH THE UPR

In light of the holistic nature of the UPR and its distinctive universality in analysing UN Member States’ human rights record, a number of civil society groups interviewed for this report emphasized the need to ensure greater integration between the UPR and other international and regional human rights monitoring mechanisms. From monitoring implementation of the Sustainable Development Goals to the African Commission on Human and Peoples’ Rights and relevant European Union bodies, respondents highlighted that the failure to incorporate UPR recommendations among other complementary intergovernmental processes remains a significant barrier to realizing human rights at the national level. Mainstreaming explicit UPR commitments among relevant human rights processes would help to avoid duplication while allowing for the development of useful synergies and the creation of greater policy coherence at the national and international levels.

In Serbia, Dragan Popovic of the Policy Center stressed the need to utilize the UPR in conjunction with more established mechanisms in Europe used by civil society to address human rights concerns. Dragan Popovic, as well as a number of respondents operating within the European human rights system underscored that only concerted pressure from across the international, regional and national human rights spectrum can “manifest in substantial results on the ground.” As an example he cited the Serbian Government’s decision to permit and facilitate the annual Belgrade Pride Parade in 2013. While the government had repeatedly refused to allow civil society requests to hold the march, following a number of interventions by the EU and later by several international governments during Serbia’s UPR in 2013, the authorities have since played a positive role in the facilitating the annual parade.<sup>17</sup>

“We need sustained long term advocacy strategies including ensuring that the different international and regional human rights processes are speaking and coordinating with each other. It might be slow and incremental, but in working together and cohesively we will see progress.” - Dragan Popovic, Policy Center, Serbia

Respondents also expressed the need to ensure that the creation of any new UN monitoring mechanisms complements the UPR rather than undermines its potency. In Zambia, Lewis Mwape of the Zambia Council for Social Development highlighted the need to incorporate UPR recommendations into the post-2015 Sustainable Development Goals (SDG) process. Lewis Mwape highlighted the need for more specific and actionable UPR

<sup>16</sup> Joint Statement on the OHCHR and the human rights situation in Bahrain, 9 September 2013 [http://eeas.europa.eu/delegations/un-geneva/documents/eu\\_statments/human\\_right/20130909\\_joint\\_statement\\_on\\_the\\_ohchr\\_and\\_the\\_human\\_rights\\_situation\\_in\\_bahrain.pdf](http://eeas.europa.eu/delegations/un-geneva/documents/eu_statments/human_right/20130909_joint_statement_on_the_ohchr_and_the_human_rights_situation_in_bahrain.pdf)

<sup>17</sup> CIVICUS, Policy Center “Submission to the UN Universal Periodic Review 15<sup>th</sup> Session of the UPR Working Group” 16 July 2012 <http://civicus.org/images/stories/CIVICUS%20PC%20Serbia%20UPR%20Joint%20Submission%20July%202012.pdf>

recommendations to provide a “rights-based assessment of implementation of the Sustainable Development Goals.” Specifically, Lewis Mwape suggested that UPR recommendations pertaining to economic, social and cultural rights should correspond with other international development indicators and processes. According to Mr Mwape doing so would provide CSOs in the country with a comprehensive and streamlined framework from which to evaluate progress on development indicators and an entry point to engage with the government.

## CONCERTED CIVIL SOCIETY ACTION: THE IMPORTANCE OF THE CONSULTATIVE APPROACH

Several respondents identified coalition building and civil society led consultations held prior and subsequent to the UPR examination as an important practice in preparing for the UPR. For example, in the Philippines, UPR Watch, including representatives from Karapatan, was established to facilitate the participation of CSOs in the UPR process. In Togo, national CSOs coalesced behind a national UPR platform to marshal evidence and identify priority recommendations, which formed the basis of their advocacy initiatives in Lomé and Geneva.

Although awareness of the UPR process has improved since its first cycle, several interviewees underscored the need for further capacity building and sensitization of civil society and citizens about the UPR. In Rwanda, Epimack Kwokwo of LDGL indicated that the lack of knowledge of the mechanism among CSOs constituted one of its major weaknesses. In the Gulf States, Maryam Al-Khawaja of the Gulf Center for Human Rights (GCHR) emphasized the integrality of the cooperative approach in facilitating effective engagement with the UPR process. To address debilitating restrictions on civil society and the attendant barriers to cooperating with UN human rights mechanisms, GCHR has developed robust, regional training modules to support transnational solidarity and capacity building to engage in the UPR process.

In Azerbaijan, Leila Alieva of CNIS highlighted that as official channels to source information on the UPR in the country remain limited, the civil society post-UPR consultation organized by CNIS following Azerbaijan’s UPR examination in 2013 provided a crucial opportunity to build a more formidable union of CSOs to follow-up on UPR recommendations. Specifically, Leila Alieva underscored that the UPR consultation in Azerbaijan “helped to disclose a number of oversights by civil society including that there were actually sixteen separate joint submissions prior to examination. The consultations brought us together and played an important role in both raising awareness about the UPR and how we could enhance and consolidate our engagement in the process.”

## CONCLUSION

Currently in its second cycle, the Universal Periodic Review has emerged as a key mechanism to scrutinize the human rights record of all 193 UN Member States. Robust civil society participation is crucial to ensuring effective counterbalances to States’ self-reporting of their human rights records. This paper, based on interviews with 15 civil society activists from across the globe involved in the UPR process, showcases the challenges and opportunities they have encountered throughout the process.

Interviewees highlighted the intrinsic value of the UPR process as a platform to amplify national advocacy initiatives, to consolidate civil society positions and to mobilise international support to address sensitive human rights issues. The UPR mechanism was also noted as an important opportunity to create more secure and institutionalized avenues to engage and dialogue with national governments and to facilitate the realization of a wide range of international human rights obligations.

However, despite the reported value of the UPR as a platform to engage in open dialogue on human rights issues, interviewees underscored a number of obstacles to ensuring more robust participation in the UPR and implementation of recommendations, especially pertaining to civic space issues.

Several strategies are being used by governments to prevent civil society from fulfilling their rightful role in the UPR process. The use of inflammatory and divisive rhetoric to brand civil society as foreign agents or

vehicles of the opposition, undue restrictions on the legitimate activities of civil society activists, intimidation and persecution of human rights defenders including reprisals for participation and the deliberate use of GONGOs to misinform on the State's human rights record and to side-line CSOs deemed critical of the government all present substantial barriers to ensuring the fulfilment of the UPR mechanism's full potential.

This paper underlines the overall need for an enabling environment for civil society at the national level and the need to ensure greater integration between the UPR and other regional and international human rights monitoring mechanisms. The paper further sets forth several practical recommendations that national governments, the international community and civil society groups can take to remedy a number of the shortcomings of the UPR process while fostering a more participatory approach with civil society actors to facilitate greater realization of UPR recommendations.

## RECOMMENDATIONS

### To national governments:

- Remove legal and policy barriers which undermine the creation and maintenance of an enabling environment for civil society, including restrictions on the rights to peaceful assembly, expression, association and political participation – Michael Payne, ADHRB, Bahrain/Middle East
- End all targeted legislative and extra-legal persecution of HRDs and civil society activists for engaging with the UPR - Long Trinh Huu, VOICE, Vietnam
- Establish and enable mechanisms to monitor the implementation of the accepted recommendations and commitments by States under Review (SuR) - Tinay Palabay, Karapatan, Philippines
- National governments must be explicitly required to translate and disseminate all UPR outcome reports and recommendations to civil society, the general public and relevant government agencies – Sukhrojon Ismoilov, Expert Working Group, Uzbekistan
- Facilitate access to information by prioritizing or strengthening access to information laws – Dragan Popovic, Policy Center, Serbia
- Ensure inclusive, transparent and participatory dialogue at the national level with all relevant stakeholders before and after the UPR review towards adopting a national road map for the implementation of the recommendations received - Bihter Moschini, ANND, Lebanon/Middle East and North Africa and Epimack Kwokwo, LDGL, Rwanda/Great Lakes

### To the international community:

- Institutionalize the creation of civil society led consultations with an aim to develop strategies to ensure effective realization of UPR recommendations – Leila Alieva, CNIS, Azerbaijan
- Establish accountability mechanisms within the UN HRC to ensure the implementation of the accepted recommendations and commitments – Maryam Al-Khawaja, Gulf Center for Human Rights, Gulf Region
- Relevant UN organs must be given adequate resources to ensure the provision of sustained support to allow civil society to engage in all stages of the UPR – Jerald Joseph, Pusat Komus, Malaysia
- Establish an international umbrella group to catalogue human rights recommendations from different intergovernmental and multilateral institutions – Leila Alieva, CNIS, Azerbaijan
- Develop joint consultations among the various regional and international human rights mechanisms to help harmonize recommendations – Leila Alieva, CNIS, Azerbaijan
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- Diplomatic missions operating in the country under review should be encouraged to meet with civil society in advance of the UPR examination and following the country's UPR review – Sukhrobjon Ismoilov, Expert Working Group, Uzbekistan
- The UN must reduce burdensome and discriminatory restrictions on accessing the UN Human Rights Council which negatively affects human rights defenders operating in the global South – Long Trinh Huu, VOICE, Vietnam
- Create specific sanction mechanisms for governments who persecute civil society representatives who attend UPR related activities at the UN Human Rights Council – Tinay Palabay, VOICE, The Philippines and Maryam Al-Khawaja, Gulf Center for Human Rights, Gulf Region
- Ensure that recommendations put forward during the UPR are substantive, actionable and precise, and avoid unproductive, congratulatory recommendations - Michael Payne, ADHRB, Bahrain/Middle East

#### **To national, regional and international civil society organizations:**

- Create cross regional networks to share experiences and expertise on effectively engaging with the UPR - Lewis Mwape, ZCSD, Zambia
- Provide support in creating national civil society UPR coalitions to coordinate sustained engagement in the UPR – Jerald Josph, Pusat Komus, Malaysia
- In contexts which criminalize or restrict the creation of independent civil society groups, create secure online platforms to allow civil society organizations to participate in all stages of the UPR – Sukhrobjon Ismoilov, Expert Working Group, Uzbekistan
- Provide training for national civil society groups to engage in the UPR and sustained support to ensure effective monitoring and implementation of UPR recommendations – Feliciano Reyna, CIVILIS Human Rights, Venezuela
- Support the synergizing of efforts and coordination of national civil society organizations from different countries engaging in the UPR – Tinay Palabay, Karapatan, The Philippines

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