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# Mid-Term Commonwealth Commentary on the UPR

## Consultations and Drafting the Report

### From the perspective of states

- States to engage in wide consultations with stakeholders and to do so in good time for the purposes of drafting a comprehensive report on the human rights situation on the ground.
- States' better co-ordination and collaboration with stakeholders will go a long way in developing and fostering better working relations for the UPR process and beyond.
- States to ensure the establishment of designated committees to assist in the co-ordination, consultation and preparation of the report, as well as in the implementation of the recommendations.
- States identified that a clear and outright political commitment from the leadership was crucial for a successful process.
- Sharing and exchange of information/best practices was reinforced as an ongoing process which is pivotal for all stakeholders throughout the process.

### From the perspective of stakeholders

- Stakeholders to engage closely with states in good time for the preparation of a comprehensive report on the human rights situation on the ground.
- National institutions can play a role not only by pro-active engagement, but also through integration of specific UPR-related action plans in their mandate to promote and protect human rights.
- Stakeholders emphasised that their reports should included clear, concrete and action-oriented recommendations directed to the state, so that pertinent human rights concerns receive prominence and suggested action.
- NGOs reinforced the fact that formation of a coalition/network which is participatory, inclusive and transparent is beneficial to oversee, support and steer through civil society engagement with the UPR process in all its stages.

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## Review in Geneva

### From the perspective of states

- States noted that some recommendations present challenges for being too vague or cover a wide range of issues/themes. This presented challenges in deciding on state responses to recommendations.
- States proposed that recommendations be clustered by themes before the adoption of the report with the assistance of the Troika or the OHCHR or both, and with the inputs of the recommending states.
- States called for the HRC to consider ways of enhancing opportunities for small states' engagement with the UPR. Innovative ways such as being allowed to make oral interventions via video submissions or video link was proposed.

### From the perspective of stakeholders

- Stakeholders urged that recommendations made to the state under review are constructive, specific and measurable. The states under review were equally encouraged to document and record definitive responses in a clear and articulate manner, as this will provide guidance for UPR follow-up.
- The absence or poor representation of national stakeholder reports in the process was identified as a major concern. Stakeholders called for increasing awareness of and resources for adequate participation of the stakeholders in the all phases of the UPR.

## UPR Follow-up and Implementation

### From the perspective of states

- States are aware of the challenges in the implementation of recommendations for a number of reasons: where recommendations are vague; where accepted recommendations are met with changes in government policy; time constraints; constitutional challenges; sensitive issues (such as the death penalty and sexual orientation); popular traditional and religious beliefs. States need to resolve how to address, target and overcome these known challenges when pulling together implementation.
- Implementation of recommendations could be greatly improved through supporting and strengthening NHRIs. There was also acknowledgement that state engagement and/or collaboration with civil society at the follow-up and implementation stage would be beneficial to all parties involved.
- There is awareness that there is not much precedence to follow in terms of state

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implementation of many human rights recommendations. It was strongly recommended that a collection of good practices, good examples of collaboration, uses for technology, and training would be very useful for states in this stage of the UPR process.

- A national monitoring committee was identified as a mechanism that would be well placed to gather and review information being fed through by all ministries working on implementation. This information sharing would allow actors to see the work being done on all thematic areas of accepted recommendations.

### **From the perspective of stakeholders (NHRIs and NGOs)**

- It was advised to consider linking accepted UPR recommendations to the organisations' strategy in order to follow-up the implementation of states.
- Organisations should consider monitoring the state with regard to the implementation of recommendations that come out of the UPR. For example, NHRIs could play a role in identifying and correlating state agencies to various UPR recommendations to determine which agencies have the role and responsibility for implementation.
- Organisations should take advantage of goodwill shown where a state has accepted a number of UPR recommendations and has shown a political willingness to engage in human rights.
- Where possible, stakeholders could play a stronger role in raising awareness of the recommendations accepted in Geneva.
- NHRIs have an important role to play in the post-review UPR stage with regard to the implementation of recommendations.
- Organisations should make efforts to continue to consult and maintain dialogue with the state with regard to the role of NHRIs and NGOs in UPR-follow up. Where appropriate, creating and maintaining good working relationships with key government ministries was mentioned as an effective way for stakeholders to ensure their involvement in the implementation stages.
- Stakeholders could publish reports on the status of implementation to raise awareness. A categorised database of recommendations could also be established – these initiatives could be done with consultation and involvement of the state.
- Stakeholders encouraged the states to submit interim reports to the HRC before the second cycle of UPR. It was proposed that such a practice would not only outline scheduling of a state's follow-up work, but also allow the HRC to have a sense of in-country progress on UPR.