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UPR and Civil Society Compilation of Best Practices in the Arab Region

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Preface

Described as having “a great potential to promote and protect human rights in the darkest corners of the world” by the UN General Secretary Ban Ki Moon, Universal Periodic Review (UPR) since its launch in 2008 has been promoted as a unique human rights monitoring mechanism. It is unique; universal and periodic –It takes place every 4 and half years for all UN members and it reviews the condition of all human rights taking a holistic approach, not being bound to any set of rights or issues. Indeed, close to the end of its second cycle in 2016, the Human Rights Council President highlights that the process has resulted in “self-reflection and self-improvement”¹ of many States.

Given the shrinking civil society space in the Arab region and as well at the global level, UPR provides a space to enhance the watch-dog role of the civil society and its monitoring exercises through concrete advocacy steps at national and international level. The role of civil society within the UPR process varies from the submission of an input to the follow-up of the outcome; nevertheless, the added-value of the UPR is its usage as a tool for continuous monitoring and advocacy on human rights and rights-based policy reforms. This should be through a systematic engagement in the process highlighting root causes of violations and calling for remedial action in recommendations, fostering coalition-building and networking among civil society groups.

This brief resource tool aims to provide insights for future civil society groups planning to engage in the UPR mechanism and to raise awareness about the role of CSO in the process. Accordingly, it starts with a short description of the UPR process, at a glance through a Q&A section and presents the process in a diagram. Then the resource tool describes how the Arab region engaged in the process since 2008, while briefly showcasing the trends. The following section compiles cases from selected countries that could be useful for groups interested in engaging in monitoring and advocacy mechanisms. The cases reflect some common characteristics but also diverse lessons learnt and best practices from each experience. In its several capacity-building and training sessions on UPR, ANND, as a regional network who engaged in UPR process of Egypt, Lebanon, Yemen, Sudan, Bahrain, Tunisia, Syria, Palestine and Jordan realized that sharing lessons learnt are useful to understand the UPR mechanism better but more importantly to engage in it more effectively. The last section focuses on how to move forward with the UPR as a tool to advance human rights.

¹ - <http://www.upr-info.org/en/news/hrc-president-emphasises-that-the-upr-is-catalyst-for-change>



Universal Periodic Review: Q&A²

What is the Universal Periodic Review? The Universal Periodic Review (UPR) is a United Nations human rights monitoring mechanism established in 2008, involving a periodic review of the human rights records of all 193 UN Member States.

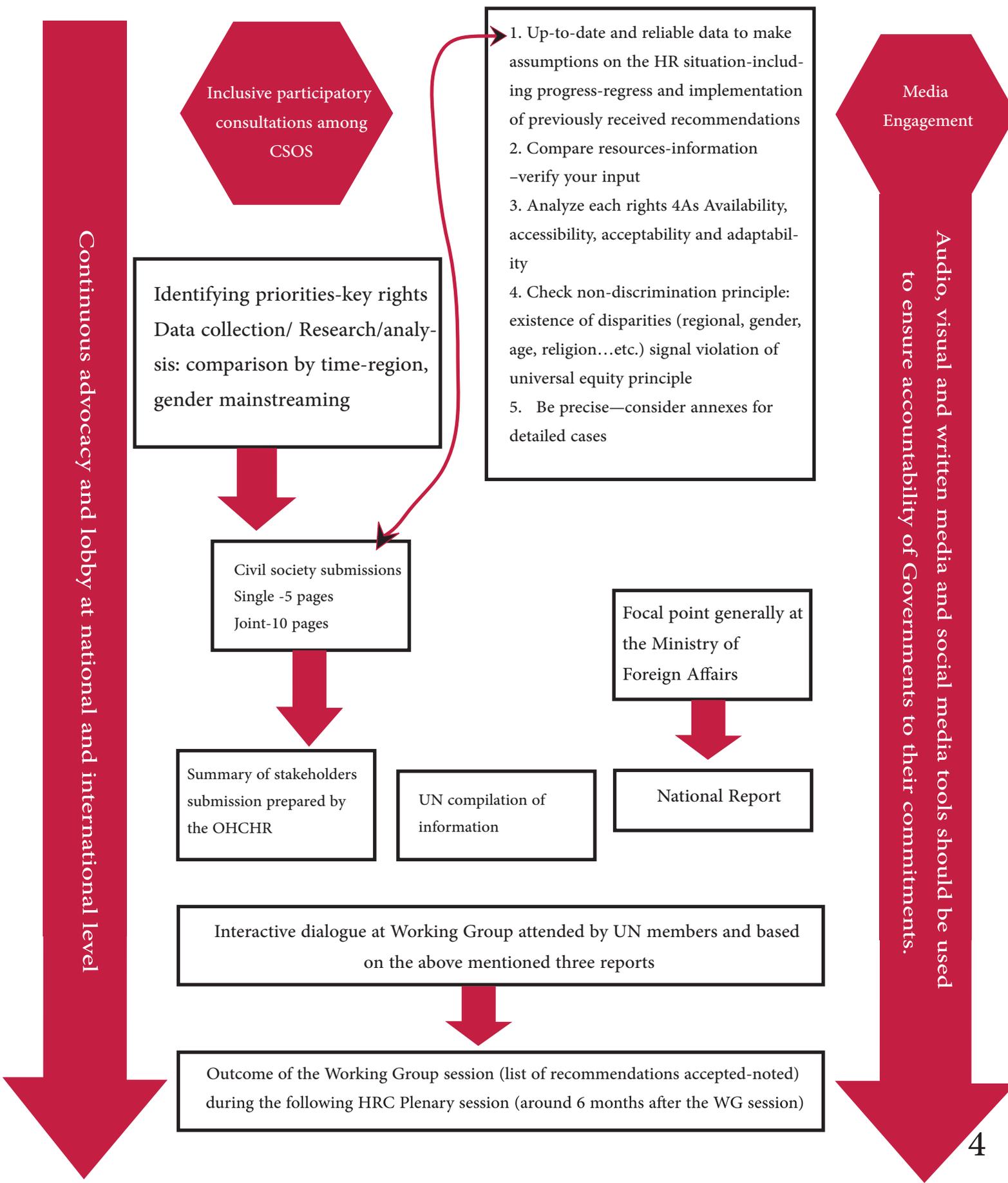
What are the reviews based on? The reviews take place in a Working Group session at the Human Rights Council in Geneva, Switzerland and are based on 1. National report prepared by the State under review 2. Compilation of UN information containing information from independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities 3. Summary of stakeholders submission prepared by the OHCHR from the information submitted by national human rights institutions and non-governmental organizations

How are the reviews conducted? Reviews include an interactive discussion that last for three and a half hour between the State under review and other UN Member States. During this discussion, the National delegation presents its report and any UN Member State can take floor to make comments, ask questions and direct recommendations. The troika, composed of three HRC members act as the rapporteurs of the session.

What is the outcome of the review? The report prepared by the Troika, referred as the “outcome report” is adopted within the same Working Group session, starting 48 hours after the country review. This procedural adoption is followed with the adoption at the plenary session of the Human Rights Council. One hour allocated to the adoption is divided as: a) 20 minutes for the State under Review, b) 20 minutes for States to take the floor and express their opinion on the outcome of the review and c) 20 minutes for civil society, NGOs and National Human Rights Institutions to make general comments.

What steps are taken as follow up to the review? The State has the primary responsibility to implement the recommendations contained in the final outcome. During the following review the State is expected to update the UN member states on the implementation of the recommendations as well as any developments in the field of human rights. In between two reviews, the state is encouraged to provide mid-term implementation reports as well.

UPR Process: Basics at a Glance





UPR engagement in the Arab Region

The introduction of the UPR mechanism at the Human Rights Council (HRC), adopted in the institution-building package was considered as a test for the effectiveness of the HRC itself. For the Arab region, UPR was particularly important as the first session of UPR started with an Arab state. Bahrain was the very first country reviewed. The first session included three other Arab states, namely Tunisia, Morocco and Algeria.

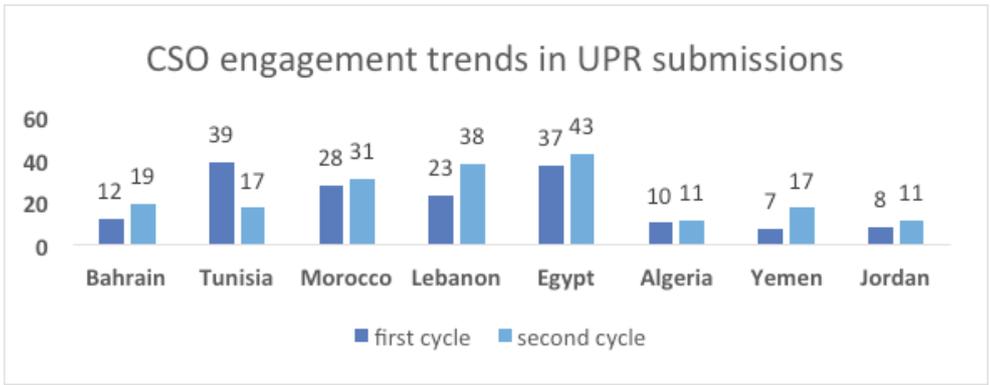
However, by then, Arab states engagement in the UPR received attention not because of they were first to be reviewed but rather because of their proposals on procedural regulations and establishment of working modalities. These proposals had “the apparent intention of shielding the four Arab states under review from a genuine and open evaluation and recommendation process to improve their human rights policies”³. Led by Egypt (for the African Group), Pakistan (for the Organization of the Islamic Conference Group) and Palestine (for the Arab group), a non-paper was issued with “regressive” propositions for the modalities for the UPR. These included restrictions for an effective engagement of the CSOs mainly through limitations on the distribution of information submitted to the OHCHR, limitations on the distribution of the UPR Working Group report and a complete ban on webcasting of the UPR sessions. A proposal put forward was to limit the stakeholder submissions for only ECOSOC status holding CSOs and another was to post only the summary prepared by the OHCHR rather than the full reports submitted by the stakeholders.⁴ Nevertheless, such measures remained as proposals only and were not accepted; the final modalities of the UPR allowed space for CSOs to use the mechanism as a tool to raise awareness, disseminate information and shed light on the human rights situations.

From this very first cycle where Arab states were to limit the role of CSOs to nearly end of second cycle an overview of the Arab region reveal following key points:

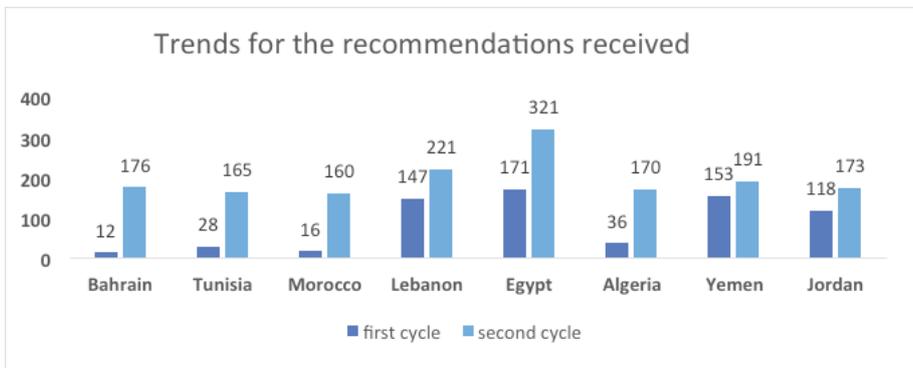
- 1- In general, the engagement of civil society in the process (assessed by the submission of inputs) show an increasing trend. Although it varies from country to country, except Tunisia, countries of the region witness a more active CSO engagement in submitting reports. It is important to note that the joint submissions increased significantly in some countries (i.e. in Lebanon from 2 to 9 as listed at www.ohchr.org) reflecting as well the recognition of the added-value for coalition-building practices and national coordination meetings among CSOs.

3- <http://www.cihrs.org/wp-content/uploads/2012/06/report-e1.pdf>

4- http://www.upr-info.org/sites/default/files/general-document/pdf/-towards_implementation_by_tiffany_henderson.pdf



2- From the first cycle to the second cycle review, recommendations received by the Arab countries increased significantly, requiring a more active role from CSOs for the follow up phase and for the monitoring of the implementation of these recommendations and the voluntary commitments undertaken. Furthermore, as the increase in the number of recommendations does not assure that a broad range of human rights issues are covered, it is important that CSOs advocate that the review takes a holistic approach in formulation of these recommendations. This means that a set of issues do not remain prioritized in comparison to others. In addition, increasing number of recommendations require a systematic monitoring by CSOs, including developing monitoring strategies and action plans.



21/HRC Resolution 16

States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations

3- As of November 2015, 59 states provided information on the implementation of the recommendations as recommended by the HRC Resolution 1621/. From the region, Morocco, Bahrain, Tunisia and Sudan became pioneers in this practice. Thus, CSOs should call for their states to engage in this practice and encourage their State to submit midterm reports to the OHCHR, strengthened with broad and inclusive consultations at national level.



Country	Midterm Report
Bahrain	http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/BH/Bahrain_followup.pdf
Morocco	http://lib.ohchr.org/HRBodies/UPR/Documents/session13/MA/MoroccoImplementation2ndCycle.pdf
Sudan	http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SD/SudanImplementation_en.pdf
Tunisia	http://lib.ohchr.org/HRBodies/UPR/Documents/session13/TN/TunisiaMidTerm_en.doc

- 4- For the Arab region, media engagement in the UPR process has been minimal and handled as a special interest topic and not as a national event. In many cases there is almost an absence of media engagement within the process, with some coverage of the government report exclusively. A more active role is required from local media platforms, in order to disseminate information on the UPR process and to highlight its significance in the promotion and protection of human rights but as well in ensuring accountability. This would require media groups to follow up with civil society and other stakeholders in reporting and documenting the Human Rights situation of the Arab countries. In this regard, training and capacity building deliberately organized for and with journalists is a must that will simplify the process and introduce them to human rights monitoring indicators-benchmarks. Moreover, the civil society should consider engaging media in related consultations or coordination meetings to keep them updated about the process and to engage them more effectively. Organizing press events and developing press statements and visual material solely for the UPR, both in preparatory stage or in follow up of the outcome are key tools that CSOs should consider.
- 5- Regional human rights monitoring mechanisms provide an additional space to use the information collected for UPR process to have coherent calls on advancement of rights from diverse mechanisms, as sessions take place close to UPR reviews. The Arab Human Rights Committee was created pursuant to Article 45 of the Arab Charter. In accordance with Article 48 state parties submit reports on the measures they have taken to give effect to the rights and freedoms recognized in the Charter and on the progress made towards their enjoyment. CSOs can also provide information to the Committee⁵ that will consider the reports in the presence, and with the participation, of the State party in question. For instance CSO groups in Lebanon and Sudan took the occasion to alter their UPR input for the Arab Human Rights Committee review and present to the Committee, as the reviews were undertaken close to UPR Working Group session of each respectively.⁶

5- <http://www.lasportal.org/ar/humanrights/Committee/Documents/144-2520%D8%AF%D984%D98%A%D920%84%D985%D8%B4%D8%A7%D8%B1%D983%D8%A9%20%D985%D986%D8%B8%D985%D8%A7%D8%AA%20%D8%A7%D984%D985%D8%AC%D8%AA%D985%D8%B920%D8%A7%D984%D985%D8%AF%D986%D98%A.pdf>

6- Read more about the session of Lebanon and Sudan <http://www.lasportal.org/ar/humanrights/Committee/Pages/CommitteeSessions.aspx>



Sharing Best Practices and Lessons Learnt

UPR, in line with its core principle of universality, follows the same process for each and every member of the UN. Yet, as every country is unique in its dynamics, human rights situation and more importantly in the engagement of its actors, each represent a different case. For instance, in some countries, national government holds inclusive consultations, in others Parliaments provide inputs for the civil society report.

For the Arab region, apart from the common trends mentioned before, for CSOs it can be noted that the overall characteristics of the Arab states characterized by a shrinking space for civil society like violations of freedom of association and expression and restrictions of the right to access to information, in addition to challenges in mobilizing financial resources and together with limited structural and organizational capacities, restrict their effective engagement in the process. Yet, as the cases below show, CSOs developed their best practices to enhance their role as well. Cases included are from Jordan, Egypt, Lebanon and Yemen.

Jordan: Coalition-building and strengthened voices under an umbrella body

Jordan went through its first UPR revision in February 2009 and the second cycle revision in October 2013. CSOs engagement remained limited in the process in number (only 8 submissions in the first cycle and 11 in the second cycle), and in comparison to other Arab countries. Indeed, the review sessions highlighted the lack of an enabling environment in the country with specific recommendations calling for amending the Societies Act to remove the restrictions on the establishment of civil society organizations, eliminating the role of government in civil society organizations, including in appointing State employees to newly established civil society organizations, and removing the requirement for Cabinet approval of foreign funding for civil society organizations as well as any other undue restrictions and controls by the Government on them.

Despite such challenges, civil society groups developed their best practices to engage effectively in the UPR process, namely, strengthening their voices through coalition-building. Indeed groups established a coalition solely for the UPR review under an umbrella.

Lessons learnt for CSOs

INSAN Coalition⁷ for Universal Periodic Review was formed around a year before the actual review, in December 2012. The purpose of the Coalition was to prepare a report for the second universal periodic review for Jordan and to follow-up on issues concerning the application of human rights principles and standards in the Kingdom along with the recommendations of the Working Group members during the first cycle revision. In preparation of the report INSAN coalition undertook intensive and periodic consultations amongst, held discussions on priority issues and for the formulation of recommendations.

Joint submissions will help you benefit from diverse Expertise, Resources (human, capital, technical), Constituencies, Credibility and Visibility and eliminate duplication and possible competition,

but

Consider coalition-building for the UPR process as a structured and systematic process to be sustainable in its achievements and to have a strengthened voice.

Coalition-building is a significant step for CSOs engagement at UPR, mainly because:

- From an ad hoc body to a specific coalition established solely for UPR, the groups can identify a clear purpose and with a declared commitment and building strategy to strengthen their achievements.
- Together with agreed guiding principles for partnership, identified strategic objectives, and clarified roles amongst them and through holding regular meetings efforts in the pre-submission phase and follow up are enhanced and sustainability of the collaborative work is achieved.
- The groups built trust among each other by sharing information, enhancing mutual accountability and transparency but as well by coping with the challenges of working in a coalition, like reaching a broad consensus.

In the case of Jordan, INSAN coalition developed an active strategy for working with media and in this regard:

- Engaged with University of Jordan Faculty of Law, supported by APA, the Jordan Working Group session was broadcasted to academics and law students. During the session, many live-interviews were conducted with INSAN Coalition who was in Geneva attending to the Working Group session.
- Several radio, TV and Newspapers interviews, have been conducted with INSAN coalition regarding the UPR process, including, Monte Carlo station and several Jordanian radio stations.
- The group, as INSAN coalition organized press conference⁸ in Jordan and undertook advocacy meetings in Geneva⁹.
- Once the Working Group was finalized the Freedom Committee in the Jordanian Parliament invited the INSAN coalition to discuss the human rights priorities in Jordan in terms of UPR recommendations. Several ministries were present at this meeting including: Minister of Media, Justice, and Minister of State for Installations.

7- The Coalition included the following CSOs: Phenix Centre for Economic and Informatics Studies, Da'am Centre for Training and Consultancy, Tamkeen for Human Rights and Legal Aid, Justice Centre for Legal Aid, Jordanian Women's Union, Human and Environment Observatory, Jordanian Federation of Independent Trade Unions, and Jordanian Labor Watch. Joining these CSOs are Mr. Moath Al Momani, lawyer, Mrs. Rania Al Sarayreh, Mrs. Nadeen Al Nimiri and Mr. Mohamed Shamma, Journalists

8- <http://jwu.org.jo/AllDetiles.aspx?lng=1&newsID=77>

9- http://www.gdh-ghr.org/?page_id=201389



Egypt: Engagement in the process to highlight restrictions faced by the CSOs

The UPR second cycle review for Egypt was held only 5 days before the expiration of the government's ultimatum for "non-registered entities" to register under the repressive Law 842002/ by November 10. Under this setting, several human rights groups decided not to participate in any of the UPR's proceedings in fear that their participation might result in reprisal or possible persecution.

Nevertheless, the lack of their actual presence in Geneva did not prevent them in highlighting on the violations of the freedom of association and assembly and expression of opinion. They rather used the engagement at the UPR process as an indicator for showing the restrictions faced by CSOs. In this regard:

- key issued a joint press release raising concerns about the silencing of Egyptian civil society in the UPR process¹⁰
- key sent open advocacy letters to the UN Permanent representatives and members of the Human Rights Council highlighting their call for social justice.¹¹
- key included international actors in their efforts, who are exempted from such national restrictions and who can raise concerns at international level. For instance in case of Egypt UPR while the joint coalition, as subject of this case, included 51 organizations and 79 trade unions, they collaborated with Center for Economic and Social Rights to strengthen their efforts at international level. Together with the CESR, the groups prepared additional advocacy materials, including factsheets that summarize key concerns and suggest questions and recommendations on the state of economic, social and cultural rights in Egypt.¹²

It is well-known that UPR as a process is limited for CSOs engagement. The Working Group does not allow CSOs to join to the interactive dialogue and once the floor is given to CSOs, during the plenary session, the set of recommendations accepted or noted by the State under review is already finalized. Indeed, the two minutes given for CSOs speech, during the plenary, has its own limitations due to "first come first served" principle and being open only to 10 organizations. Yet, a Geneva focus on national human rights conditions should rather be considered as a space to raise the lack of enabling environment at national level and to call for action to advance the situation on the ground.

Lessons learnt for CSOs

Use UPR not only as a process to stress on human rights situation in the country but stress on challenges faced in engaging in the UPR process as an indicator for assessing the enabling environment in the country

10- <http://www.cesr.org/article.php?id=1660>

11- http://www.cesr.org/downloads/CESR_open_letter_Egypt.pdf

12- <http://cesr.org/article.php?id=1650>



Lebanon: Sharing outcomes of the UPR monitoring in similar processes

The second cycle review of Lebanon took place on November 2nd, 2015 whereby civil society groups undertook an inclusive consultation period and came up with a broad coalition of around 80 organizations that submitted joint reports on economic and social rights, civil and political rights, in addition to several thematic reports like women's rights, child rights, labor rights, Palestinian refugee rights, transitional justice...etc.

The groups benefited from the outcome of this extensive research in reporting within similar processes, in this case for the European Neighborhood Policy Action Plan progress reporting exercise.

ENP Action Plan sets out the partner country's agenda for political and economic reforms. These actions cover a period of short and medium-term priorities of 3 to 5 years and within the ENP process, each year the implementation of the Action Plan is assessed through progress reporting. This information is collected by the European External Action Service and civil society is encouraged to provide information about their own monitoring.

While UPR is under UN, and ENP reporting within EU structure, as they are both focused on progress and regress of the human rights conditions, Lebanese civil society groups benefited presenting their analysis for each monitoring exercise. This was also possible as for the UPR reporting, groups considered each issue/right systematically with:

- up-to-date and reliable data to make assumptions on the HR situation-including progress-regress
- Comparative analysis from diverse resources for the information to verify inputs
- Assessing each right with 4As principle: availability, accessibility, affordability, adaptability
- Highlighting disparities (regional, gender) as the existence of disparities signal violation of universal equity principle

Engagement at the UPR, if an ad hoc exercise, will not achieve a lot, like in other human rights mechanisms. This means that the groups engaged should do continuous monitoring of the implementation of recommendations and close follow up at the national level that will help raise awareness and create pressure for the State to be accountable with regard to its commitments. Furthermore, the groups should as well consider spreading the outcomes of their UPR reports, meaning violations they identified and remedial action necessary in relevant other processes. At the end, monitoring of human rights is an exercise done, based on benchmarks and indicators that are deriving from human rights framework. Therefore CSOs, can use the outcome of their research, data collection and information gathered in other spaces.



In this regard, groups engaged in UPR should consider similar reporting processes to engage, even expanding their joint work as other groups could be interested in actively contributing in diverse processes. Treaty body revisions like Committee on Economic and Social Rights, CEDAW Committee sessions, Human Rights Committee of the League of Arab States already provide similar spaces whereby collected information and recommendations could be systematically raised. Coherent calls by civil society in diverse processes will shed light on the human rights situation of the country. Similarly state, as the main duty holder, will be called for similar remedial and progressive actions in these diverse processes.

Lessons learnt for CSOs

Take a holistic approach to human rights monitoring mechanisms (including Treaty Bodies, Special Rapporteurs, implementation of SDGs) and share outcomes of the UPR monitoring in similar processes to make a coherent call on human rights situation in the country.

Thus, once engaged at UPR, CSOs can:

- Identify similar monitoring mechanisms and establish calendars of activities and road-maps for providing coherent information
- Benefit from joint work undertaken and expertise of each group for diverse processes (i.e. while Gender mainstreaming can be done for UPR reporting, the groups can benefit further from the expertise of the women's group to prepare shadow reports for the CEDAW committee review)

Yemen: Mobilizing civil society before and after the UPR

Conflicts, wars and instability are provided as excuses by the States in relation to their lack of efforts to undertake and meet human rights obligations. Allocations of budgets to militarization to overcome 'security threats' or restrict spaces at national level for civil society under Emergency Acts are common practices in the region. Unfortunately, these constitute significant challenges for civil society as well in undertaking effective roles at national level in policy-making, monitoring and advocacy. Similarly for the UPR process, they create constraints.

However, as in the case of Yemen, civil society organizations organized pre and post UPR consultation meetings to ensure that security challenges at national level do not limit the inputs of diverse groups in the process.

Accordingly with the pre-UPR consultation meeting held, Yemeni groups enabled that groups from different regions of Yemen came together and contributed to the preparation of an input. This pre-consultation session was important to identify priorities, to establish working groups but also to adopt a consensus based position on possible set of recommendations that will be directed to the government.



On the other hand, whereas only some groups were actively present in Geneva during the Working Group session and organized side events and undertook direct advocacy in Geneva, a post-UPR consultation session was organized at their return. The meeting brought together similar groups who were engaged in pre-UPR meeting and aimed at informing them on the outcomes of the advocacy and outcomes of the UPR session. The set of recommendations Yemeni government received were discussed. The meeting stressed on the need of CSOs to play an effective role in monitoring government implementation of relevant UPR recommendations. The participant organizations made a clear call to the Ministry of Human Rights to involve the CSOs in the whole process of Yemen's UPR process, not only sending draft report for the CSOs' discussions and feedbacks; but applying participatory and inclusive approach in the implementation of the UPR recommendations. They also raised the importance of enhancing institutional capacities of all human rights stakeholders; and an enabling environment for monitoring and advocacy on human rights.

The participants further agreed to:

- Establishing a network of NGOs from the capital and governorates that follow-up implementation of the UPR recommendations and that shall be tasked with work according to their areas of operation; i.e. civil, and political rights, and economic and social rights;
- Establishing a national group to follow-up, urge and convince Yemeni government on the importance of implementing the recommendations;
- Moving forward in capacity-building and expanding the coalition established through trainings on UN international reporting mechanisms for small and medium NGOs

It is important to make public what is discussed in Geneva at national level, to turn this “moment in Geneva” into a national process where different stakeholders can engage and take their role. Groups should benefit from these consultations as well to:

- Establish strategy plans and road maps for implementation of these recommendations
- Establish working groups for monitoring of the recommendations and timeline for their reporting
- Engage new groups to broaden the coalitions

Such consultations should be multi-stakeholder and inclusive engaging academics, media, ministries, parliamentarians, civil society, trade unions, and activists to have better achievements in follow up.

Lessons learnt for CSOs

Organize pre and post UPR consultations at national level that will help you

To engage diverse regions, backgrounds in the process

To raise awareness at national level about the outcome of the Working Group session

To ensure that a coherent voice is formed and what is discussed in Geneva is heard at national level



The Way Forward

This resource tool aimed at presenting CSO practices and lessons learnt for an effective engagement in the UPR process. Yet, one should keep in mind that UPR is not the panacea to human rights violations. However a vivid and active civil society engaging in human rights monitoring mechanisms; with their continuous monitoring and advocacy, as agents for change, is a must to ensure that these violations are addressed. Furthermore, like other human rights monitoring mechanisms UPR provides a space for civil society organizations to:

- assess the implementation of transformative and preventive actions,
- identify retrogressive actions taking place,
- identify discriminatory law, policies, programs and practices,
- measure achievements and detect failures, gaps, and violations,
- identify priorities for remedial action,
- promote human-rights based approach to policy-making and implementation

UPR, if used also as a tool by civil society can be considered as a space to make accessible the results of their monitoring work to rights holders and to their representatives. Providing an international eye on national human rights conditions, the process creates attention, interest also for media to further raise awareness and disseminate related information. Indeed, this “public eye” could be used to ensure that duty bearers are hold accountable for poor performance, unlawful conduct and/or inefficient use of public resources. This will require raising awareness at national level about the civil society engagement but also to:

- Raise-awareness at national level on the recommendations accepted by the government and to continuously stress on the need for a sincere engagement- turning these voluntary commitments into actual practices
- Work around formulating national action plans and strategies on the recommendations to identify key steps to be taken in their implementation—towards making general recommendations follow up over specific indicators
- Use CSO submissions to develop related advocacy documents including petitions, policy documents, statements...etc.
- Build coalitions and enhance networking among diverse groups to formulate a coherent civil society voice, towards ensuring universality, interconnectedness and interrelatedness of all rights within the process and work towards a sustainable coalition-building-networking process
- Engage media at national and international level in order to raise awareness on the process outcome
- Build a holistic approach to human rights monitoring mechanisms (including Treaty Bodies, Special Rapporteurs, and implementation of SDGs) and consider UPR as a tool to strengthen their monitoring work done in these channels.