



SUMMARY REPORT
REGIONAL WORKSHOP ON FOLLOW-UP TO THE UNIVERSAL
PERIODIC REVIEW (UPR) OUTCOMES AND OTHER HUMAN
RIGHTS MECHANISMS' RECOMMENDATIONS
28th – 29th March 2011
Silken Hotel – Brussels

Executive Summary

On 28 and 29 March 2011 the Office of the High Commissioner for Human Rights - Regional Office for Europe's (ROE) organized a follow-up workshop on the outcomes of the Universal Periodic Review (UPR) and other human rights mechanisms' recommendations for representatives of governments, National Human Rights Institutions and CSOs of countries in the region, which had been reviewed by the Human Rights Council up-to the 6th UPR Session. The workshop was attended by representatives from 17 countries as well as representatives of the United Nations Team in Brussels; the European Union, the Council of Europe and the OSCE/ODIHR. Two representatives of the international human rights mechanisms (Special Procedures and Treaty Bodies) also shared views on follow-up activities by the mechanisms and the linkages with the UPR. Experiences from Africa and Asia were also shared with the participants who had the opportunity to learn about follow-up engagement by the NHRC in the Philippines and CSOs in Kenya.

The complementarities of the UPR and the expertise of Treaty Bodies and Special Procedures were stressed throughout the workshop. UPR should not stand on its own - and it should not overshadow the other mechanisms, but reinforce their work. The inclusiveness of all stakeholders (all relevant ministries at government level but also civil society) in the process of implementation would strengthen the outcomes of this process at the country level, ensuring the broadest possible spectrum of stakeholder involvement.

Transparency of the implementation process and the need for increasing the visibility of the work done were also major principles that emerged from the discussions. Experiences shared show that in countries where there was an implementation plan or a pathway following the adoption of the UPR outcomes, progress can start being reported in specific areas. The clustering of recommendations and their prioritization helped a number of participating countries focus action in the follow-up phase. Coordination was another key word that recurred during the discussions. Mid-term reports were found to be very useful in the follow-up exercise. Participants also highlighted the need to establish concrete monitoring mechanisms with clear indicators to identify progress.

While partnerships between Governments, NHRIs and CSOs are essential, it is also important to have a clear identification of roles, e.g. ensuring independent monitoring by CSOs or NHRIs. Importantly, implementation cannot be done in a vacuum and should be thoroughly linked with existing national policies, using the outcomes and recommendations from all mechanisms to re-direct them to achieve the recommended goals.

The importance of making work at the international level better known at the regional and local levels also came out as an area requiring strengthened focus. Participants repeatedly noted the momentum that the UPR creates and that it needs to be sustained to ensure better awareness at the local level as well as in the general public. Finally, the role of not only OHCHR but also the entire United Nations family in supporting these processes is important in order to avoid having a piece-meal approach and to ensure that the focus is on addressing critical areas requiring specific progress. This is linked also with the importance of ensuring that future UPR cycles produce fewer but more strategic, measurable, achievable, realistic and time-bound recommendations.

Finally the new role recognized to the National Human Rights Institutions for the forthcoming second cycle of the UPR was welcomed and observed as an important step forward by all participants.

Introduction

As part of the Regional Office for Europe's (ROE) annual work plan, ROE, with the support of the FOTCD UPR Section; HRC and SPD Divisions, organized a one and a half-day regional follow-up workshop on the outcomes of the Universal Periodic Review (UPR) and other human rights mechanisms' recommendations for representatives of governments National Human Rights Institutions (NHRIs) and Civil Society Organisations (CSOs) of countries in the region, which had been reviewed by the Human Rights Council up-to the 6th UPR Session. The workshop was held in Brussels, Belgium from 28th – 29th March 2011. (Annex I: Agenda)

Representatives from Governments, NHRIs and CSOs from 17 countries (Albania, Cyprus, the Czech Republic, Finland, France, Germany, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom) participated in the follow-up workshop. A Member of CEDAW and the Chairperson of the Coordination Committee Special Procedures represented the voices of Treaty Bodies and the Special Procedures. The European Commission (DG Justice), the EU's Fundamental Rights Agency, the Council of Europe and OSCE/ODIHR also participated in the workshop. UNHCR facilitated one of the sessions of the workshop. The follow-up workshop was also complemented by experiences from Africa and Asia. (Annex II: List of participants)

The main issues addressed during the presentations and discussions are described below.

The Opening

The follow-up workshop was opened by Gianni Magazzeni, Chief of Americas, Europe and Central Asia Branch – OHCHR Field Operations and Technical Cooperation Division and Jan Jarab, OHCHR Regional Representative for Europe.

Jan Jarab welcomed participants of the workshop on behalf of the OHCHR Regional Office for Europe, noting that the idea of organizing a series of workshops focusing on follow-up emerged during the Regional Briefing in Ljubljana organized by the Regional Office in October 2010 for countries entering the UPR preparatory reporting process.

Gianni Magazzeni welcomed all participants on behalf of the High Commissioner for Human Rights and presented the main features of the workshop agenda. While stressing that the primary responsibility for implementing the recommendations from all the human rights mechanisms, including the UPR, rests with the State concerned, he noted that OHCHR as part of the international community and in line with its global mandate can also assist in support of this process at the request of the countries. The Office gives high priority to actions that would bring tangible results, a main focus of the discussions to be held during the workshop. He also stressed the relevance of the EU in supporting actions to follow-up implementation of these recommendations at the EU regional level in view of the increasing areas of shared responsibility with its Member States and candidate countries, following the entry into force of the Treaty of Lisbon, as well as the synergies with the work of other regional organizations such as the Council of Europe. Referring to the fact that through the UPR the steps being taken by all 192 UN Member States to fulfill their human rights obligations on the basis of universal and equal parameters and standards were reviewed, he mentioned that it was relevant to invite countries from other regions to share their experiences.

To guide the discussions, Mr. Magazzeni noted that the UPR represents an opportunity for countries in the region to reaffirm their commitments to and highlight the steps being taken towards making human rights a reality for people in these countries. He referred to the progress made in a number of countries in the region following the review, with the ratification of new international human rights instruments (eg. the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention Against Torture) but also noted that no progress had been recorded regarding ratification of the International Convention on the Rights of Migrant Workers and Members of their Families, although it had been widely recommended to all countries in the region. The follow-up period represents a unique opportunity to map out a plan of action for human rights ahead of the second cycle, while also looking at areas requiring further progress.

Second, he referred to the productive engagement between Governments, NHRIs and CSOs and to the support from the entire UN system on areas of relevant expertise which would strengthen success in follow-up activities. The wide representation of stakeholders in the workshop, which included international and regional organizations, demonstrated the broad commitment of all actors to the work on follow-up and implementation. International and regional organizations should work together closely and all pull in the same direction, for example on the implementation of the plans of action referred to previously.

Third, he stressed that the UPR was further raising awareness of human rights issues and strengthening the capacities of all stake holders to address them. Finally, he noted that what OHCHR is seeking to achieve through support and assistance to State's efforts in the UPR follow-up is not new but part of OHCHR's regular work.

The Sessions

The facilitation team for the workshop was composed of: Jorge Araya and Dimiter Chalev (OHCHR HQ); Pablo Espiniella and Linnea Arvidsson (ROE); and Judith Kumin (UNHCR – Europe - Brussels). Documentation was prepared in advance covering the following sessions and distributed to participants (Annex III: Presentations).

Session I: Follow-up of the UPR outcome and links with the concluding observations and recommendations of Treaty Bodies and special procedures

All representatives stressed the relevance and timely organization of the workshop in view of the adoption on 23 March 2011 of the Human Rights Council Resolution (A/HRC/16/L.39) providing, among others, clarity on the periodicity and order of the next cycle of the review, information regarding the process and modalities of the next cycle and on the follow-up.

Participants from the NHRIs noted the strengthened and specific role for NHRIs in compliance with the Paris Principles for the next cycle of the review following the adoption of the mentioned Human Rights Council resolution.

Participants noted that the UPR reports should be solidly based on developments regarding the concerns raised and the recommendations and concluding observations made to the State previously by the human rights mechanisms as well as an assessment of the progress made to overcome the challenges.

The representative of the NHRI from Germany noted that linkages with other mechanisms' recommendations should therefore be a key exercise to follow when looking at the follow-up of the UPR outcomes.

Almost all the participants noted that the UPR outcomes should be strengthened, ensuring coherence between all the recommendations, focusing also on fewer but more strategic, measurable, achievable and time-bound recommendations. A thorough crosschecking with recommendations previously provided by other international human rights mechanisms should be carried out so as to avoid weak recommendations or conflicting ones (which could seriously undermine the process in the long term).

The representative from the UK NHRI pointed out that when UPR outcomes lack coherence it is challenging to use them as a means to take the specific actions needed to advance human rights, an issue of concern also for the representatives from the UK Government and other participants in the workshop. However, the representative of the UK NGO mentioned that this should not prevent work on follow-up. All UK stakeholders agreed that it was important to inform the process from the beginning to maximise the likelihood that UPR outcomes reflect key human rights issues requiring priority action in the country.

All participants also expressed concerns regarding the risks of the pick-and-choose approach to the recommendations from the UPR. Focusing on the recommendations relevant in the context of areas of concerns already raised by other mechanisms is a good way to avoid these risks.

Almost all participants highlighted the importance of linking actions on the UPR follow-up with the existing efforts, strategies and mechanisms at the national level to follow-up with the recommendations from other mechanisms.

It was also noted that discussions on implementation should be led at the national and regional levels, identifying good practices that could then inform developments in Geneva while also aiming at further strengthening the mechanisms. Regional and national efforts should complement each other, resulting in tangible results on the ground.

Session II: Analysis of the outcome and preparation for follow-up immediately after the review/sharing experiences

The panelists for this session were Marjatta Hiekka (MOFA - Finland); Mariana Sotto Maior (Ombudsman - Portugal); and Kumar Vishwanathan (Life Together – Czech Republic).

The representative from the Government of Finland noted that it was critical to widely distribute and translate the outcomes of the review immediately after their adoption, ensuring engagement with all stakeholders also in the follow-up phase. Finland, which was among the first countries to be reviewed, received only 10 recommendations; they were discussed immediately after the outcome was adopted. Streamlining thematic issues and identifying specific actions requiring follow-up and ensuring a transversal focus on cross-cutting issues (for example, gender, non-discrimination and children) were identified as initial priorities following the adoption of the outcomes.

The representative from the NHRI of Portugal explained the role of the national human rights institution and its contribution to the UPR. The Portuguese Ombudsman contributed to the reports Portugal presented and delivered a speech at the adoption of the outcome at the HRC, committing himself to follow the implementation stage, and highlighted three priority areas: the situation in prisons and establishing a national preventive mechanism; the situation of vulnerable groups including children and the protection of migrants. At national level, an Inter-ministerial Commission had been established immediately after the adoption of the UPR outcomes. This Commission includes representatives from relevant branches of the administration, civil society organizations and the Ombudsman's Office, to follow-up the recommendations from all human rights mechanisms and also to report to them. The representative from the NHRI in the former Yugoslav Republic of Macedonia informed that this was a good example of mechanisms for follow-up.

The CSO representative from the Czech Republic focused his presentation on how the recommendations from the international human rights mechanisms could be useful to support actions at the local level, aimed at improving, for example, the situation of disadvantaged and excluded groups such as the Roma. He noted that the recommendations from international bodies could have a major impact on moving local and regional authorities to ensure tangible development, for example on full the enjoyment of the right to education and ensuring the participation of affected groups on any decisions affecting them at the local level. The follow-up of the recommendations from these mechanisms should include specific actions to ensure understanding of their implications at the local level and the accountability of local authorities as well as the need for collaboration of all local stakeholders. It is critical to effectively bridge the gap between the international, regional, national and local levels to ensure real impact.

Most of the participants noted the importance of preparing mid-terms reviews. The representative from the Government of the former Yugoslav Republic of Macedonia noted that the country received 43 recommendations and that immediately afterwards it prepared a plan to follow-up the outcomes. Portugal also informed that a mid-term review was under preparation.

Almost all participants recognized that the UPR process has been extremely useful at the country level in creating momentum to discuss broader human rights issues and the challenges ahead. For example, the representative from the Government of Norway noted that focus should be on how to keep that momentum going, using the UPR to ensure positive developments on the ground. The representative from France noted that the preparation of the mid-term reviews could be useful in keeping that momentum going for the involvement of all stake holders.

The issue of the involvement of national parliaments was also raised by several participants in reference to the processes followed by Finland. Some countries noted that it might be a good practice to explore and implement for the next UPR cycle.

Participants noted the importance of identifying indicators, baselines and targets to ensure a tangible measure of progress made. The representative from Netherlands emphasized the need to clearly identify timelines for the implementation phase.

Participants also identified a need to integrate the follow-up efforts into other policies, such as national human rights action plans.

Practices on how to involve NGOs were discussed. NGOs should not be "selected" in any way, but all should be invited. Ideally, NGOs should organize themselves into umbrella organizations.

Session III: Human rights mechanisms' perspectives on follow-up

The panelists for this session were Dubravka Šimonovic (Member of CEDAW); Najat Maalla M'Jid (Chair Coordination Committee Special Procedures); and Michael Meier (Permanent Mission of Switzerland in Geneva).

Special Procedures have been stressing the importance of effective cooperation with States, the UPR, Treaty Bodies, international/regional human rights bodies and mechanisms, and partners in civil society, to ensure the follow-up of recommendations.

Several Special Procedures have developed innovative methods of follow-up that have in turn informed the work of other mechanisms. For example, during the interactive dialogues in the Human Rights Council, several Special Procedures have focused on taking stock of the status of implementation of recommendations from country visits.

Technical cooperation requests should be linked to the recommendations by the human rights mechanisms. In some countries, Special Procedures have been invited to comment or provide suggestions on actions or new legislation to be proposed as a result of recommendations from, for example, Treaty Bodies or by other Special Procedures. The Treaty Bodies have often perceived a gap between technical assistance requested and the recommendations made, and in this context the nexus between the two should be strengthened.

When requesting visits and selecting countries to visit, Special Procedures take into account whether a particular country has submitted or is going to submit reports to Treaty Bodies or if it has been or will be reviewed under the UPR.

Concluding observations issued by Treaty Bodies and UPR recommendations relevant to Special Procedures work are analyzed ahead of country visits so they can be taken into account during the mission, and while analyzing the situation, including developments that occurred during their implementation.

Several mandates have conducted follow-up visits to previous fact-finding missions but resources continue being a critical challenge to widely expanding this practice.

Some mandates (such as torture) submit follow-up reports that have for years consistently included a detailed assessment of recent developments and the implementation of previous recommendations made.

Mandate-holders can mobilize various constituencies when on country visits or otherwise assist in effective follow-up to UPR recommendations through advising on the implementation of programmes, which may also be supported by multilateral and bilateral partners.

The next annual meeting of Special Procedures will focus on concrete ways to improve cooperation between Special Procedures, States and the other international and HR mechanisms, with a view to ensuring effective implementation and follow up of the recommendations.

The large amounts of recommendations are an issue of concern for states and all stakeholders and a challenge for follow-up. In this context, the joint General recommendation of the CEDAW and CRC on harmful practices was observed as an excellent practice.

CEDAW adopted its follow-up methods in 2008. Since then, it has focused on two recommendations that the country under consideration should concentrate on during the two years following the consideration of the state report and report back on progress made.

The designation of specific departments or mechanisms at the country level for follow-up is extremely useful in tracking developments and ensuring accountability.

Regarding the UPR mechanism, it was noted that public attention around its work should be strengthened throughout the second cycle, ensuring that the momentum created by the consideration of the SUR report and the adoption of the outcomes is sustained.

Some participants noted that it could be good to establish an advisory body for the UPR that could ensure technical expertise and coherence between the recommendations.

Some participants noted that in some cases, among the rejected recommendations there were those which had already been made by a particular Treaty Body, which could undermine rather than strengthen them.

A representative from a CSO from the UK commented that each country should prioritize its own recommendations, that is, focus on implementation on the ground

A CSO representative from Romania noted that capacities (as concerns the understanding of the UPR and the connection with other human rights mechanisms) still require strengthening among local CSOs, in particular CSOs working on very specific thematic issues.

Session IV: Designing the strategy for the implementation of the outcomes and recommendations from the human rights mechanisms

The panelists for this session were Joyce Connell (MoJ – UK); Michel Forst (National Consultative Commission of Human Rights - France); Marianne Lilliebjerg (Amnesty International – UK); Julien Desmedt (DG Justice); Daniele Cangemi (Council of Europe); and Jonas Grimheden (EU Fundamental Rights Agency).

The representative from the UK Government noted that the country was reviewed in April 2008, and received 25 recommendations. It accepted 15 in full while 4 were partially accepted. The UK submitted a mid-term report in 2010. This assessed progress and identified work still to be completed. In line with the recommendations, the UK continues to promote and protect civil liberties across a number of policy areas.

All participants noted that the UPR process provides an excellent opportunity to share experiences from other countries. In this context the Government representative from the UK also noted that one relevant area in the follow-up exercise is looking at how to better engage with civil society and with the wider public (perhaps through a dedicated website or via other social media channels) to help raise the profile of UPR.

Some countries are using key national events to link to the UPR follow-up - for example the UK is considering linking it with the initiatives to commemorate the 800th Anniversary of the Magna Carta in 2015.

Some countries are more inclined to develop national action plans than others. Some prefer to identify existing mechanisms and plans where the follow-up of the outcomes could easily fit and provide results. Most of the participants noted that regardless of the approach followed, it was critical to identify a responsible ministry or body; ensure a wide consultation process; prepare a baseline analysis to effectively assess progress made and identify responsibilities.

The representative from the NHRI of France presented a book containing all the comments and observations from the Council of Europe, European Court of Human Rights, Treaty Bodies and Special Procedures specific to France and noted that all institutions are highlighting the same issues regarding France. This was observed as a good practice by all participants, as it ensures a global vision from all possible angles.

The role of the NHRIs in ensuring accountability and actions by national administrations was stressed by all participants noting that their role in follow-up is critical and should be strengthened and developed further at the national level. The new resolution from the Human Rights Council will certainly encourage countries to ensure compliance with the Paris Principles of the NHRIs or, where pertinent, establish them.

The increasing roles and responsibilities of regional organizations and in particular the European Union following the entry into force of the Treaty of Lisbon in areas relevant to human rights was also raised by a number of participants, not only regarding EU legislation, developments in EU Member States but also *vis-à-vis* candidate countries. The European Commission has been requested to present an annual report on the enjoyment of the rights set for in the EU Charter of Fundamental Rights. While the assessment to be made and the annual evaluation only refer to EU legislation, there are obvious synergies between the rights that require to be observed in the Charter and the developments regarding implementation of international human rights standards by EU member States. The first report should be published on 31 March 2011.

The EU's Fundamental Rights Agency also publishes an annual report (as mandated by the Founding Regulation) where it has to date included formal commitments made by EU Member States to, for instance, the UN and Council of Europe instruments and mechanisms. A possible expansion of this data could include relevant follow-up to the UPR. There is also a possibility for Member States – and for the Human Rights Council to encourage this – to request Member State specific findings from major EU-wide surveys done by the Agency, which could help in bridging comparability concerns between EU Member States.

Panelists and participants also referred to the linkages with the work of the Council of Europe and the need to ensure that the complex human rights architecture in Europe is useful for ensuring tangible results on the ground. Synergies between the work of the CoE, the developments in EU legislation and the international standards and the recommendations from the international human rights mechanisms monitoring their implementation should be strengthened.

Session V: Experiences with follow-up from other regions

The panelists for this session were Karen G Dumpit (Commission on Human Rights of the Philippines); and Christine Alai (International Center for Transitional Justice).

All participants welcomed the experience of the CSO from Kenya in preparing for the UPR, including the establishment of a “stakeholders’ coalition” which involved a large number of CSOs in the country working on a wide range of human rights issues. The formation of the coalition was preceded by a capacity building exercise for CSO representatives and a joint submission organized around 13 thematic clusters including an Advocacy Charter was made and used to lobby prior to and during the UPR session.

The strategy identified by the CSO coalition in Kenya for follow-up to the UPR outcomes, which included the establishment of a Steering Committee and cooperation with the Government also including the NHRI, was regarded as good practice by most of the participants. The strategy was focused on monitoring progress on implementation; on providing support as necessary and on widely disseminating the outcomes of the UPR (including translation in Swahili) and involving the media.

A consolidation of recommendations into 13 themes in an “Outcome Charter” in Kenya was made and a number of indicators to track progress identified by the CSOs’ coalition, a practice welcomed by a number of participants (for example Norway and Finland). It was done while looking at the complementarities with other TB and SP processes and the harmonization of UPR recommendations with expert bodies’ concluding observations. The CSO coalition decided to prepare a stakeholder’s annual progress report and thematic specific reports.

The CSO coalition in Kenya held a media roundtable breakfast to launch the advocacy charter and asked journalists to publish on the event immediately. It was noted that regrettably there have been no opportunities to re-engage with the media again after the review. The NHRI from Germany welcomed the engagement with media and stressed that the constant contacts with journalists and their training on the work of the human rights mechanisms including the UPR should also be taken into account for follow-up purposes.

The representative from the Norwegian CSO, while noting the political weight the UPR put on the technical basis of the recommendations from the human rights mechanisms, stressed as a good practice, the clustering of the UPR recommendations and their alignment with recommendations from the Treaty Bodies and Special Procedures.

Kenya received 151 recommendations and all but one were accepted. The representative of the coalition noted that most of them were too general. While the government had been engaged in the preparations for the stakeholders report, the Coalition decided not to involve the Government in the preparation of the outcome charter since its preparation should include the vision of CSOs. The coalition is engaging with the Government to follow-up using the outcomes charter as a basis, an example of good practice noted by the representative of the Government of Albania.

The question of how to deal with the rejected recommendations was also addressed. CSO representatives and NHRIs agreed that it would depend on the nature of the recommendations and whether it is a critical issue needing to be followed-up. The representative from the CSOs Coalition noted that in their case the coalition believed the rejected recommendation touched upon a critical human rights issue and therefore they will continue advocating for its follow-up.

The representative from the Commission on Human Rights of the Philippines, referring to the role of the NHRIs in follow-up, noted that NHRIs are well placed, with their independence and autonomy, to mainstream the recommendations from these mechanisms in their core functions of advocacy and monitoring. These functions must consistently work towards greater awareness, strategic alliances and effective action amongst institutional duty bearers, state actors, civil society organizations and claim holders.

The representative from the CHR of the Philippines stressed that the vision of the Commission on the UPR is consistent with its engagement with the international mechanisms. This is because the UPR combines in its process the Treaty Body and Special procedures’ recommendations. Cross-referencing the recommendations anchored on the UPR and stressed by the mechanisms will provide an opportunity to map out issues that need to be addressed by all branches of state responsibility, including the executive, legislative and judicial branches of government. It also provides an opportunity to identify other responsibilities, for example other independent bodies within the

Philippines such as the Commission on Elections, the Ombudsman and the Civil Service as well as Civil Society Organizations.

- The impact of the UPR in the Philippines has been seen as a positive development in human rights protection and promotion at the national level. There has been one particular ‘success story’: this is the harnessing of international as well as domestic support to urge the government to finally come up with anti-torture legislation. This is one recommendation that has been emphasized in the UPR process and in the concluding recommendations of the Committee against Torture. The Commission, as well as civil society, has not only used the UPR mechanism to obtain the commitment for the passing of this fundamental legislation, but it also matched this with the treaty reporting process under the Committee against Torture. A review of the human rights pledges of the Government lists its commitments on several pending issues such as the long drawn-out efforts to pass anti-torture legislation, notwithstanding the fact that the Philippines have acceded to the convention 22 years prior to date, and the efforts to sign and ratify international human rights instruments such as the Second Optional Protocol to the International Covenant on Civil and Political Rights (which was eventually ratified by the Philippine Government in 2007 in anticipation of the review in March of 2008).
- It was also found that the UPR has served to make several voluntary commitments from the government in the case of the Philippines. For example, a commitment on a ‘gender responsive approach to women and children’ as well as ‘addressing the killings of activists and media’ which both found their way into the final recommendations of the working group on the review of the Philippines and which have been stressed by the other international human rights mechanisms as areas requiring particular attention.
- The direct work of the Commission in the Philippines with the people on the ground through its regional-local presences and how these contacts inform the process of preparations for the UPR and the follow-up phase was identified by a number of participants as a good way of ensuring wide participation and awareness-raising of the process throughout the country.
- The role that the Commission in the Philippines played to ensure dialogue between the Government and CSOs on critical issues was stressed. The Commission in the Philippines proposed in August last year to support the organization of High Level Dialogues for the Universal Periodic Review - UPR Recommendations (4 – 5 themes have been generated by the 17 recommendations of the Philippines review.) Extrajudicial execution, enforced disappearances and torture have been identified as relevant themes of these dialogues in connection with concluding observations/recommendations of Treaty Bodies (HRC, ICESCR, CAT, CERD, CRC and the report of the Special Rapporteur on Summary, Extra Judicial Executions). To date, this proposal has yet to be accepted by Government.
- The Commission in the Philippines urged the drafting of the 2nd National Human Rights Action Plan during the previous administration in the Philippines. The adoption by the new Government of this Second National Human Rights Action plan is now being undertaken under the auspices of the Presidential Human Rights Committee (and has taken into account the recommendations from all the mechanisms). The process of adopting the National Human Rights Action Plan is envisaged to serve as a roadmap for the national government planning, budgeting and policy-making. The Commission is pleased to report that the Philippine government has drawn up its plan which is expected to be adopted in the next few months.
- During discussions, the need for support from the UN and donors at the country level was also raised to ensure sustainability of efforts and enthusiasm during the first UPR cycle.
- All participants - Governments, CSOs and NHRIs in Europe – noted the relevance of these experiences and the lessons learnt from other regions as countries participating in the workshop were entering into the implementation phase and the second cycle of the UPR where some of these practices could be replicated.

Session VI: Conclusions and Closing

During the Conclusions and the Closing Session, facilitated by Jan Jarab, Government, NHRI and CSO representatives presented some of the main outcomes from the workshop as useful practices, points for possible focused attention and ideas in the follow-up of UPR outcomes and Recommendations from all the human rights mechanisms. The following are the main points:

Governments

- There is no need for new mechanisms for the follow-up of recommendations specifically from the UPR. Identifying existing effective mechanisms and good practices in follow-up to the Treaty Bodies and Special Procedures recommendations, and using them for UPR follow-up focusing on a coherent, practical and centered implementation of all recommendations is sufficient.
- Effective actions should be taken for the implementation of the recommendations.
- More focus should be given in the next cycle to issues identified as gaps in the previous one.
- The UPR process should be observed as a good framework to assess developments in EU candidate countries.
- More broad consultations at the national level with all relevant stakeholders should be carried out, including awareness-raising of society as a whole.

NHRIs

- These sorts of workshops are extremely useful for exchanging ideas and best practices with all actors engaged in the UPR.
- National Human Rights Institutions recognize that the UPR is a state-led process. They believe their added value and role, in compliance with the Paris Principles, is to advise the state and monitor its engagement; to prepare and implement the UPR process in a transparent and consultative manner at all stages and to support CSOs in understanding, engaging and monitoring the UPR as well as to act as mediator between the government and CSOs. NHRIs can also provide advice on the acceptance of recommendations; duly consider Treaty Bodies' and Special Procedures' recommendations on the need to establish inter-ministerial working groups to ensure the commitment of all government departments to the implementation of recommendations and in the preparation of voluntary mid-term reports to keep the momentum of the UPR going. All this must be done with a view to improving the human rights situation on the ground.
- The role of NHRIs accredited in full compliance with the Paris Principles in the UPR process has been considerably enhanced through the review of the work and functioning of the Human Rights Council. We note these changes with satisfaction. We acknowledge the important role NGOs have in the UPR process, and emphasize that strengthening of NHRIs' position should not lead to undermining the position of NGOs in the process.
- Due to their broad mandate, NHRIs can contribute a holistic human rights approach to ensure that Treaty Bodies' and Special Procedures' recommendations are not undermined, but mutually re-enforced by UPR recommendations. NHRIs should also refer to the judgments and recommendations by Council of Europe human rights mechanisms. At the same time, many NHRIs can offer special expertise in certain fields due to their specific mandates, for example women's human rights, as equality bodies, as independent monitoring bodies under the UN disabilities convention, as national preventive mechanisms under OPCAT, or from handling individual complaints as ombudsperson's institutions.

- NHRIs in EU Member States and candidate countries in their reports should also shed light on the interrelation between EU law and national law in human rights sensitive areas such as migration, security and justice matters, to make sure that states' human rights obligations in these areas are not outside of the focus of the UPR.

In addition to reporting to and intervening in the Human Rights Council, NHRIs can play an important role in the UPR preparation and implementation process, including the following:

- NHRIs can include information on UPR recommendations in their reports to National Parliaments and encourage parliamentarians to engage in monitoring the implementation process or encourage governments to involve parliament in the process.
- NHRIs can inform civil society organizations, including organizations specialized in gender and LGBT rights, disability, anti-racism, migrant and minority issues, including Roma organizations, on the possibilities of their contributing to the stakeholder report, offer training to them and facilitate networking and joint CSO stakeholder reports.
- NHRIs can also play a role in disseminating information on the UPR and the outcome recommendations, inter alia, by training journalists, organizing 'public viewings' of the discussions on the webcast, presenting easily understandable reports and documentation on their website. NHRIs can also inform on relevant recommendations that have been rejected by the state. Measures to reach out to local communities should also be considered. NHRIs should refer to UPR, TB and SP's recommendations in their work.

CSOs

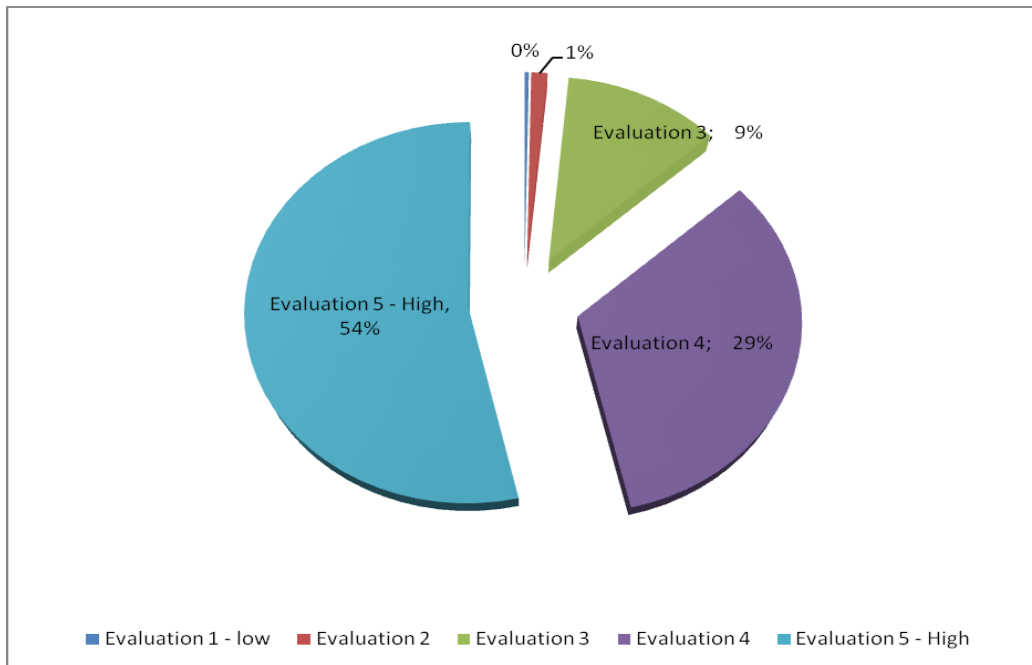
- The UPR has served as an opportunity for CSOs to find ways of working together and identifying priorities at the national level.
- There is still room for identifying effective ways of providing a voice for smaller – very local CSOs working directly at the community level.
- The recommendations should be strengthened, ensuring consistency with those of the other human rights mechanisms and should be clustered.
- The opportunities that the UPR process offers to re-launch discussions at the national level on critical human rights issues should also be used to engage with the media and reach society as a whole.
- The contacts with Government delegations that made recommendations should be followed to inform developments, ensure progress and address challenges.
- Recommendations made should be analyzed together with discussions of the SUR report and the additional documentation.
- Experiences shared from other regions should be taken into account in Europe to avoid complacency regarding methods and mechanisms at home. It is particularly relevant to focus on how other countries in other regions are addressing the issue of bridging the gaps between the international, regional, national and local levels.

Jan Jarab thanked all participants for the open discussions held and the shared examples of good practices and lessons learned. He noted, inter alia, the following:

- There had been a sense throughout the workshop of complementarities of the UPR and the expertise of Treaty Bodies and Special Procedures. UPR should not stand on its own - and it should not overshadow the other mechanisms, but reinforce their work.
- The inclusiveness of all stakeholders in the process of implementation would strengthen the outcomes of this process at the country level, meaning the inclusion of all relevant ministries at the Government level but also inclusiveness towards the civil society, ensuring the broadest possible spectrum of stakeholder involvement.
- Transparency of the implementation process and the need for increasing visibility of the work done was also a major principle emerging from the discussions.
- Experiences shared show that in countries where there was an implementation plan or a pathway following the adoption of the UPR outcomes, progress can start being reported in specific areas.
- The clustering of recommendations and their prioritization helped a number of participating countries to focus action in the follow-up phase.
- Coordination was another key word that recurred during the discussions. Coordination at the Government level, which can be done either (a) by the Ministry of Foreign Affairs coordinating „line“ ministries; or (b) by a pre-existing coordination body, e.g., one dealing with reporting duties to international mechanisms; or else it might be an occasion to create (c) a new coordinating body. Mid-term reports were found to be very useful in the follow-up exercise.
- Participants also highlighted the need to establish concrete monitoring mechanisms with clear indicators to identify progress. While partnerships between Governments, NHRIs and CSOs are essential, it is also important to have a clear identification of roles, e.g. ensuring independent monitoring by CSOs or NHRIs.
- Importantly, implementation cannot be done in a vacuum and should be thoroughly linked with existing national policies, using the outcomes and recommendations from all mechanisms to re-direct them to achieve the recommended goals.
- The importance of making work at the international level better known at the regional and local levels also came out as an area requiring strengthened focus.
- Participants repeatedly noted the momentum that the UPR creates and that it needs to be sustained to ensure better awareness at the local level as well as in the general public.
- Finally, the role of not only OHCHR but also the entire United Nations family in supporting these processes is important in order to avoid having a piece-meal approach and to ensure that the focus is on addressing critical areas requiring specific progress.
- This is linked also with the importance of ensuring that future UPR cycles produce fewer but more strategic, measurable, achievable, realistic and time-bound recommendations.

Workshop evaluation by participants

An evaluation questionnaire was distributed to all participants at the end of the regional follow-up workshop. Out of the 59 participants, a total of 49 completed the feedback questionnaire, with the following result: Over 80 % of satisfied to very satisfied participants.



Most comments were very complimentary. Participants saw this workshop as an opportunity to hear different views and exchange ideas. They were particularly impressed with the Tuesday session and Ms Alai's presentation.

Participants also noted that for future workshops, it would be beneficial to better balance the number of speakers by sessions (one panel had 7 speakers while some other had just 2-3). Some participants noted that more time should be allocated to practical examples of the synergies between Special Procedures, Treaty Bodies and the UPR and the complementarities of the respective recommendations and outcomes.

The Session on the designing of the strategy for follow-up (IV) could have been better organized to ensure focus by participants on specific examples. A few participants also noted that rapporteurs should be appointed at the outset of the workshop instead of deciding informally during the workshop sessions, even if some also understood that this facilitated openness during the discussions.

Most of the participants noted that OHCHR should play a supportive role in assisting States and all Stakeholders in assessing previous Treaty Body, Special Procedures and other expert bodies' recommendations and linking them with UPR outcomes. OHCHR expertise is an added value in this field and should be strengthened and used by countries.

Finally a few participants also stressed the importance of receiving materials prior to the workshop to be better prepared for the discussions.

ANNEX 1

UPR Follow-up Workshop 28-29 March 2011

List of participants

Governments				
Ms	Milo	Inid	Albanian Mission to the UNOG	Albania
Mr	Nicolaou	Nicos	Ministry of Foreign Affairs	Cyprus
Ms	Simunkova	Monika	Office of the Government of the Czech Republic	Czech Republic
Ms	Kalimonova	Jana	Permanent Mission of the Czech Republic - Geneva	Czech Republic
Ms	HIEKKA	MARJATTA	Ministry of Foreign Affairs	Finland
Ms	Olszak	Marilyne	Direction des Nations Unies, des organisations internationales, des droits de l'Homme et de la Francophonie.	France
Ms	Dinevska	Tanja	Ministry of Foreign Affairs	the former Yugoslav Republic of Macedonia
Ms	Miller	Nicole	Permanent Mission of Malta to the UN Office and specialized institutions in Geneva	Malta
Ms	Brajovic	Tamara	Ministry of Foreign Affairs and European Integration	Montenegro
Ms	Haveland	Juliet	Ministry of Children, Equality and Social Inclusion	Norway
Ms	Furnes	Monica	Ministry of Foreign Affairs	Norway
Ms	Ágoas	Sara	Ministry of Foreign Affairs	Portugal
Mr	Makayat	Lazare	Ministry of Foreign Affairs	Republic of Congo
Ms	Puscaragiu	Livia	OSCE, Council of Europe, Human Rights, Asymmetrical Risks and Non-Proliferation Division	Romania
Ms	Mohorović	Gordana	Ministry for Human and Minority Rights	Serbia
Mr	Michelet	Martin	Federal Department of Foreign Affairs	Switzerland
Mr	Meier	Michael	Permanent Mission of Switzerland - Geneva	Switzerland
Ms	Van Straelen	Quirien	Ministry of Security and Justice	The Netherlands
Ms	Connell	Joyce	Ministry of Justice, Human Rights Division	UK
National Human Rights Institutions				
Mr	Jaupi	Alket	Albanian People's Advocate Institution	Albania
Ms	Seitlova	Jitka	Office of the Public Defender of Rights	Czech Republic
Mr	Forst	Michel	National Consultative Commission of Human Rights	France
Ms	Follmar-Otto	Petra	The German Institute for Human Rights	Germany
Ms	Pirovska	Uranija	Ombudsman's office of Macedonia	the former Yugoslav Republic of Macedonia
Mr	Mifsud	Ivan	Office of the Parliamentary Ombudsman	Malta
Ms	Perović	Zdenka	Ombudsman Protector of Human Rights and Freedoms	Montenegro
Ms	Van der Tol	Wendy	Equal Treatment Commission	Netherlands
Ms	van Dijk	Ite	Equal Treatment Commission	Netherlands
Ms	Saga Kjørholt	Elin	Norwegian Centre for Human Rights	Norway
Ms	Sotto Maior	Mariana	Provedor de Justiça (Portuguese Ombudsman)	Portugal
Ms	Gomez Dumpit	Karen	Commission on Human Rights of the Philippines	Republic of the Philippines
Ms	Loncar	Ljiljana	Ombudsman's Office	Serbia
Ms	Copper	Diana	Equality and Human Rights Commission	UK
Mr	Wadham	John	Equality and Human Rights Commission	UK
Civil Society Organizations				
Ms	Zogaj	Brikena	World Vision	Albania
Mr	Vishwanathan	Kumar	Life Together	Czech Republic
Ms	Ahola	Sanna	VIKE	Finland

Ms	Isabelle	Denise	Ligue des droits de l'homme	France
Ms	Alai	Christine	International Center for Transitional Justice	Kenya
Ms	Postolovska	Natasha	Polio Plus Macedonia	the former Yugoslav Republic of Macedonia
Mr	Lilleås	Ole Benny	Norwegian Helsinki Committee	Norway/Oslo
Ms	Bychawska	Dominika	Helsinki Foundation for Human Rights	Poland
Ms	Monteiro	Ana	Amnesty International	Portugal
Mr	Mandache	Marian	Romani CRISS- Roma Center for Social Intervention and Studies	Romania
Ms	Petrovic	Vesna	Belgrade Centre for Human Rights	Serbia
Ms	Olujic	Franka	Dutch Section of the International Commission of Jurists	The Netherlands
Ms	Wyss	Alice	Amnesty International	UK
Ms	Lilliebjerg	Marianne	Amnesty International Advisor	UK
Regional Organizations				
Mr	Julien	Desmedt	DG Justice European Commission	Brussels
Mr	Grimheden	Jonas	European Union Agency for Fundamental Rights (FRA)	Brussels
Mr	Fisher	Omer	OSCE Office for Democratic Institutions and Human Rights	Poland
Mr	Cangemi	Daniele	Council of Europe	Brussels
Mr	De Biolley	Humbert	Council of Europe	Brussels
United Nations - OHCHR				
Mr	Magazzeni	Gianni	Field Operations and Technical Cooperation Division	Geneva
Mr	Jarab	Jan	Regional Office for Europe	Brussels
Mr	Chalev	Dimiter	Field Operations and Technical Cooperation Division	Geneva
Mr	Espiniella	Pablo	Regional Office for Europe	Brussels
Mr	Araya	Jorge	Field Operations and Technical Cooperation Division	Geneva
Ms	Arvidsson	Linnéa	Regional Office for Europe	Brussels
Ms	Simonovic	Dubravka	Member - UN CEDAW	Croatia
Ms	Maalla M'jid	Najat	Chair of the Coordination Committee, Special Procedures	Morocco
Ms	Pesic	Silva	Office of the UN Resident Coordinator	the former Yugoslav Republic of Macedonia
United Nations - UNHCR				
Ms	Kumin	Judith	Bureau for Europe	Brussels

ANNEX II

REGIONAL WORKSHOP ON FOLLOW-UP TO THE UNIVERSAL PERIODIC REVIEW (UPR) OUTCOMES AND OTHER HUMAN RIGHTS MECHANISMS' RECOMMENDATIONS

**Silken Hotel Berlaymont,
Boulevard Charlemagne 11-19 – Brussels, Belgium
28-29 March 2011**

DRAFT IN PROGRESS

MONDAY 28 March

TIMETABLE	AGENDA ITEM	EXPECTED BENEFITS
08:30 – 09:00	REGISTRATION OF PARTICIPANTS	
09:00 – 09:30	<p>WELCOME REMARKS AND PRESENTATION OF THE WORKSHOP PROGRAMME</p> <ul style="list-style-type: none"> - Jan Jařab, OHCHR Regional Representative for Europe - Gianni Magazzeni, Field Operations and Technical Cooperation Division 	
09:30 – 11:00	<p>SESSION I: FOLLOW-UP OF THE UPR OUTCOME AND LINKS WITH THE CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF TREATY BODIES AND SPECIAL PROCEDURES</p> <ul style="list-style-type: none"> ➤ Responsibilities of the State Under Review (SUR) ➤ Periodic progress reports – reference to good practices ➤ UPR as a continuous process ➤ Importance of UPR for strengthening actions on implementation of recommendations of all human rights mechanisms. <p>Resource person Jorge Araya, OHCHR HQ Pablo Espiniella, OHCHR ROE</p>	<p>In this session OHCHR staff will brief participants on the technical aspects related to follow-up actions in the context of the UPR, the Treaty Bodies and the Special Procedures and their inter-linkages. The session will be followed by Q and As and discussions.</p>
11:00 – 11:30	COFFEE BREAK	
11:30 - 13:00	SESSION II: ANALYSIS OF THE OUTCOME AND PREPARATION	<p>In this session a representative from Government, from NHRI and from</p>

	<p>FOR FOLLOW-UP IMMEDIATELY AFTER THE REVIEW/SHARING EXPERIENCES</p> <ul style="list-style-type: none"> ➤ SUR's Delegation impressions and recommendations back to capital Marjatta Hiekka, MOFA Finland ➤ Information shared and follow-up of the outcome's adoption by National Human Rights Institutions (NHRI) – Mariana Sotto Maior, Portugal ➤ Civil Society Organizations (CSO) views in support of the follow-up – Kumar Vishwanathan, Life Together, Czech Republic <p>Facilitator: Linnea Arvidsson, OHCHR Brussels</p>	<p>CSO will be invited to share information regarding the experience following the adoption of the outcome document, the initial arrangements to analyze it, its implications and the relations with other existing efforts in the follow-up of the recommendations from the Special Procedures and Treaty Bodies. The session will be followed by Q and As and discussions.</p>
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13:00 – 14:30	LUNCH	
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14:30 – 16:00	<p>SESSION III: VISION OF THE HUMAN RIGHTS MECHANISMS ON FOLLOW-UP</p> <ul style="list-style-type: none"> ➤ Treaty Bodies and follow-up Dubravka Šimonovic, Member of CEDAW ➤ SPs and Follow –up (SR) Najat Maalla M'Jid, Chair Coordination Committee Special Procedures ➤ UPR outcomes follow-up Michael Meier – Permanent Mission of Switzerland in Geneva <p>Facilitator: Judith Kumin, UNHCR, Director Bureau for Europe</p>	<p>In this session representatives from the Human Rights Mechanisms will share their views in the area of follow-up while a representative of the UPR Bureau will up-date on the discussions at the Council regarding follow-up assessment for the next cycle. The session will be followed by Q and As and discussions.</p>
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16:00 – 16:30	COFFEE BREAK	
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16:30 – 18:00	<p>SESSION IV: DESIGNING THE STRATEGY</p> <ul style="list-style-type: none"> ➤ Designing a strategy for the implementation of the recommendations- methodology Joyce Connell, MoJ UK ➤ Good practices and effective follow-up supported by NHRI and CSOs Michel Forst, National Consultative Commission of Human Rights, France Marianne Lilliebjerg, Amnesty International, UK ➤ Areas of follow-up action with relevance to EU thematic areas of responsibility – Julien Desmedt, Fundamental Rights and Rights of the Child, DG Justice, EC 	<p>In this session participants will be invited to share experiences of methodologies, tools and practice used for the analysis of the UPR outcome and recommendations. This could include, for example, experiences in thematic clustering; identification of type of actions required including specific groups in focus; the elaboration of timelines and mechanisms for the periodic assessment and recording of progress achieved including the use of already existing mechanisms for the follow-up of recommendations from TBs and SPs. The EU will be invited to present an overview on how the outcome and the other recommendations</p>
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	<ul style="list-style-type: none"> ➤ Linkages with the work of the Council of Europe Daniele Cangemi Secretariat of the Human Rights Law and Policy Division – Council of Europe ➤ Jonas Grimheden, Freedoms and Justice Department, EU Fundamental Rights Agency <p>Facilitator: Dimiter Chalev, OHCHR HQ</p>	<p>could be of relevance also in the current efforts on the implementation of the EU Charter for Fundamental Rights. The session will be followed by Q and As and discussions.</p>
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TUESDAY 29 March

TIMETABLE	AGENDA ITEM	EXPECTED BENEFITS
09:00– 11:00	<p>Session V: EXPERIENCES FROM OTHER REGIONS ON FOLLOW-UP</p> <ul style="list-style-type: none"> ➤ Experiences from Government from the Republic of Congo – Ambassador Lazare Makayat ➤ Representative from CSO from the Republic of the Philippines – Karen G Dumpit, Director for Government Linkages. Commission on Human Rights of the Philippines. ➤ Representative from CSO from Kenya – Christine Alai, International Center for Transitional Justice <p>Facilitator: Pablo Espiniella, OHCHR Brussels</p>	<p>During this session follow-up experiences from other regions from Governments, CSOs and NHRIs will be shared. The session will be followed with Q and As and discussions.</p>
11:00– 11:20	COFFEE BREAK	
11:20– 12:20	<p>CONCLUSIONS</p> <ul style="list-style-type: none"> ➤ Rep Gov ➤ Rep NHRI ➤ Rep CSO <p>CLOSING</p> <ul style="list-style-type: none"> - Jan Jařab, OHCHR Regional Representative for Europe 	
12:20– 13:30	LUNCH	