NATIONAL HUMAN RIGHTS INSTITUTIONS
AND UNIVERSAL PERIODIC REVIEW FOLLOW-UP

As independent bodies with constitutional or legislative mandates to protect and promote human rights, Paris Principles compliant national human rights institutions (NHRIs) are able to contribute effectively to all stages of the Universal Periodic Review (UPR) process.

The greatest challenge – and potential - to strengthen human rights in country remains, however, at the follow-up stage to UPR. Follow-up here refers to the implementation of UPR recommendations, after the working group session and adoption of the UPR report in Geneva.

While States have the primary responsibility to ensure follow-up to, and implementation of, UPR recommendations, NHRIs also have an important role to play in supporting follow-up. This role is different from yet complementary to the roles performed by Government and civil society.

With the second cycle of the UPR approaching, this paper has been prepared to illustrate the actual and potential roles of NHRIs in UPR follow-up.

1. THE UNIQUE ROLE OF NHRIS IN THE UPR PROCESS

The Paris Principles give NHRIs a mandate, powers and functions that make them ideal contributors to the UPR process. The UPR process covers essential parts of the core mandate and work of NHRIs, including reporting on national situations, encouraging broad national consultations, raising awareness around human rights and United Nations (UN) processes and empowering stakeholders, and advising the State on implementation of recommendations emanating from UN processes.

The roles of NHRIs in the UPR process includes:

- Acting as a bridge between the national and international human rights systems;
- Providing independent and authoritative information on national situations;
- Sharing best practice examples and lessons learned;
• Providing advice to Government on the implementation of UPR recommendations, and monitoring follow-up; and
• Raising UPR awareness at the national level and encouraging domestic actors.

2. A RECOGNIZED ROLE BY THE GENERAL ASSEMBLY AND HUMAN RIGHTS COUNCIL

The UN General Assembly and the Human Rights Council have welcomed and reaffirmed the important role of NHRIs in the UPR process.

When it established the Human Rights Council, the General Assembly in resolution 60/251 urged the Council to work in close cooperation with NHRIs and to ensure their most effective contribution to its work.

In relation to the UPR, the Human Rights Council in resolution 5/1 confirmed the following NHRI contribution opportunities in the UPR:

• Submitting information for inclusion in the summary of information provided by relevant stakeholders prepared by the Office of the UN High Commissioner for Human Rights (OHCHR);
• Attending the examination of their country by the UPR Working Group in Geneva;
• Making general comments at the HRC before adoption of the UPR Working Group's report on their country; and
• Working to implement UPR recommendations, although the primary responsibility for this lies with the State.

Most recently, as a result of the Council’s review and related ICC advocacy, the Council has broadened NHRI contribution opportunities in the UPR. In resolution 16/21, the Council confirmed:

• That Paris Principles compliant NHRIs will be allocated a separate section of future summaries of stakeholders’ information prepared by OHCHR; and
• That Paris Principles compliant NHRIs will be entitled to intervene immediately after their State during the Council's adoption of the UPR report on that State.

The Council’s June 2011 resolution on NHRIs also recognizes the important role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review in both preparation and follow up … \(^1\)

\(^1\) A/HRC/17/9, adopted in June 2011 by consensus with the cross regional co sponsorship of more that 110 States.
In its December 2011 resolution on NHRIs, the General Assembly “welcomes the strengthening of opportunities to contribute to the work of the Human Rights Council for national human rights institutions compliant with the Paris Principles, as stipulated in the Council review outcome, adopted by the General Assembly by its resolution 65/281 of 17 June 2011, and encourages national human rights institutions to make use of these participatory opportunities.”

States and NGOs alike have in numerous interventions before the Council reaffirmed the value of NHRI contributions to the Council.

3. TYPES OF NHRI CONTRIBUTIONS TO UPR FOLLOW-UP

NHRI contributions in the UPR follow up process may take a variety of forms. This paper offers the following four suggestions:

- Publicizing and disseminating UPR outcomes;
- Using UPR recommendations to inform and drive national activities, including NHRIs’ strategic and operational plans;
- Organizing post-UPR discussions with government and civil society as an impetus to implementation;
- Monitoring and reporting on the implementation of UPR outcomes;
- If a Paris Principles compliant institution, periodically reporting back on the implementation of UPR recommendations at Council sessions; and
- Incorporating UPR recommendations into reports to other UN human rights mechanisms.

3.1. Publicizing and disseminating UPR outcomes

NHRI s can actively contribute to publicizing UPR outcomes as this will build public knowledge and support for Government action on implementation of their pledges and accepted recommendations.

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2 A.C.3/66/L.49.Rev1, adopted in December 2011 by consensus with the cross regional co-sponsorship of more than 80 States.
**Engaging Parliament: The Australian Human Rights Commission**

Following Australia’s review in 2011, the Australian Human Rights Commission offered the Australian Parliament regular briefings in follow up to the UPR.

The first briefing by the Commission was held after Australia's review before the Council's working group and before Australia's final UPR report was adopted by the Council. The objective of the briefing was to inform Parliamentarians about the UPR outcome recommendations, including those on which Australia's response was still outstanding, to encourage the acceptance of recommendations by the Government. The objective was also to identify the respective roles of the Commission and Parliament in relation to UPR follow up.

In her presentation, the Commission's President identified a set of areas on which she recommended priority follow-up and monitoring by Parliament, and which should also inform the development of Australia's national action plan.

### 3.2. Using UPR recommendations to inform and drive national activities

The recommendations and commitments within the final UPR report can inform and affirm the future direction of a NHRIs work. Where appropriate, NHRIs may wish to consider explicitly incorporating UPR recommendations into their strategic plan and work programme and engagement with other UN human rights mechanisms such as the Treaty Bodies. It may also be appropriate for a NHRI to use UPR recommendations rejected its Government to inform its own activities.

The UPR is not viewed as a stand-alone project but linked up with the NHRIs’ day-to-day work, to ensure comprehensive, coordinated and integrated follow up in country.
### Aligning NHRI work with UPR recommendations - Experiences from the South African Human Rights Commission

In following up to the UPR, the South African Human Rights Commission (SAHRC) is mainstreaming UPR recommendations into the Commission’s overall work, and aligning its work and programmes with specific UPR recommendations.

UPR recommendations have been one of the sources used to guide the SAHRC in developing its strategic plan and setting priorities.

The SAHRC decided to link areas of its work with the Council’s UPR recommendations to South Africa. All 22 recommendations have been allocated as the responsibility of either a Commission Committee, programme or topic coordinator. The Commission’s work is either being specifically aligned to each of the recommendation, or the relevant committee or staff member is tasked with monitoring issues related to their allocated recommendations. The SAHRC’s strategic plan provides that all UPR recommendations and related work will be tracked.

As an example, South Africa received recommendations that it should continue to promote and facilitate the right to education, particularly amongst economically disadvantaged children, and to continue disseminating a culture of human rights in its education institutions. In its strategic plan, the SAHRC will continue to prioritize work in this area, carrying out inquiries and providing input to the Government officials responsible for education. The Commission will also engage with a parliamentary analysis of South Africa’s education challenges and will set up a committee on education issues.

#### 3.3. Organizing post-UPR discussions to promote implementation of UPR recommendations

NHRIs are encouraged to organize post-UPR discussions with Government and with civil society. Such consultations can be used to encourage the Government to use UPR recommendations to inform the development of national strategies, policies and priorities, including a National Human Rights Action Plan and legislative review processes.³

Where appropriate, NHRIs can also assist the Government to develop concrete, targeted and time-bound strategies to implement and achieve UPR recommendations.

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**Post UPR consultations and advice in State national planning: Kenya National Commission on Human Rights and the Kenya Stakeholder Coalition on the UPR**

Following the Council's adoption of Kenya's UPR report, the Kenya National Commission on Human Rights (KNCHR) together with the Kenya Stakeholder Coalition on the Universal Periodic Review (KSC-UPR) prepared an advocacy tool framing the recommendations that Kenya had accepted as commitments, which it should fulfil during the four-year period until its next UPR review in 2014.

The ‘Outcomes Charter’ guides State and non-state actors to implement UPR recommendations and subsequent commitments made by Kenya during the UPR process. It sets out the key expectations, indicators, actions and actors whose interventions are necessary to ensure successful implementation. The Charter:

- Records the understandings of the KSC-UPR and KNCHR on the commitments which the State made before the HRC;
- Proposes a four-year road-map on how the UPR recommendations accepted by Kenya can be turned into actions to improve the human rights situation in Kenya;
- Converts Kenya's UPR recommendations and commitments into indicator-driven actions that the Government and other actors in the country should undertake during the current UPR cycle (2010-2014); and
- Establishes a framework for the KNCHR and KSC-UPR to use to monitor implementation of Kenya's UPR commitments.

This advocacy tool was used in March 2011 to guide Government departments while they were preparing their UPR plan of action.

### 3.4. Monitoring the implementation of UPR recommendations

NHRIs can play an important role by acting as watchdog to assess the extent to which their governments have implemented their pledges and recommendations made during the UPR mechanism. NHRIs may wish to consider using their annual reports as a tool for publicizing their monitoring of implementation. Their assessments should also be reflected in their next independent report to the OHCHR for the second cycle of their state’s UPR, and may be included in their reporting to the HRC and treaty bodies.

### 3.5 Reporting to the Council on the implementation of UPR recommendations

Paris Principles compliant NHRIs can periodically report back on its State’s implementation of UPR recommendations at future Council sessions in the standing agenda item on the UPR (item 6). Where unable to attend a Council
session, the NHRI could consider preparing an oral statement that could be delivered on its behalf by the ICC Geneva Representative.

### Reporting on implementation of UPR recommendations: The Commission on Human Rights of the Philippines

A year after the Philippines’ UPR review at the Human Rights Council, the Commission on Human Rights of the Philippines (CHRP) presented a statement to the Council to report on the status of implementation of UPR recommendations. The statement was presented under the Council’s agenda item 6, related to general debate on the UPR.

In the statement, the Commission identified five follow up priorities: the status of the Commission; Human Rights Legislative Agenda; treaty body engagement and national action plan on human rights; Special Procedures and requests for visits; and charter change and national elections.

Following up on recommendations encouraging the Philippines to extend invitations to Special Procedures, the CHRP informed the Council that a positive response to various Special Procedures requests was still outstanding. In particular, the CHRP urged the Philippines to accept those requests relating to counter terrorism, to housing, right to food, human rights defenders, and enforced disappearances.

In her statement, the Commission Chairperson said the consideration of extending standing invitations to mandate holders is reiterated by the CHRP in light of continuing reports of human rights violations including disappearances and killings being attributed to state security forces.

The Commission’s statement coincided with the Council’s deliberations on the report of the Special Rapporteur on extrajudicial executions in follow up to his mission to the Philippines in 2007. The Special Rapporteur’s findings and conclusions reinforced those made by the Commission, and vice versa.

The Commission published both the Commission’s statement and the Special Rapporteur's report on the Commission's webpage, presented them to national media, and discussed with the authorities.

### 3.6 Incorporating UPR recommendations into reports to other UN human rights mechanisms

NHRIs can incorporate relevant UPR recommendations into the shadow or alternative reports that they prepare for the UN human rights treaty bodies and in briefings for Special Procedures mandate-holders. They may also build their UPR
recommendations on those previously made by treaty bodies and Special Procedures or regional human rights mechanisms. This would promote cross-pollination and reduce duplication between the UPR and other human rights mechanisms.

4. UPR CONTRIBUTIONS TOWARDS STRENGTHENING NHRIS

One of the most frequent recommendations made to States reviewed by the UPR is the establishment or strengthening of NHRIs.

As a result, the UPR process has been a catalyst for the creation of new NHRIs across all regions and has opened up significant opportunities to strengthen existing ones. The ICC, regional coordinating bodies of NHRIs, OHCHR and the United Nations Development Programme (UNDP), as well as an NHRI itself can have a strategic impact in following-up on such recommendations.

Follow-up to UPR recommendations on NHRIs: The Norwegian Centre for Human Rights

Norway's UPR process, paired with the forthcoming review by the ICC Sub Committee on Accreditation of the Norwegian Centre for Human Rights, triggered broad national discussions on the role and mandate of the Centre.

As a result, a task force was established with a mandate to review the status, mandate, functions and powers of the Centre in light of the Paris Principles. The task force was composed of members of the Ministry of Foreign Affairs, Civil Society, and the Centre, and worked in close consultations with the ICC and OHCHR.

The task force conducted a thorough analysis of the history of the Centre's establishment, reviewed its mandate and limitation against Norway's domestic human rights situations, and held numerous interviews with State representatives, international experts, fellow NHRIs and Norwegians to ask about their expectations of the roles and mandates of a NHRI.

The final report recommended that Norway review the Centre's founding legislation in order to transform the Centre into a Commission with broad mandates and powers, covering both promotion and protection. The report also recommended an increase in the Centre's budget resources.

The final report is presently under consideration by the authorities. The report's findings have also informed the ICC Sub Committee on Accreditation's review of the Norwegian Centre for Human Rights.
5. AN IMPORTANT ROLE THAT REQUIRES SUPPORT

As this paper has illustrated, the contributions that NHRI s may make to UPR follow-up are manifold and if conducted strategically can make an impact on the ground. However, at this stage there is only limited awareness about or documentation on UPR follow up let alone NHRI s’ roles therein. The ICC and regional coordinating bodies, together with partners from OHCHR and UNDP, can help promote NHRI s’ engagement and knowledge on UPR follow-up opportunities.

Activities may include the organization of workshops to exchange experiences and practices among fellow NHRI s and the publication of handbooks to guide NHRI s through the follow up process.

In March 2008, the Asia Pacific Forum of National Human Rights Institutions (APF) and the Australian Human Rights Commission hosted in Sydney a workshop on the role of NHRI s with the UPR. The workshop brought together NHRI s from the APF region that had participated or were about to participate in the UPR process, to exchange lessons learned on engagement with the UPR’s first cycle.

The Commonwealth Secretariat Human Rights Unit organized a workshop on UPR engagement and follow-up, which brought together Governments, NHRI s and civil society. The Pacific one, for instance, has shaped the New Zealand Government’s half term report on UPR implementation and the New Zealand Human Rights Commission and the Government are in discussions about making UPR commitments a central feature of the second New Zealand Action Plan for Human Rights.

Finally, the ICC and its partners organized workshops on the role of NHRI s and the UPR process, including in Nairobi in 2009 and at ICC General Meetings in 2009 and 2010. At the ICC 24th meeting held in May 2011 in Geneva hosted a panel discussion on the role of NHRI s in follow-up to UPR and treaty body recommendations. The meetings heard contributions from NHRI s from various regions as well as from civil society representatives.