

- Disseminate information about the UPR;
- Prepare suggestions for advance questions and publish them on the website;
- Conduct public information campaign before the review;
- Attend the review in Geneva;
- Organize and hold side events and interact with diplomatic mission;
- Scrutinise rejected (not supported) recommendations;
- Publicize and disseminate the outcomes of the UPR in the country by conducting awareness raising campaigns on the human rights issues raised;
- Monitor the implementation of recommendations and pledges;
- Approach the State in a follow up process to ensure implementation of pledges with delay;
- Use domestic media for coverage on dissemination and translation of recommendations;
- Mainstream UPR recommendations into their work. NHRIs may wish to include UPR recommendations into their internal work plans and draw up an action plan or strategy to contribute to the implementation of the various recommendations;
- Advocate for the development of legislation, institutional frameworks, policies and programmes by the SuR geared towards implementing the outcomes and addressing key human rights issues of concern; and
- Co-operate with international and regional organizations to develop networks that encourage implementation of recommendations and effective protection and promotion of human rights. The international and regional community assists States to implement review outcomes regarding capacity-building and technical assistance, in consultation with them and with their consent.

Note: In Zambia, the NHRI is the **HUMAN RIGHTS COMMISSION** established by article 230 of the Zambian Constitution. It is mandated to promote and protect the rights of all persons, by ensuring that the Bill of Rights is upheld and protected. The Human Rights Commission shall— **(a)** investigate and report on the observance of rights and freedoms; **(b)** take necessary steps to secure appropriate redress where rights and freedoms are violated; **(c)** endeavour to resolve a dispute through negotiation, mediation or conciliation; **(d)** carry out research on rights and freedoms and related matters; **(e)** conduct civic education on rights and freedoms; and **(f)** perform such other functions as prescribed.

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS AND CIVIL SOCIETY

- Even though the Universal Periodic Review (UPR) is a state-driven exercise, NGOs have many opportunities to take part and influence the UPR process. NGOs participation can take five main forms:
 - Participate in the national consultations held by the State under Review, and ensure that all stakeholders have a voice in the UPR process. Civil society can act as a vehicle for the marginalized and vulnerable groups to have their voice heard. The objective of the review is to improve the human rights situation on the ground. This implies that everyone without distinction is entitled to the rights and freedoms, and in order to take weighty steps in this direction the participation of civil society is indispensable;
 - Send or provide information to the Human Rights Council on the human rights situation in the country;
 - Lobby members of the Working Group; the purpose of lobbying States is to bring to their attention specific issues and for the issues to be addressed during the interactive dialogue in the form of questions and/or recommendations. Those issues can also be raised through advance questions. Lobbying can be made in the State under Review (SuR) and in Geneva;
 - Take the floor at the Human Rights Council during the adoption (not during the review) of the report;
 - Monitor and participate in the implementation by the State under Review of the UPR recommendations;
 - In between NGOs two reviews, NGOs have the opportunity to make recommendations and pledges public through holding of awareness campaign programmes; and
 - Raising knowledge and awareness of the UPR mechanism as a vehicle for people to participate in the hearings.

Note: Any civil society actors, national institution, NGOs, human rights defenders, local associations, grass root organisations, trade unions, indigenous peoples, can submit information to the OHCHR, with or without the ECOSOC status.

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ROLE OF STAKEHOLDERS IN THE UNIVERSAL PERIODIC REVIEW



f Human Rights Commission- Zambia

WHAT IS UNIVERSAL PERIODIC REVIEW?

Universal Periodic Review (UPR) is a Human Rights Monitoring mechanism that emerged out of the 2005 United Nations (UN) Reforms. It is a unique process which involves a periodic review of fulfilment by each of the 193 UN Member States of their human rights obligations and commitments. This is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges affecting enjoyment of human rights. The UPR is a cooperative mechanism and is intended to complement, not duplicate, the work of the human rights treaty bodies. The mechanism is established by the General Assembly Resolution No. 60/251 of 2006. It is an intergovernmental review process which is driven by the States themselves.

STAKEHOLDERS

Even though the UPR is a State driven exercise, the Human Rights Council through its Resolution No. 5/1 of 2007 provide that UPR should ensure the participation of all relevant stakeholders, including Non-Governmental Organisations (NGOs) and National Human Rights Institutions (NHRIs) in accordance with the General Assembly Resolution No. 60/251 of 2006 and Economic and Social Council No 1996/31 of 1996. These resolutions prescribe the participation of NHRIs and NGOs, and states that stakeholders participation shall be based on the ‘practices observed, while ensuring the most effective contribution of these entities’

WHO IS A STAKEHOLDER?

In UPR, a Stakeholders is one referred to in the Human Rights Council resolution 5/1 and include, inter alia, NGOs, NHRIs, human rights defenders, academic institutions and research institutes regional organisations as well as civil society representatives.

THE ROLE OF STAKEHOLDERS IN UPR PROCESS

While UPR is an intergovernmental process, stakeholders have a number of opportunities to contribute.

These opportunties include:

- Participating in national consultations for the preparation of a State’s national report. States are encouraged to undertake broad national consultation processes towards the preparation of their national reports;

- Non-governmental stakeholders can submit information for State reviews. Submissions may be incorporated into the OHCHR-prepared summary of stakeholders’ information discussed above;
- Attending the review of the State at the Working Group on the UPR. Non-governmental Stakeholders may attend Working Group sessions, but cannot participate in the interactive dialogue;
- Attending the Human Rights Council session at which the outcome report on a State is adopted. ‘A’ status NHRIs and ECOSOC-accredited NGOs may make ‘general comments’ before the adoption of the outcome report; and
- Submitting written statements under HRC agenda item 6 (UPR). NHRIs and ECOSOC-accredited NGOs can submit written statements.
- Consultatively work with the State to disseminate UPR implementation plan and monitoring framework.

THE ROLE OF THE STATE

The UPR is a state-driven exercise. The State has an important role to play in the UPR process both at national and international level. At international level the role of the State is mainly to provide information required to effectively and objectively review the country’s human rights situation and secondly, to actively participate in the review of other country’s human rights situation. This includes providing answers to advance questions from other Member States, submitting a national report to Human Rights Council on the country’s human rights situation, providing a country position on every recommendation made to the State and many others.

(a) **At national level**, the State’s role among others is to ensure that;

- i. The report to UN HRC UPR process is a result of a thorough consultative process of various stakeholders at various levels of governance. In order to write a National Report to be submitted to the Working Group for the review, the SuR is “encouraged” to hold a “broad consultation process at the national level with all relevant stakeholders” (Resolution A/HRC/RES/5/1). These consultations should take place at least a year before the review in different cities and parts of the country and include a broad range of civil society organisations such as the national institution (if any), NGOs, human rights defenders, local associations, grass root organisations, trade unions, indigenous peoples, etc;
- ii. It receives and provides explanations to all advance questions from other Member;

iii. It also prepares an action plan on how it will implement recommendations accepted from the UPR session. An action plan is important in building consensus and coherence amongst different key implementers of recommendations. It clearly outlines actions to be undertaken, by who, when, where and at what cost. If implementation of some activities will take some time, the action plan will highlight key milestones to be achieved in specified time frames. It makes it easier to monitor implementation and reporting of achievements recorded;

iv. It implements recommendations received from other Member States and avoid “ritualism”. States have primary responsibility to implement the recommendations they have accepted and the voluntary pledges they have taken, however, it has to work with other secondary duty bearers and stakeholders to ensure effective sharing of responsibilities to implement recommendations. At the next UPR, they will be reviewed on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review; and

v. It sensitises its citizens on the recommendations it accepted during the UPR session and how implementation of these recommendations will improve the human rights situation in the country.

(b) **At international level**, the State’s role among others is to ensure that;

- i. it provides information, through a State report, required to effectively and objectively review the country’s human rights situation.
- ii. it actively participates in the review of other countries human rights situation. In so doing, State should ensure recommendations made to other countries are SMART (specific, measurable, achievable, relevant and time-bound) to avoid vagueness and lack of specificity. According to UPR Info's data 69% of all recommendations made in the second cycle lacked specificity. Lack of specificity affects both the SuR and the recommending State in that, for example, recommending States may have problems assessing the implementation of recommendations they made while the SuR may have problems in implementing such recommendations.

ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The UPR and the process which surrounds it, is ideally suited to the work of NHRIs. The process covers essential parts of the work of an NHRI, given that the mandate of an NHRI encompasses counselling to state entities on human rights matters, to cooperate with NGOs, to assist in human rights education, and raise public

awareness as well as acting as bridgehead to the international human rights system assisting in narrowing the “implementation gap” on the domestic scene, and improving the effective enjoyment of human rights for all. However, the NHRI will have to take point of departure in the given national context when engaging itself in the process. Especially the cooperation with the state will depend on the perceptiveness of the state to promote human rights issues. In countries where this is a challenge, the national strategy will be less offensive.

Resolution 5/1 allows for an active engagement of NHRIs in the UPR mechanism. The UPR process shall “ensure the participation of all relevant stakeholders, including NGOs and NHRIs, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard” (Paragraph 3 (m)).

By its resolution 16/21 on the review of the work and functioning of the Human Rights Council, the Council strengthens the role of A-status National Human Rights Institutions like the Human Rights Commission in the UPR. National human rights institutions are encouraged to play an active role during the cycle of the UPR of the Human Rights Council. A-status NHRIs are encouraged to make use of their participatory rights as spelled out in Human Rights Council resolution 16/21 and General Assembly resolution 48/134 (Paris Principles).

The NHRI potentially has a unique role to play in advising the state on the UPR, co-organizing and co-hosting public consultations, consulting civil society on the process and preparing its own UPR submission. Finally, the NHRI has a task in the follow up procedure ensuring effective implementation of accepted recommendations.

The NHRI can make an impact on the UPR process in various ways:

- Participate actively in the UPR national consultations process leading up to the drafting of the national report and ensure that the NHRI’s experience and perspective is reflected in the national report;
- Prepare and Submit an independent report that reflect the human rights situation on the ground, leading to a more evidence-based and credible review. The NHRI can include specific and accurate recommendations for UPR working Group to reflect on;
- Consult with civil society organizations on key human rights issues and recommendations;
- Facilitate and assist other stakeholders with technical assistance regarding independent reports;