



The Universal Periodic Review, children's rights, and the UN Committee on the Rights of the Child

Civil society follow-up

A series of four factsheets have been developed by Child Rights Connect and UPR-info to provide detailed information to civil society about the UPR with a focus on children's rights and linkages to the UN Committee on the Rights of the Child.

- Factsheet 1: Information for civil society
 - Factsheet 2: Civil society written submissions
 - Factsheet 3: Civil society advocacy
 - **Factsheet 4: Civil society follow-up**
- These factsheets were originally published in 2014 and have been updated in 2020.
 - Please use these factsheets to support your UPR activities and get in touch with us if you'd like to know more or have any questions! UPR info: info@upr-info.org/Child Rights Connect: secretariat@childrightsconnect.org

The Universal Periodic Review (UPR) is a key inter-governmental human rights review mechanism within the UN Human Rights Council (HRC) designed to assess the extent to which States are complying with their obligations to protect, respect and fulfil human rights, including children's rights. After its review, each State is expected to implement the UPR recommendations it receives, in particular those which it accepts, as well as the voluntary commitments it makes.[1] The recommendations and voluntary commitments are known as the "UPR outcome". The State has the primary responsibility to implement the recommendations contained in the final outcome. During the second review the State is expected to provide information on the measures taken to implement the recommendations that were made during the first review. After the State review under the UPR, CSOs can conduct follow-up activities to encourage the government to implement the accepted recommendations.

What is follow-up in the UPR context?

UPR follow-up refers to all the activities civil society may undertake to ensure that States **implement** their **"UPR outcome" before their next UPR review 4½ years later**". Ensuring effective implementation of UPR recommendations is of crucial weight in order to bring about positive change in children's lives and requires the proactive engagement of all relevant stakeholders. As identified by UPR Info, there are primarily three actions that civil society organisations can engage in following up on UPR recommendations: **awareness raising, cooperation, and reporting**.

Children's participation in follow-up

Civil society is strongly advised to meaningfully and safely involve children throughout these processes, following the standards set out by the UN Committee on the Rights of the Child [2]. Indeed, it is important that children, who are active bearers of rights, are empowered and protected as human rights defenders in holding States to account for their obligations towards children. A first-step in the follow-up phase can be that civil society organisations (CSOs) empower children to help develop and disseminate widely child friendly versions of the UPR recommendations. In addition, CSOs are encouraged to consult children when drawing up specific Plans of Action or follow-up strategies. In turn, these strategies need to be integrated into national advocacy plans – in which children should be involved. The views of children should also be incorporated into the mid-term assessment report that CSOs are encouraged to submit, of which there should be a child-friendly version.[3] This can be done by organizing workshops and consultations with children from different backgrounds, situations and contexts.[4]

[1] See Factsheet No.1 The Universal Periodic Review for more information.

[2] For example, Article 12 of the UNCRC, General Comment No. 12, Working Methods for Child Participation in DGDs. See <https://www.ohchr.org/en/hrbodies/crc/pages/crcindex.aspx>

[3] Find UPR NGOs Mid-term reports here: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPR-NGOs-Mid-term-reports.aspx>

[4] See Factsheet 5 for more details on child participation in the UPR

Note



States under Review cannot reject UPR recommendations

Contrary to what is often said, a “State under review” (SuR) cannot technically “reject” UPR recommendations. It can only indicate which recommendations “enjoy the State’s support” and which ones are “noted”. The only difference between the two is that when a SuR indicates that a recommendation enjoys its support, it makes a political commitment to implement that recommendation before the next review. Nonetheless, the State can always decide to implement noted recommendations at a later stage. During the first UPR cycle, 15% of noted recommendations were implemented;^[5] hence the importance of maintaining a dialogue about noted recommendations with the State. States cannot use the UPR mechanism to dismiss a human rights issue or concern.

Why should civil society engage in follow-up?

To improve the human rights situation on the ground, it is essential that civil society systematically follows up on progress made by the State regarding UPR outcomes.

1. To know and let people know about the child rights issues that their State has been recommended to focus on at international level: National civil society actors do not often know about recommendations from international processes, like UPR outcomes, even when these recommendations address national issues relevant to their work. Children are often unaware of recommendations that are relevant to their situations. CSOs can increase awareness about UPR outcomes and bring them up in national discussions.

2. To make their work more effective: In many cases, CSOs work on child rights issues that are addressed in the UPR of their States. CSOs can strengthen their arguments and advocacy by referring to and monitoring the implementation of UPR outcomes.

3. To hold States accountable: While States are responsible for implementing UPR outcomes, CSOs can play a critical role by monitoring State actions and reminding them of their commitments. To help States with implementation: Follow-up is also an opportunity for civil society to offer their expertise to States through consultations or reports and to assist with implementation of UPR outcomes.

4. To make the UPR process more effective: By ensuring continuous pressure on States, follow-up activities can result in higher rates of implementation of outcomes, making the UPR a mechanism that can help to improve the child rights situation on the ground. CSOs’ monitoring of the implementation phase also provides information needed for subsequent UPR reviews.

What kind of follow-up activities can CSOs undertake?

Depending on the resources, capacities and interests of each CSO, follow-up can include a range of activities and take place at national and/or international levels. There are several possible follow-up activities. As a minimum, CSOs are encouraged to find out about the UPR of their State and its outcomes and to share this information with others. If more resources are available, CSOs can engage in monitoring and reporting the progress made in the implementation of UPR outcomes.

[5]. See UPR Info’s On the road to implementation, October 2012. Accessible at: http://www.upr-info.org/IMG/pdf/2012_on_the_road_to_implementation.pdf

STEP 1: Find out and share information about UPR outcomes

NATIONAL LEVEL

Raise awareness and disseminate information about the UPR

During and right after the UPR of your State/at any time

Attend the UPR in Geneva or arrange the views of the webcast of the UPR (<http://webtv.un.org/>) at national level where you include and discuss with children.

Inform the general public and the key actors in your country (like parliamentarians or ministries) about UPR outcomes, especially those that are accepted.

Find out about the UPR and its outcomes

At any time

Knowing what commitments States undertake at the international level helps you advocate for change at the national level.

INTERNATIONAL LEVEL

Communicate with the media

On or before symbolic dates at any time

Use symbolic days like International or National Child Rights Day, to attract and sustain media and public attention. Reach out with press releases and follow up regularly through articles, blogs, events etc...

Refer to UPR outcomes where relevant

At any time

Refer to outcomes in alternative reports to relevant UN treaty bodies like the Committee on the Rights of the Child.

Highlight if "noted" recommendations come from or coincide with recommendations made by that treaty body. You can also raise UPR outcomes in relevant international forums, such as the humanitarian forums or the World Health Assembly

Where can UPR outcomes be found?

- Recommendations made to the State reviewed can be found in the UPR Working Group report issued after the UPR of the State and any addendums to this report.
- Written responses and oral comments made by the State reviewed about the recommendations it has received can be found in the Addendum to the UPR Working Group report and in the Report of the HRC session, in which the UPR Working Group report of the State reviewed was adopted.
- Voluntary commitments made by States reviewed can be found in several places: the national UPR report; the UPR Working Group report; any addendums to this report; and in the initial and concluding statements the State made during the HRC plenary session, in which its UPR Working Group report was adopted.

All of the above mentioned documents can be found at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

STEP 2: Monitor and report on progress

NATIONAL LEVEL

Develop your own action plan

5-24 months after the review

Translate UPR outcomes into step-by-step activities and develop a suggested timetable for implementation. This document will serve as the basis for your UPR follow-up discussions with the State.

TIP

Helping your States to translate a UPR outcomes into action

For each recommendation or voluntary commitment you are interested in monitoring, you can share the results expected, the types of action required (political, legislative, allocation or increase of resources, etc.), the actors that should be involved and a timetable to achieve them by next State review.[6]

Collaborate with the State

5 months after the review

Contact the relevant ministries/government departments to know about their implementation plans and look for possible areas of collaboration. These could include participating in a multi-sectoral implementation committee if the government is creating one, or helping to draft a State action plan.

Maintain a dialogue with the State about "noted" recommendations. Find out the State's position about them and how progress can be made in that area. [7]

Take stock of progress

Regularly 24-30 months after the review

Monitor and report on the implementation status of the UPR outcomes periodically. Disseminate your findings to key partners and government representatives. This can be done in several ways like in a annual report or through an annual meeting where State representatives could be invited. Use milestones to maintain momentum between reviews and with the media/general public. Produce a mid-term report on the progress made and encourage the State to produce a mid-term report and submit it to the HRC.

Monitor progress

5 months after the review-onwards

Monitoring and reporting on progress made by the government maintains the momentum between UPR reviews and contributes to implementation.

Encourage bilateral follow-up

5 months after the review-onwards

Encourage the States-either through the embassies in your country or through their UN permanent missions in Geneva-that made recommendations to follow up directly with the State and update them on implementation.

[6]. For ideas, models, matrixes, plans that you could encourage your State to use, see the guidelines for States produced by the International Organisation de la Francophonie, based on good practice on implementing UPR recommendations, which is <https://www.francophonie.org/sites/default/files/2020-01/oif-EPU%20guide-pratique-web.pdf>

[7]. Noted recommendations can always be accepted and/or implemented after the State's review. Actions undertaken by the State during the first cycle show that 15% of noted recommendations were implemented. See UPR Info *On the road to implementation*, October 2012. Accessible at https://www.upr-info.org/sites/default/files/general-document/pdf/2012_on_the_road_to_implementation.pdf

Who are the key partners for effective follow-up?

Use international opportunities to report on progress

Any HRC session/24-30 months after the review

- Report to the HRC by way of a written statement, an oral statement or by organising a side event.

Engaging in the next UPR

3 1/2- 4 years after the review

- Prepare a written submission, engage in advocacy or do both to ensure that implementation gaps or failures are addressed. [8]
- During the next UPR, reiterate past recommendations or commitments that were not implemented.

Don't work alone!



At each step of the process, don't forget to consult with and engage key partners, especially child rights partners or if you are part of a child rights coalition. You will be more effective if you share activities and responsibilities. Additionally, your follow-up advocacy strategy will be more comprehensive and have more chances of including all important milestones and opportunities, such as entry points with other human rights mechanisms, especially the CRC.

- **The State and relevant ministries:** A coordinating body or focal point within the State structure, such as the Ministries of Education, Health or Justice, should assign the responsibility of examining and implementing recommendations to relevant ministries. Liaising directly with government representatives in those ministries will help you to develop partnerships with the government during the implementation phase.
- **Parliamentarians:** Many recommendations will require the passing of new laws or ratifying treaties to be implemented. Individual parliamentarians, as well as thematic sub-groups or committees, can propose draft laws that will ensure such implementation and may also include your suggestions for implementation.
- **Your National Human Rights Institution (NHRI):** A National Human Rights Institution (NHRI) usually has the mandate to monitor UPR outcomes and often acts as a facilitator in the consultation processes conducted by the State. It can help you to access the government and provide you with assistance in the monitoring phase.
- **Your Child Ombudsperson (also called Children's Commissioner, Child Advocate, Children's Commission, etc.) and Children's Parliament:** You should encourage the Child Ombudsperson and Children's Parliament to include the monitoring of UPR recommendations regarding child rights in their work plans and to liaise with the government regularly throughout the implementation phase. Their position/status may help you to work more closely with government. They could also voice your concerns/suggestions directly to the government.
- **Partner CSOs, child-led or youth groups:** Follow-up will be more feasible and comprehensive if you conduct it with partners. Working together can also increase your authority and legitimacy during discussions with your government.
- **Media:** Using the media can help to ensure that the issues discussed during UPR stay high on the agenda of the government and are known by the general public. This can help you to voice your suggestions for implementation and hold your State accountable.
- **States:** that made recommendations to your State States that previously made recommendations on the same – or similar – issues may be interested in providing political or financial support for follow-up activities or raising these issues in bilateral talks with your State. You should reach out to their embassies in your State or UN missions in Geneva.
- **UN bodies and agencies:** UN bodies and agencies may have a role to play in the implementation of UPR recommendations and may assist you directly or by building the capacity of the State. For example, the Office of the United Nations High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realisation of human rights in all States.[9] It can support the follow-up and implementation of UPR recommendations and receive requests for technical assistance from States. OHCHR country or regional offices may be particularly useful partners. The United Nations Development Programme (UNDP) can also support countries to follow up on recommendations and help to engage civil society organisations in their monitoring. UNICEF is another key partner for follow-up on UPR child rights recommendations.
- **UPR Info and Child Rights Connect:** You can contact us for any guidance on follow-up and to know more about international opportunities to report on progress made.

DON'T FORGET: This is a list of possible partners. Before making contact, assess whether you have, or can safely establish, working relationships with these potential partners and clearly understand their political role and positions. It is important that partners share similar views on overall goals.

[8] See facts sheet no. 2 on NGO submissions and fact sheet no. 3 on NGO advocacy.

[9]. For more information about the activities undertaken by the OHCHR and the UPR Voluntary Fund for Financial and Technical Assistance, go to: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTrustFunds.aspx>

Using the UN Human Rights Council to report on progress

NGOs with consultative status with the Economic and Social Council of the United Nations (referred to as “ECOSOC status”) can officially engage in follow-up activities at the UN Human Rights Council (HRC). CSOs that do not have the status can still engage in these activities, with support from an NGO with ECOSOC status. Contact Child Rights Connect and/or UPR Info for more information about this possibility.

How can an NGO report on implementation progress at the HRC?

At any time, from the adoption of the UPR outcome report of the State until its next UPR, NGOs with ECOSOC status and CSOs supported by an NGO with ECOSOC status can report to the HRC on the progress made in the implementation of a UPR outcome. This can be done by publishing a mid-term report or by making a statement at any "general debate" under item 6. Submitting a consolidated mid-term report is the most comprehensive means to present information on the level of implementation of UPR recommendations. Those mid-term reports are voluntary and in order to encourage CSOs to use this valuable tool, there are few formal exigences regarding structure, content and deadlines. In addition to the mid-term report, there are other ways to follow up between two States' reviews such as a written or oral statement or by organising a side event.

Mid-term reports NGOs

have an important role to play between two reviews as they can report to the Human Rights Council on the progress by publishing a mid-term report. Civil society organisations keen on drafting a mid-term report can consult with States, inter-governmental organisations and UN agencies to seek technical assistance and funding. Follow-up on recommendations is vital to ensure that each review is not treated in isolation, and that States are held accountable for the human rights commitments they undertake at the UPR. A comprehensive mid-term report facilitates the development of the CSO submission prior to the review, constitutes an important source of information for the international community and can influence the recommendations the State under Review will receive at the next . To boost visibility of the report, CSOs present in Geneva with ECOSOC Consultative Status have the possibility to introduce the findings of their report under Human Rights Council (HRC) Item 6 General Debate. [10]

Oral and written statements

At any HRC session, a general debate on the UPR is held under item 6 of the agenda, after the adoption of all the UPR reports. During this time, NGOs with ECOSOC status can raise concerns about the UPR of any State or provide updates on the implementation of UPR recommendations in a given State through a 2-minute oral statement and/or through a written statement. If the NGO does not have an office or a representative in Geneva, it can request to present its oral statement to the HRC via pre-recorded video message. [11] NGOs can use both options to maximise their impact. For example, during the adoption of the UPR report of Bahrain, the Cairo Institute for Human Rights Studies made reference to its written statement during its oral one, indicating that it contained further information.

Should an NGO present an oral or a written statement?

An oral statement:

- is delivered before the HRC and is heard by diplomats and other NGOs;
- is webcasted and can be watched live or at any time afterwards;
- can be delivered in person or through a pre-recorded video message.

Oral statements can be a way to comment on the State's implementation, or lack of implementation, of the UPR outcomes in general or focus on specific recommendations. They can also be used to comment on the cooperation between civil society and the State in the implementation phase or any other issue relevant to the State's UPR outcome.

However, an oral statement or video message is limited in time to two minutes.

A written statement:

- is sent by email to the UN at hrcngo@ohchr.org clearly marking in the subject line, and at least three weeks prior to the start of a session, in MS WORD DOCUMENT FORMAT (Font Times New Roman 10; no bold; no underline; no italics);
- gets an official UN reference number and is uploaded onto the UN website;
- must focus on the human rights situation in the State since the last UPR, the evolution after the review and/or the stage of implementation of recommendations;
- can be longer than the oral one and can therefore provide additional and complementary information not delivered due to time constraints.

However, written statements receive less attention than oral statements.

[10] https://www.upr-info.org/sites/default/files/general-document/pdf/upr_midterm_report_web_v1_high.pdf p.11-13

[11]. More information on the process to follow, the languages that should be used and all necessary forms can be found here : <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx> and here: http://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf

Side Events

During any HRC or UPR session, NGOs with ECOSOC status can organise a side event at the UN Palais des Nations (sponsorship by Member States will facilitate the booking of a room), where the sessions are held in Geneva, Switzerland. These 'side events', which run parallel to the HRC or UPR session, usually last 1 hour or 1 hour and 30 min and take place during the lunch break, between 12:00 and 15:00. They are a good opportunity for NGOs to launch reports and present thematic or country issues. NGOs have used this option to present mid-term assessments of the implementation of UPR outcomes in their countries, to link the UPR to the Sustainable Development Goals (SDGs), comment on the UPR of a specific country or to focus on some specific UPR recommendations and how they should be implemented. For more information on how to organise side events check the HRC website or contact Child Rights Connect.