



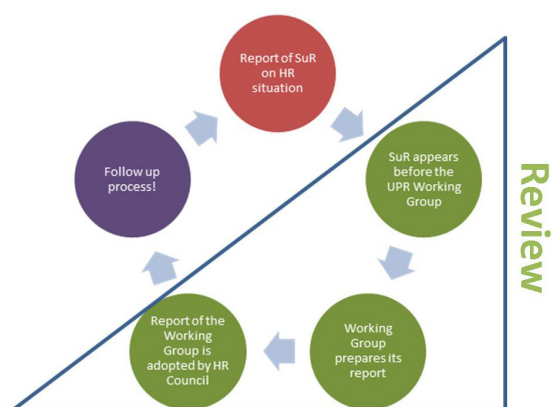
Chapter 3: Universal Periodic Review in the Arab States

3.1 Introduction

The Arab region is going through an incredible moment of change, one that takes various shapes and forms (elections, legal reform, transitional justice, new constitutions etc.). In this current context, it is obvious that different thinking about development is necessary, a thinking that integrates development with the realization of human rights. With human rights at the core of people's demands during the various events that took place in the region since 2011, social accountability is certainly becoming a central issue. The critical role played by human rights in development is particularly relevant in the Arab region. The evolution of the social contract between the State and the people also requires a strong national and international human rights system to address inequality and discrimination, and to support both political and economic inclusion. While many accountability mechanisms would deserve closer attention, such as legal empowerment or increased access to justice, the Governance Week took a closer look at one specific area where both OHCHR and UNDP have come together to support national partners, the Universal Periodic Review.

The Universal Periodic Review (UPR) was created by the UN General Assembly in 2006 through Resolution 60/251 which established the Human Rights Council²². The UPR is a State-driven peer review process, which reviews the human rights records of all 193 UN Member States once every four-and-a-half years. This mechanism is one of the key elements of the new Human Rights Council, which underscores State responsibility to respect, protect and fulfill all human rights and fundamental freedoms, aiming at improving the human rights situation on the ground. The result of each review is reflected in an outcome report listing the recommendations the State under Review (SuR) will have to implement before the next review.

The UPR is a full-circle process comprising 3 key stages: (1) Review of the human rights situation of the SuR; (2) Implementation between the two reviews by the SuR of the recommendations received and the SuR; (3) Reporting at the next review on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review.



voluntary pledges made; and (3) Reporting at the next review on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review.

The review takes place in a Working Group at the Human Rights Council, composed of all UN member-States and chaired by the President of the Council.

²² See General Assembly Resolution from 3 April, 2006, A/RES/60/251, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>, visited on 3 December 2012.



Other relevant stakeholders, such as NGOs, national human rights institutions and UN agencies, can attend the Working Group but not take the floor. The SuR presents its National Report and its responses to advance questions that are submitted by States in writing ten days before the review . Following this, an interactive dialogue takes place during which States take the floor to ask questions and make recommendations on the human rights situation in the country, to which the SuR responds. At the end of the dialogue, the SuR presents its concluding comments.

The review applies Public International Law and International Customary Law, including the Charter of the United Nations, the Universal Declaration on Human Rights, Human Rights instruments to which the State is party, voluntary pledges and commitments made by the State (including those undertaken when presenting the candidature for election to the Human Rights Council), and applicable International Humanitarian Law. The review is conducted based on three main documents: 1) the National Report of 20 pages prepared by the State on the human rights situation in the country; 2) a compilation of ten pages prepared by the Office of the High Commissioner on Human Rights (OHCHR) containing information from treaty bodies, special procedures, and UN agencies such as UNDP and UNICEF; and 3) a summary of ten pages prepared by the OHCHR containing information from civil society submissions. Importantly, the idea with UPR is to complement, not to replace, other existing mechanisms of human rights monitoring such as human rights treaty bodies that States submit reports to, or Special Procedures, e.g. Special Rapporteurs. The UPR provides, therefore, an unprecedented opportunity for civil society to become an active actor in the process, not only through the submission of a report but also by taking the floor at the Council session when the State report is adopted ²³ .

The outcomes of the UPR cover diverse human rights issues, from accessibility of public services, gender equality, to human trafficking. Following up on these issues enables a holistic approach to development orientated programming, and an investment in the capacity of all branches of the State and other relevant stakeholders. Therefore, the UPR process continues to create demand and opportunities to enhance the role of the UN system in supporting national efforts on human rights, and, given its focus on a wide spectrum of issues, makes a significant contribution towards the broader development agenda.

- The first four years that UPR have provided an environment to raise seemingly sensitive issues in an international forum of peers.
- The preparation and follow up to the UPR has, at the national level, the potential to induce collaboration between various stakeholders.
- The concerted work of ministerial departments, NHRIs, CSOs, media and UNCTs can create the space required for democratic governance to serve the marginalized and voiceless sections of the population, and ultimately for them to enter social contract, and have an equal say in decisions which affect their lives.

²³ See UPR-Info, <http://www.upr-info.org/-UPR-Process-.html>, visited on 3 December 2012.



3.2 The UPR process in the Arab Region: Challenges & opportunities

Arab States have now entered into their second cycle of the UPR Process, which focuses on evaluating the implementation of the recommendations received during the first review. Considering the on-going changes in the region, the preparations for the UPR review are a unique opportunity to engage governments, civil society and media in a dialogue on human rights, re-enforcing cooperation on human rights related issues and realizing the full potential of UPR as an important mechanism for social accountability.

During the Arab Governance Week, the UPR Parallel Stream focused on human rights monitoring as a tool for enhancing social accountability. It discussed challenges for inclusiveness in the UPR process, challenges with implementation of UPR recommendations, roles of civil society and media, and links between UPR and other mechanisms of accountability as well as local, regional and global partnerships for UPR. This section will recap the discussions and focus on key messages including best practices and recommendations.

3.2.1 Challenges of inclusiveness in the preparation of the UPR

The UPR presents an important opportunity for inclusive participation, for strengthening collaboration between civil society and governments, and for promoting accountability of public authorities. This process should be seen as a tool to foster meaningful dialogue between all interested actors, at national, regional and international level.

States can initiate dialogue with civil society actors and benefit from their grassroots experience and outreach capacity. The UPR is also an opportunity for States to strengthen important institutions such as the police, the military, and possibly national human rights institutions. On the other hand, the UPR also provides an entry point for NGOs to improve coordination among them as well, strengthen their national human rights monitoring mechanisms and their own human rights analysis.

While it is important for States to see this process as an opportunity to engage further with civil society on human rights issues, civil society also has the responsibility to prepare adequately for it. Collaboration between the various segments of civil society would improve the analysis of issues of concern, which would facilitate the definition of the priority areas. To do so, it is critical to coordinate and strengthen their action at the national level to engage in the UPR process, to strengthen their public advocacy including through collaboration with the media (see session on media).

It is also important to remember that National Human Rights Institutions (NHRIs) will also analyze human rights issues, highlight key areas of concern, establish priorities and advise States on them. They can, and should, also play an important role as a bridge between national authorities, civil society actors and various segments of the population.



Case study 3.2.1. : Ukraine

Ukraine has already gone through two cycles of the UPR, and also has a post-Orange revolution context which is of interest to the Arab region. In 2008, civil society had failed to be strong during the first cycle to convey their concerns to the human rights council in Geneva and also to the Ukrainian State. This translated in a very State centered national report. In preparation of the second cycle, an informal coalition that included national and local NGOs was created to make their voices heard. This informal coalition enabled civil society to focus on the process of preparation of the report, avoided overlapping of the reports reflecting the different voices of civil society, and also enabled the elaboration of a list of non-contradictory recommendations as well.

After the submission of the civil society report to the HR Council, the coalition also started a national consultation process, in collaboration with the Ministry of Justice (in charge of UPR). Various meetings were held with the MOJ to look at their draft of the national report and present concerns and recommendations. The collation also worked with smaller groups of ministry representatives and national agencies to discuss some of their findings. To do so, working groups were created looking at specific HR issues and to open the dialogue. This was not fully successful for all working groups as this type of dialogue between actors was quite new.

The coalition further worked on the advocacy process and developed a plan to bring human rights closer to the people (indeed, the UPR does not only happen in Geneva and should remain a national process). Because the people are not necessarily familiar with UPR (and human rights), the coalition started a “your voice is important” campaign, which included street and online surveys, to ask what people consider as human rights violations. The objective of the surveys was to determine if the results would correspond to what civil society sees as problematic. The results did not necessarily correspond to priorities highlighted by civil society in their submission, and thus reveal the importance of consulting with the public early so as to reflect their input in the civil society report.

Iryna Fedorovych, informal CSO coalition on UPR/Yuliya Shcherbinina, UNDP, Ukraine

Recent research has shown that Arab states have participated very actively in the UPR Process. National, regional and international NGOs, as well as National Human Rights Institutions (NHRIs) in some cases, took part in the process and submitted information to OHCHR for the purposes of the review ²⁴.

²⁴ AZZAM, Fateh: Arab States and the Universal Periodic Review, Study undertaken on behalf of The UNDP Regional Center in Cairo, 12 November 2012, p. 6.



It can be noted that, in many cases, Arab states and civil society prioritized different human rights issues, thus revealing challenges for national collaboration between States and civil society and for the implementation of UPR recommendations. Indeed, all civil society interventions demonstrated the highest concern with civil and political rights, while economic, social and cultural rights issues were raised by both Arab and non-Arab States in their recommendations more frequently than the other categories of rights. Some common ground can be found however, notably on aspects of economic, social and cultural rights, women's rights, and legal and institutional reform for increased protection of human rights ²⁵.

Case study 3.2.2: Morocco

In Morocco, the Inter-Ministerial Delegation took a very active role in the preparation of the UPR to raise awareness on this process and to collect information. The Delegation organized a national study day about the UPR mechanism and the responsibility of different parties working on preparing the national report. It also organized a national seminar about UPR, regrouping experts of different organizations such as: OHCHR, International Organization of the Francophonie, UPR Watch, National Institutions of Human Rights and different NGOs. Three regional meetings were also organized in collaboration with the Human Rights council to raise awareness. While there was also strong collaboration with the UN in the preparation of the report, Morocco worked on strengthening the participatory approach through the ratification of the draft of the national report. That consulting process offered the opportunities for different parties to express their opinions and views before ratifying the final version of the national report.

Mahjoub El Haiba, Inter-Ministerial Delegation for Human Rights, Morocco

Opportunities for inclusiveness in UPR:

- Civil society forming a national coalition on the UPR and its follow up;
- Holding national consultations on the national report and NGO reports with relevant ministries and the NGO coalition;
- Organizing awareness raising campaigns and surveys among population to spread knowledge on UPR;
- Developing a media strategy and a strategy for engaging with the government/ strategy for engaging with civil society.

²⁵ Ibid., p. 7-16, 34-36. Violence against women was however not an issue prioritized by Arab States (p. 15). They raised issues of women's political participation, women's status under personal status laws, and women's access .



3.2.2 Stocktaking of the UPR recommendations – implementation in the current transition period?

The UPR process is not an end in and of itself. Rather, the recommendations, as the second step of the cycle, can be used to increase knowledge of human rights in the country or as a tool to support work on social accountability. This session provided an overview of the recommendations issued in the Arab States, identified some trends, and presented examples of implementation plans adopted.

During the first cycle of the UPR, Arab States seldom raised civil and political rights, avoiding issues of freedom of opinion and conscience, freedom of expression, association and assembly, which all were major issues of concern for national NGOs. Arab States also made no comments on issues of citizen security, excessive use of force, torture and elections and democratic participation ²⁶. This may point to challenges for collaboration between States and civil society in these areas. However, tentatively some changes in attitudes of governments that have undergone significant change post-Arab uprisings can be noted, in terms of willingness to discuss recommendations on civil and political rights, and with NGOs on the other hand expanding their interventions to broader areas of rights ²⁷.

In the first cycle of UPR reviews, Arab States mainly accepted recommendations from other States that were general and did not require any specific action. They were also much more hesitant than non-Arab States to suggest other countries to take specific actions on human rights issues ²⁸. This may lead to challenges with concrete implementation. Partly, it might be due to the fact that the UPR is a new mechanism and State practice on the UPR is still in the process of developing. It also remains to be seen what the recent political changes in the region would lead to in terms of results from the second cycle of UPR reviews and increased collaboration with civil society and media.

²⁶ Ibid., p. 9 and 16. to decision-making positions. Children's rights and rights of persons with disabilities were also raised by Arab States, as well as trafficking in persons and rights of non-citizens. Most frequently they raised the right to education, and rights related to poverty and development (p. 13).

²⁷ Ibid., p. 22-25 and 31. The study compares Morocco (having stayed stable throughout Arab uprisings but initiated certain reforms), Tunisia (having experienced mass protests and regime change) and Bahrain (having experienced mass protests but no regime change), countries that have gone through their second cycle of UPR in the 13th session (first session of 2nd cycle) in 2012.

²⁸ Ibid., p. 18-23.



During the first day of the Arab Governance Week, many interventions underlined that social justice and accountability of State institutions were some of the main demands of the Arab uprisings. Building trust and cooperation between civil society and governments was seen as equally crucial. UPR is certainly a mechanism that provides for opportunities in this regard. In some Arab countries, there has already been a change in how governments view the role of civil society. Many speakers saw new opportunities for engaging with governments through the use of strategic entry points. National consultations on the UPR were encouraged to be held between State and civil society before the review of the second cycle and before writing the report. Keeping the media informed was seen as critical for UPR to function as a mechanism for social accountability. Establishing a permanent coordination mechanism to coordinate the collaboration surrounding the preparations of the national report as well as the alternative reports of NGOs and of national human rights institutions (NHRIs), was also suggested by several interventions²⁹.

Both NGOs and governments were encouraged to focus on specifics in their UPR reports, providing enough information to avoid vague recommendations. States were reminded that they do not actually reject recommendations, rather they are to take note of the recommendations they do not deem to be able to accept and revisit those recommendations later on.

Inclusiveness does not only apply to the preparation of the UPR reports: it is also critical at the stage of implementation of the recommendations. Possible entry points for cooperation with civil society on the implementation of recommendations of Arab States would be economic, social and cultural rights, women's rights, legislative and institutional protection of human rights, refugees and trafficking in persons and rights of migrant workers. These issues form a basis for common ground and common priorities of States, NGOs, donors and the UN. Collaboration on the mentioned issues for the UPR could open the door for collaborating on civil and political rights as well, which are very much linked to the exercise of economic, social, cultural and other rights.

²⁹ More specific recommendations to different actors can be found page 11.



Case study 3.2.3: Malaysia

Malaysia presents an interesting example of the role played by the NHRI to support the implementation of the UPR recommendations. Following the first cycle of the UPR, the Human Rights Commission of Malaysia, more popularly known by its acronym in the Malay language “SUHAKAM”, published a series of booklets that were widely distributed to stakeholders, including government departments and civil society organizations. The booklets sought to inform stakeholders about the UPR recommendations that had been accepted by the Government. The Commission also convened a meeting with all government agencies for the purpose of identifying measures that have been taken by the government in the implementation of the UPR recommendations. These meetings showed that Government agencies were, for the most part, not very familiar with the UPR recommendations, which may have contributed to them being slow and unenthusiastic in their implementation of these recommendations. This highlighted the need for greater capacity building, awareness-raising, and technical collaboration. One of the lesson learnt is that even for those governments that are prepared to effect change, they prefer to proceed gradually and incrementally and at their own pace, on the claim that time is needed to make these changes due to constitutional, legal and administrative constraints, and due to the need to change public attitudes.

Hasmy Agam, Chairman, SUHAKAM, Malaysia

Opportunities for improved UPR implementation :

- Governments to establish a national human rights coordinating committee including government officials responsible for the implementation, involving NGOs specialized in specific human rights issues;
- Governments to establish an NHRI Committee to monitor the implementation of the recommendations by the government, using different tools to inform both government agencies and the general public on the results of the UPR;
- States to submit measurable and actionable recommendations to facilitate implementation by SuR.

3.2.3 Working Groups on implementation of UPR recommendations

At this stage of the discussions, participants were able to split into different groups to discuss more specific examples of challenges and opportunities for more inclusive work around certain specific topics that were identified in the UPR recommendations. Below is a summary of some of the points that were raised.



Freedoms of Expression and Association

Challenges:

- Inefficient laws enforcing the implementation of these rights, despite their presence in the countries' constitutions;
- Interference and control of security bodies in the implementation of these rights in some countries;
- Absence of active NGOs working on the promotion of these rights in some countries;
- Lack of National Human Rights Institutions or obstruction of their function in some countries.

Recommendations:

- Establish an appropriate legislative mechanism to implement human rights (including Freedom of Association and Expression) ;
- Ensure the independence of the judiciary;
- Establish a regional complaints mechanism;
- Activate the role of NGOs in promoting these rights, and bridge the gap between the public and the state;
- Ensure the independence of the media;
- Raise awareness on the concepts of freedoms of association and expression.

Economic, Social and Cultural Rights (ESCR)

Challenges:

- Violations of economic, social and cultural rights important triggers for the revolutionary developments in the Arab region but require long term work to address;
- Unequal wealth and resource distribution ;
- Falsification of statistics leading to difficulty in establishing present economic situation as baseline for future development;
- Inadequate stakeholders' capacity to measure ESCR, and insufficient understanding of what the principle of progressive realization entails.

Recommendations:

- Rights to work, health, education and housing to be considered as the most important for the region, and to be protected in constitutions and national legislation. Increased government and stakeholder capacity to support implementation of those rights.
- Various mechanisms to be used to bring together NGOs and government – depending on the particular context in the particular country. (For example, in Yemen, ESCR could be integrated into the national dialogue on human rights. In Bahrain, labor unions would be best placed to discuss the right to work. In Egypt, the main player is the executive, which would need to be controlled tightly by the Parliament.)



Women's Rights

Challenges:

- Inequality between men and women in national legislation;
- Difficulty to reconcile women's rights with interpretation of some religious principles;
- Cultural perception against women

Recommendations:

- State and NGOs to work on gender-disaggregated data to advance gender equality and women's rights through programming and policy-making based on up to date data;
- States to guarantee full participation of women in politics and access to decision-making positions in Arab countries; civil society to work on raising awareness on these rights;
- States, civil society and UN to work together to address problematic traditionalist interpretations of Sharia law that may sometimes prevail, (although not based on the Koran), and undermine women's rights, for instance related to FGM, early marriage, women's rights to inheritance and to own property etc.
- States to take adequate measures to address violence against women;
- States to guarantee that personal status laws do not undermine rights of women;
- States to implement, or accede to the CEDAW Convention, without reservations.

3.2.4 The role of civil society and media in the UPR ³⁰

The UPR presents a unique opportunity for civil society to have its voice heard. This new mechanism benefited from the lessons learnt from the difficulties of other mechanisms and now offers the possibility to present facts and also recommendations on how to address the human rights challenges in a certain country. The media also has an important role to play in defending human rights. However, to ensure that this collaboration is successful, both the media and civil society actors have strong responsibilities. Civil society should, of course, provide media with information, but should also make sure that the source of information is accurate and can be confirmed. Another important point is to provide information that is accessible to the people – as opposed to dry and technical reports. This was indeed one important challenge that was faced by Iraqi news outlets that could not use the information provided by civil society. This sometimes led to newspapers completely ignoring any information provided by CSOs or Human rights organizations. On the other side, it is also important for the media to be proactive in seeking the information from civil society. This necessarily leads to another important challenge which is the independence of the media. In the past, the issues of state control over the media was predominant. Today, new means of communicating information have emerged .

³⁰ The video of this session is available at http://www.youtube.com/playlist?list=PLd5qvC4XqzFBTKd-hRcAP17R8envUb20u&feature=edit_ok



The accuracy and the reliability of the information conveyed are sometimes considered as a weakness of these new media means. Some interventions highlighted that it is also important to ensure that these new media do not deepen the rifts, especially in the societies that are already divided on political issues. It would, therefore, be important to work on a code of ethics and also the issue of professionalism and specialization.

The relationship between civil society and media in the region leaves room for improvement, which can be achieved through closer collaboration. UPR was seen by participants as an opportunity to have a broad dialogue between State, civil society, and the media, facilitated by a coalition formed by NGOs. Also, it was suggested that specialization of both media and NGOs on certain issues helps for having a professional and productive dialogue on human rights.

Case study 3.2.4: Bahrain and Egypt

Given that the human rights developments on the ground in both countries is under examination, the governments approached the UPR process as a relatively important mechanism towards establishing international credibility to a system of governance that appeared to be losing its national legitimacy. Likewise, the existing local civil society was aware of the importance of the mechanism and thus also engaged on it extensively.

In Egypt, media coverage and the general interest of the media was highly determined by the activities initiated and conducted by civil society. The coverage reflected a somewhat moderate stance in most of the newspapers and media outlets, focusing more on particular human rights theme of relevance to the circumstances in Egypt, which Egyptian civil society organizations pushed for. This is because the government seemed to have determined that it was in its strategic interest not to adopt a hostile stance against civil society organizations working on the UPR, but rather, appeared to engage in a “dialogue” with them, irrespective of whether such dialogue reflected a genuine political will towards reform or not.

In Bahrain, a review of local media coverage of its first UPR in 2008 and on its more recent second cycle UPR in 2012 shows how the nature of the relation between the government of Bahrain and independent civil society, being largely antagonistic, has determined the scope of media coverage. In fact, media coverage in Bahrain has either been largely narrations of merits and successes by the government or direct attacks against civil society actors and a number of independent human rights organizations.

Soheir Riad, Researcher, Cairo Institute for Human Rights Studies (CIHRS) (full paper available on the Governance Week website)



Case study 3.2.5.: Kenya

The Kenya Stakeholders' Coalition for the Universal Periodic Review (KSC-UPR) was initiated during a stakeholders meeting convened by the Kenya National Commission on Human Rights (KNCHR). The coalition comprised of almost one hundred national and international organizations and institutions working on human rights and development concerns. A steering committee was set up and mandated to provide strategic guidance and propose activities geared towards collecting data for Kenya's review under the UPR.

Coalition members were sub-divided into various thematic human rights clusters (based on the key human rights issues identified by stakeholders) for purposes of developing cluster reports. The coalition was able to undertake a unified and joint advocacy strategy i.e. the Advocacy Charter. It was also clear that the media is a good channel through which the UPR recommendations can be popularized, hence enhancing citizen's engagement in seeking accountability from the State on its human obligations. Therefore, a Media Team was tasked with coming up with a media strategy on how to create awareness around the whole UPR process. Stakeholders also engaged both national and international press in Geneva, one before the review and a press conference after the review. Media 21 mobilized the international media to attend KSC-UPR's press briefings in Geneva and a meeting between the KSC-UPR team and Kenyan journalists attending a UPR training activity in Geneva. Due to the connections KNCHR enjoyed in Geneva, they facilitated the hosting of the side event and got assistance to mobilize the attendance of the media. The representatives of the International Coordinating Committee of NHRIs in Geneva assisted KNCHR organize meetings with state delegations and international organizations, widely disseminating the stakeholders' advocacy material and coordinating logistical issues including arrangements for the side and media events.

Hellen Mutellah, EACH Rights, Kenya



Recommendations for civil society:

- Strive for more strategic participation of NGOs in the UPR, e.g. through establishing specific thematic clusters working on UPR on different human rights issues;
- Civil society or a UPR coalition of NGOs to draft a joint stakeholders report to lobby States on human rights issues;
- Conduct effective advocacy to influence the content of UPR recommendations that will be made by other States to the relevant country, e.g. on the basis of a joint stakeholders report;
- Organize briefings with the media, both State- and private owned media, packaging the issues for the purpose of getting the interest of the media in their country;
- Civil society to develop a communication strategy on how to disseminate the information to the broader public- the language used on UPR has to be understandable for laymen;
- Develop an advocacy and lobbying roadmap premised on the need for a structured engagement in the whole UPR process, outlining initiatives to be undertaken during the specific phases of the UPR;
- Conduct surveys, consultations during UPR, so that peoples' voices and opinions are heard, using media for dissemination;
- Organize press clubs or trainings of the media on human rights and the UPR;
- Conduct capacity building in ESCR and budget monitoring for NGOs and media.

3.2.5 Linking the UPR to other accountability mechanisms to support democratic transition

The Universal Periodic Review is a very important mechanism to support development process. Other mechanisms also exist to support social accountability such as other international human rights mechanisms, or other national processes. In the context of change of the region, the Universal Periodic Review needs to be linked to other mechanisms of social accountability to ensure coherence and consistency.

Presentations during this session highlighted linkages between the UPR and other critical UN human rights mechanisms, such as the human rights Treaty Bodies and the Special Procedures of the Human Rights Council. Indeed, General Assembly resolution 60/251, which mandated the establishment of the UPR, provided that it shall “complement and not duplicate the work of treaty bodies”. For example:

- Whereas the UPR serves to cover the overall human rights situation, the work of treaty bodies, while also based on periodic reporting, is specific to the subject matter of the relevant treaties.
- Whereas treaty bodies are composed of independent experts and the review is focused on legal obligations of the State, the UPR is an inter-governmental process.

Therefore, adopting an integrated and holistic approach to implementing recommendations from different mechanisms will maximize the benefits drawn from the work of the different mechanisms, including the UPR, the Treaty Bodies and the Special Procedures, with a view to enhancing social accountability in a changing region.



Interventions by participants encouraged States not to see the human rights system as a system à la carte. The different human rights mechanisms are mutually re-enforcing and complementing each other, and none of the mechanisms should be neglected. However, this does not go without challenges. Governments often feel overwhelmed by too many ratified international instruments, each with its own reporting obligations (every 2 to 4 years on average). The specific experience of Kuwait, and the work carried out to support the State in the implementation of CEDAW obligations and recommendations showed that the State-party government staff members may also face additional challenges, including lack of capacity to write the jargon laden reports, difficulties to get the right data, limited knowledge of international law and human rights principles, etc. work invested by various actors (State, Civil society, or United Nations) for these mechanisms should also support the UPR to avoid duplication and also ensure coherence and consistency.

It was also highlighted that UPR recommendations often support and strengthen accountability at the national level by promoting the integration of internationally recognized human rights standards in constitutional or legislative drafting, and by strengthening mechanisms to improve access to justice, particularly for vulnerable or marginalized groups. In Saudi Arabia, for example, the UPR happened at a time of increasing local calls for progress on rights protections related to civil rights, women rights, minority rights, migrant worker rights, combating human trafficking, rights of the child, and rights of the disabled. As a response, the new UN Common Country Strategic Framework (2012-16) identified UN cooperation in social accountability and human rights, and UNDP Country Programme (2012-16) identified social empowerment as a key outcome. In 2012, a Memorandum of Understanding was also signed between UN High Commissioner for Human Rights and the National Human Rights Commission. Consequently, a first UN/UNDP human rights programme will be launched in Saudi Arabia, looking at NHRI capacity development and rights of vulnerable groups.



Case study 3.2.6: Sudan

The UPR recommendations for Sudan had pointed to the need for reform of constitutional and legislative framework. More specifically, it was recommended to start an open, inclusive and transparent dialogue about the new constitution. Sudan considered this recommendation and put it as one of the priorities of the implementation action plan. A Constitution-making forum was organized in Khartoum as a joint activity between the Ministry of Justice and the UNDP and with the participation of civil society organizations. This activity was followed by another 14 forums in 14 states of Sudan. These forums included government officials, parliamentarians, tribal leaders, civil society organizations, academics, university students and others. This specific case showed that linking the UPR to constitution making process led to:

- Inclusive engagements of all actors as an international and national obligation as well.
- Positive involvement of international mechanisms in the promotion and protection of human right (with the support of the UN).
- Establish a solid ground for the accountability of the government internationally and nationally.
- Encourages states to have a clear implementation action plan, short, medium and long term.

Muaz Tungo, Head of Advisory Council for Human Rights, Ministry of Justice, Sudan

Recommendations to improve linkages between UPR and other accountability mechanisms:

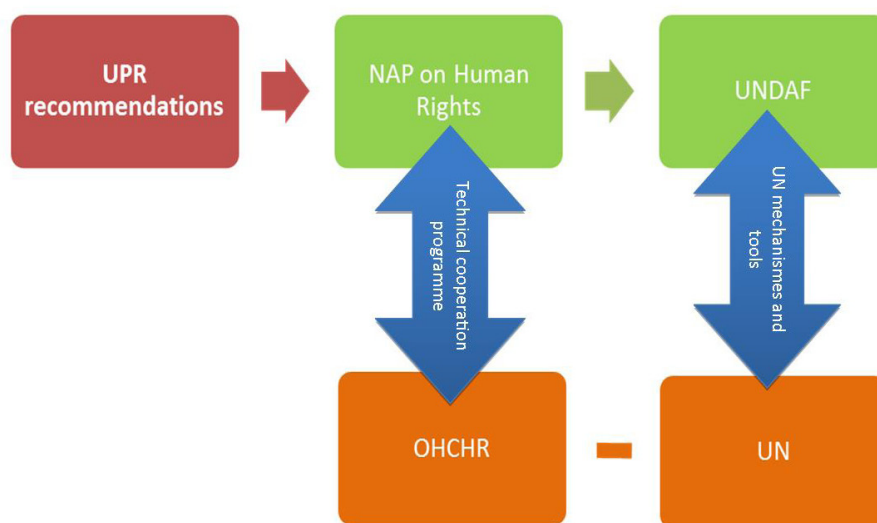
- The UN, Governments of Arab States and civil society to work together for the implementation of recommendations from the different human rights mechanisms, including the UPR, human rights treaty bodies such as CEDAW, and the Special Procedures;
- Governments to work together with the UN and religious leaders to improve reporting to treaty bodies such as CEDAW with a view to better understanding the situation regarding women's rights and other human rights;
- Technical support to be provided by the UN for mainstreaming UPR and other recommendations in policies and programmes implemented by governments;
- Governments to organize forums with citizen participation on the Constitutional process to obtain inputs and recommendations from participants, organize a media campaign, link the Constitution writing process to the UPR and make it an inclusive process;
- Civil society and governments to use concrete base lines or indicators to monitor compliance with UPR recommendations and recommendations emanating from other human rights mechanisms.



3.2.6 Broadening Partnership and Engagement of the UPR at national, regional and global levels?

While the UPR lends itself to strengthening the relationship between the people and the state, there are also regional and global actors that can support the work carried out at country level, and enhance communication between countries for stronger cooperation. This session was an opportunity to link the UPR to other resources or mechanisms of support available, including the League of Arab States, regional networks (e.g. the Arab Organization for Human Rights), or UN regional offices. It informed participants on the mandates of these actors and opportunities for linking UPR recommendations with other areas of actions, such as rule of law and the legal empowerment of the poor.

The United Nations can develop a technical cooperation programme for the implementation of the UPR recommendations. This programme can take different shapes, such as a UPR implementation plan or a national action plan on human rights – NAP (which is the recommended option). In the latter case, the NAP can become part of the UNDAF and evolve into a Technical Cooperation Programme on HR between the Government and OHCHR. This option presents the strong added value of being nationally owned and would take into account citizens' needs, along with and eventually Special Procedures and Treaty Body's recommendations. This would also facilitate the establishment of benchmarked goals that can be monitored and evaluated by the UN tools. Other UN agencies also play an important role. The UNDP regional centre provides support to country offices and national partners for the implementation of UPR recommendations (e.g. development of project document for the setting up of a national human rights institution in Yemen; collaboration with regional civil society networks to review court cases in various countries that refer to economic and social right; etc.).



From Andrea Ori's presentation on regional cooperation on UPR



Recommendations for increased regional partnership:

- Increase communication and cooperation between UN and the Arab League, as well as national institutions;
- The Arab League to assist governments in following up the implementation of UPR recommendations;
- The Arab League to hold discussions on establishing a tribunal on human rights for the region;
- OHCHR and UN to provide technical assistance and expertise on human rights, including support in the implementation of UPR recommendations;
- The UN to establish an Inter-Agency Task Force on UPR at the country level, and prepare a consolidated report on UPR;
- The UN to provide training to NGOs on human rights and UPR, strategizing with them on how to best work with the State, thinking about how to counter-balance the stakeholder report's content, its priorities, and the message NGOs want to send to UPR, emphasizing the quality of the NGO reports;
- OHCHR to provide support for developing a national action plan (NAP) on human rights and on the UPR by governments, adding NGOs members to the committee to cooperate inclusively in developing the NAP;
- The UN to integrate the NAP on human rights into the UNDAF, gradually developing a technical cooperation programme on human rights with the government;
- States to commit measurable, actionable, political will for implementing their NAP and UPR recommendations

3.2.7 Summary of Joint Recommendations for Action

For the fourth day of the Arab Governance Week, the participants were divided into country groups and asked to come up with key messages and recommendations stemming from discussions during Governance Week, and key action steps to advance social accountability in the countries present. Many points were raised and recommendations made, some of which are summarized here considering their relevance for human rights monitoring and the UPR process.

Numerous delegations commented on a need for a better, common understanding of what social accountability means. There is lack for clarity with regard to its definition, as well as to the roles of various stakeholders. Nevertheless, social accountability mechanisms such as the UPR were seen as opening up opportunities for increased dialogue between stakeholders. Many delegations stressed the importance of holding national consultations, of coordination and cooperation between all stakeholders. Access to information, capacity building, transparency, legal reform, awareness raising, and gender mainstreaming were important issues raised with regard to enhancing social accountability and mechanisms such as the UPR. While the recommendations below sometimes remain fairly generic, they would need to be tailored to country specific context and needs when applied at national and/or local level.



Recommendations to Governments of Arab States

- Focus on implementing UPR recommendations, not only on writing the report;
- Make UPR a nationally owned process which happens at home, not in Geneva;
- Build confidence and increase interactions between the State, civil society and other actors;
- Capitalize on the on-going change in culture towards cooperation and open dialogue in Arab States between civil society and governments;
- Organize national consultations on the national UPR report with relevant ministries and NGOs;
- Establish a national human rights coordinating committee including government officials responsible for the implementation of UPR recommendations, involving NGOs specialized in human rights;
- Develop a strategy to engage with civil society on UPR, and a strategy to engage with media on the same;
- Establish an appropriate legislative mechanism to implement Human Rights (including Freedom of Association and Expression);
- Ensure the independence of the Judiciary;
- Establish a Regional Complaints mechanism;
- Comply with human rights obligations under international treaties through reporting to treaty bodies and making use of Special Procedures, in addition to the UPR;
- Provide gender-disaggregated data on the situation of women in Arab States for the purpose of advancing gender equality and women's rights through programming and policy-making based on up to date data;
- Guarantee full participation of women in politics and access to decision-making positions in Arab countries;
- Address problematic interpretation of Sharia law- traditional interpretations still prevail that are not based on the Koran but undermine women's rights, for instance related to FGM, early marriage, women's rights to inheritance, to own property, rights in marriage;
- Address the issue of violence against women, breaking taboos surrounding it;
- Guarantee that personal status laws do not undermine rights of women;
- Give women the right to transfer their nationality to their children;
- Implement, or accede to the CEDAW Convention, without reservations;
- Work together with civil society to prepare the report to the CEDAW Committee;
- Work together with the UN and religious leaders to increase understanding of women's rights and collaboration on the CEDAW Convention;
- Organize forums with citizen participation on the Constitutional process- getting input and recommendations from participants, organizing a media campaign- linking the Constitution writing process to the UPR making it an inclusive process;
- Develop a National Human Rights Action Plan, including on UPR, with the assistance of the UN;
- Use concrete base lines or indicators (e.g. based on the national action plan) to monitor compliance with UPR recommendations;
- Ensure the independence of the media.



Recommendations to Civil Society

- Capitalize on the on-going change in culture towards cooperation and open dialogue in Arab States between civil society and governments; convince States that NGOs should be part of the process as cooperating partners;
- Revisit the role of NGOs according to what you are trying to achieve, and what is deemed to be the best way to act to achieve certain change;
- Form a national coalition on the UPR and its follow up;
- Organize awareness raising campaigns and surveys among population to spread knowledge on UPR;
- Develop a media strategy and a strategy for engaging with the government on the UPR;
- Establish a national human rights coordinating committee including government officials responsible for the implementation, involving NGOs specialized in specific human rights issues;
- Develop an advocacy and lobbying roadmap premised on the need for a structured engagement in the whole UPR process, outlining initiatives to be undertaken during the specific phases of the UPR;
- Use economic, social and cultural rights, women's rights and other rights that governments prioritize as entry points for broad cooperation with the government on human rights;
- Address the issue of violence against women, breaking the taboos surrounding it;
- Work with governments and the UN to prepare CEDAW Committee reports;
- Strive for strategic participation in the UPR, e.g. through establishing specific thematic clusters working on UPR;
- Draft a joint UPR stakeholder report to lobby States;
- Conduct effective advocacy to influence the content of UPR recommendations that will be made by other States to the relevant country, based on the joint stakeholders report;
- Organize briefings with the media, both State- and private owned media, packaging the issues for the purpose of getting the interest of the media in their country;
- Develop a communication strategy on how to disseminate the information to the broader public, in a language that is understandable for the larger public;
- Take a number of steps before the UPR, including local awareness raising and use of the media;
- Make peoples' voices and opinions heard through use of media and through surveys and consultations during the UPR;
- Organize press clubs or trainings of the media on human rights and the UPR;
- Conduct capacity building in ESCR and budget monitoring for NGOs and media;
- Use concrete base lines or indicators to monitor compliance with UPR recommendations;
- Differentiate and separate the work with specific issues and the work for specific political interest; mixing the two affects the credibility of organizations, also in the eyes of governments;
- Ensure quality of the information provided for the UPR.



Recommendations to Media

- Improve the relationship with civil society, both contacts and cooperation including on human rights issues and UPR;
- Capitalize on media's potential role as a defender or promoter of human rights;
- Use simplified language when needed, but report on human rights issues including UPR that are concerns of the whole population;
- Fill the information gap on human rights related issues by increased reporting, and participate in trainings on human rights issues to specialize and build your capacity and knowledge on the same.

Recommendations to NHRIs

- Take on important role in case national institutions do not function properly e.g. post-conflict and in transitions;
- Play a role in developing human rights action plans and strategies on UPR in cooperation with the government;
- Play a role in training civil society and providing technical advice to the government on the implementation of its UPR recommendations;
- Establish an NHRI Committee to monitor the implementation of the recommendations by the government, using different tools to inform both government agencies and the general public on the results of the UPR;
- Provide technical assistance to stakeholders on how to write actionable and clear recommendations;
- Lobby with States to receive support from a UPR Fund, administered by OHCHR

Recommendations to the UN and donor community

- Play the role of broker, facilitating relations and dialogue between State and civil society;
- Provide technical assistance, capacity building or training in human rights and the UPR process of both civil society and government representatives, including sharing experiences from different countries or regions, providing a platform for national actors to discuss;
- Include NGOs as much as possible in UN programming and in discussions with the State, using their expertise as serious actors when talking to States;
- Join hands with civil society and governments to document and research UPR recommendations in a systematic manner and to monitor compliance with recommendations;
- Conduct research on best practices on the UPR and monitoring implementation of recommendations;
- Mainstream implementation the UPR recommendations' into the UNDAF;
- Provide technical assistance to stakeholders for how to write actionable, measurable and clear recommendations;
- Assist governments in developing National Human Rights Action Plans, including necessary steps to implement UPR recommendations;
- Organize a regional forum focused on Judiciary independence;
- Replicate forum on social accountability on the country level in MENA countries;



- Strengthen inter-agency coordination on human rights, democratic governance, development and human rights indicators;
- Remember to follow up of all work, including outcome of consultations or conferences.

3.3 Concluding remarks on the UPR

Some general conclusions can be made with regards to the future of human rights monitoring and the use of social accountability mechanisms such as the UPR in the Arab region.

The currently on-going social and political changes in the region are contributing to a greater interest by governments in improving their human rights situation (or the perception of their human rights situation), including through completing democratic transitions or rule of law reforms with the aim of meeting demands of the people. This interest opens up possibilities for greater participation by the general public and civil society organizations through broad dialogue and collaboration with Arab governments on human rights issues. The media- both 'traditional' and 'social' media- is currently reporting more on issues related to social accountability and human rights due to current events.

While the UPR provides strong opportunities to support greater social accountability, the perception and understanding of the process need to be improved. The UPR is a process for accountability to the people, and not just to the human rights council in Geneva. In addition, there is a critical need for increased dialogue between States and civil society to create a shared perception of social accountability; this dialogue would require a longer term "education" process to change years of confrontational behaviors. Indeed, it seems to be very hard to break the reflex of disagreeing instead of taking to time to see if there are common grounds between the two actors. Finally, there should be a change in the perception about the role and responsibilities of civil society: civil society does not have the monopoly of advocacy and should engage more with the media for better outreach to the people.

Working on these elements opens up possibilities for improving dialogue and collaboration between civil society and media as well. The on-going changes are thus contributing to a new culture of cooperation and open dialogue in Arab States between civil society, media and governments.

There remains an important role for the UN to play in facilitating this collaboration and dialogue. This can be done through providing platforms for discussions and interaction, conducting capacity building and providing technical support for government representatives, civil society and media on social accountability, human rights, the UPR, rule of law reform, inclusive development. This collaboration can also be done through confidence-building initiatives where state and civil society are both partners in joint projects. It is also important for the UN to keep bringing examples of good practices from other countries or regions to show that these changes, although difficult, are possible.



To employ its full potential as a mechanism for social accountability, the UPR Process should be used as an entry point for facilitating a long-term, inclusive national dialogue on human rights. Developing yearly national action plans on human rights and the UPR, with the assistance of the UN, contributes to institutionalizing this dialogue and to holding the government accountable for its obligations. By holding national consultations, forming national coalitions, and communicating with the media, a nationally owned and effective UPR process can be achieved, which gradually will have an effect on the human rights situation on the ground. In addition, promoting this type of long-term national dialogue is also important because of its potential to build trust and prevent conflict between citizens and state. It also paves the way for marginalized groups to have their voices heard by governments, and for meaningful participation of women in the dialogue on human rights.

Arab governments have in the first cycle of UPR review prioritized inter alia economic, social and cultural rights (ESCR), certain rights pertaining to the status of women and women's participation, rights of children, non-citizen, persons with disabilities. These priority issues can be used as entry points for cooperation with Arab governments on human rights, and as entry points for UN programming on human rights issues in the Arab States.

It should be noted however, that current changes in the region could be used as a positive momentum to enter into broader cooperation with Arab governments on all critical human rights issues, including civil and political rights, violence against women, rights of minorities and marginalized groups, as well as transitional justice; issues that have not been previously prioritized by Arab governments. The dialogue and cooperation on UPR is one way of making use of this momentum.