
Introduction

This publication presents what has been learned from HRU engagement with states going through UPR, observation of the interactive dialogues in Geneva. It is written with a view to supporting and strengthening the outcomes of the process for the states concerned and their people. It is not intended to review the workings of the HRC or to offer a full analysis of the UPR. The publication has two objectives:

- To compile and review Commonwealth experiences
- To consider how the potential for UPR as a tool for change in-country can be enhanced in order to increase its effectiveness

We do not, therefore, question the fundamental premise of the mechanism: rather we consider how best it can be used as a tool for national progress. Our workshops have been about exposition of the technicalities and modalities of the process, and crucially they have also been about maximising state and stakeholder buy-in, encouraging and supporting consultation and co-operation, and placing emphasis on the UPR as a process, rather than a one-off session in Geneva.

The HRU has been supporting countries through the process, working with the UN to inform states on its intent and technical workings. Key elements of the process and points learned from HRU's work include:

- All states go through the same process and procedures – a level playing field is sought;
- The process is a chance to share achievements and challenges;
- The process relies upon an honest engagement in order that the best outcomes might be achieved;
- The UPR should be seen as a dialogue, rather than an examination;
- The UPR is a process, not just a Geneva-based discussion; it is a tool through which to progress human rights developments on the ground in line with international standards and commitments;
- The UPR allows, and can perhaps hasten, international co-operation towards such progress;
- The state report has potential for assisting treaty body reporting;
- The consultation requirement inherent in the process may be testing at times but there is value in it, bringing together various actors in the promotion of rights;

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- Recommendations from the UPR are not discrete but can complement or otherwise link with treaty bodies, special procedures or other human rights commitments

This publication brings together a range of information, reviews and hopes for the UPR from across the Commonwealth, including from the HRU. These include:

- 25 Commonwealth states underwent UPR in 2008–2009.
- All Commonwealth states have participated and shown an openness to the new process.
- All have submitted written reports.
- Most delegations have come from their country's capital, with participation from missions in New York, Brussels and Geneva; four had an equal ratio of females to males.
- A total of 309 stakeholder reports have been submitted for Commonwealth states, of which 89 have been from national groups; seven states had no national stakeholder submissions.
- The Interactive Dialogue saw participation from a wide number of states, ranging from 19 to 69 by session; for seven states there were names on the speakers list that could not be accommodated within the three-hour period.
- The range of comments and recommendations increased as the UPR progressed; states that had their Interactive Dialogues early tended to have fewer recommendations than those that came later.
- Some recommendations were broad or unclear; specific wording is preferable and makes for better follow-up.
- Many states accepted a large number of recommendations and a wide variety of topics; the follow-up phase will be challenging and will need support, especially for states with severe capacity constraints.
- Several states showed remarkable willingness to increase their efforts on human rights, accepting significant recommendations; in some cases they accepted over 100 recommendations.

The UPR received a somewhat sceptical reception from some, who feared that discussions would be superficial or overly political. The first few years saw some of those sceptics revise their position. In our discussions, Commonwealth states and stakeholders have expressed positive views of the process and of the potential it holds for the future, as well as some ongoing reservations. Equal treatment for all states has been welcomed.

From powerful members who are permanent members of the UN Security Council (P5) to small island states, all undergo the same process. Ownership of the report, the selection of issues that can be addressed and the ability to have open discussions with other states are elements that have been appreciated. The HRU has noted that there is a galvanised and energised approach to human rights by many states through and after the Geneva element.

Some stakeholders have found that a renewed dialogue with their governments has been possible through the UPR and have discovered innovative ways of working, given that they have no speaking role in Geneva until after the Interactive Dialogue.

All actors now turn their attention to the implementation agenda, some with apprehension and others with hope!

Commonwealth Secretariat engagement with the UPR process

Since the beginning of the Human Rights Unit's work on the UPR, we have taken the tripartite spirit of the process into our own initiatives, involving the three key constituencies engaged with the process at a national level: states, NHRIs and NGOs. Consultation and partnership work in the promotion of human rights on the ground are core messages of our UPR work.

The HRU has taken a holistic approach to our UPR work, through which we support members through the UPR, up to and beyond the Geneva element. This section outlines the different elements of our broad programme of UPR assistance.

Preparatory seminars

Since 2008, the HRU organised, facilitated and contributed to eight seminars in different regions of the Commonwealth to prepare states, NHRIs and NGOs in the run-up to their UPRs. These seminars allow cross-country conversations and peer learning. The list of preparatory seminars is given below:

- Seminar of Commonwealth countries undergoing UPR in 2008 (March 2008)
- Regional seminar for Commonwealth countries in the Caribbean (October 2008)
- Seminar of Commonwealth countries undergoing UPR in 2009 (November 2008)
- Regional seminar for Pacific countries (in collaboration with New Zealand's MFAT, January 2009)
- Seminar of Commonwealth countries reporting to the review in 2010 (September 2009)
- Mid-term review seminar of UPR (March 2010)

- Seminar of Commonwealth countries reporting to the review in 2011 (three separate seminars were held in Africa, the Caribbean and the Pacific, all in September 2010)

The HRU has spread awareness of UPR during other seminars to different stakeholders, including parliamentarians, police officers and youth leaders.

Observation of UPR working groups

The HRU seeks to observe all Commonwealth countries at the UPR Working Groups of the Human Rights Council.

Such observations strengthen support to member states and allows attention to begin to focus on the implementation of recommendations.

Follow-up/ implementation of recommendations

The review in Geneva involves a number of recommendations to the state under review. Those that are accepted then need to be implemented. Accordingly, the HRU has shifted its focus to the implementation and follow-up of recommendations. Information on these activities can be found on pages 120–121 of this publication.

Good practice publications

The Human Rights Unit also provides UPR assistance to member states and stakeholders through researching, collecting and disseminating good practice in order that states and stakeholders can be supported at different stages of the UPR process. Our publications also provide analysis of the various stages of the process. The HRU's first publication on UPR, *Universal Periodic Review of Human Rights: Towards Best Practice* (2009), is available from the Secretariat.

Commonwealth focal point on UPR

The HRU UPR officer has full-time responsibility of leading on the organising of seminars, liaising with member states, NHRIs and NGOs throughout all the stages of the UPR, including follow-up, producing reports, publications and analysis on UPR developments, and overseeing the observations of Commonwealth reports in Geneva.

Contribution to the Intergovernmental Review of the Human Rights Council 2010–2011

In October 2010, the President of the Human Rights Council held the first intergovernmental working group on the review of the Human Rights Council. Courtesy of research and statistics collected during the course of its work on the UPR and the Mid-Term Review, the HRU submitted a written submission for consideration¹ and a statement was read during the HRC review by the Permanent Mission of Malta in Geneva.

¹ The written submission is in Annex 6.