

PRACTICAL GUIDE

UNIVERSAL PERIODIC REVIEW

Implementation plan of recommendations
and pledges

Produced by the Peace, Democracy and Human Rights Directorate

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LIST OF ABBREVIATIONS

CEDAW	: Convention on the Elimination of All forms of Discrimination against Women
CRC	: Convention on the Rights of the Child
CS	: Civil Society
EU	: European Union
HRC	: Human Rights Council
ICC	: International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
NHRAP	: National Human Rights Action Plan
NHRI	: National Institution for the Promotion and Protection of Human Rights
OHCHR	: Office of the High Commissioner for Human Rights
OIF	: International Organisation of La Francophonie
UN	: United Nations
UPR	: Universal Periodic Review
UPR WG	: Human Rights Council Working Group on the Universal Periodic Review

FOREWORD

Since 2006 La Francophonie has, along with its member States, taken part in the process of institution building and the implementation of the mandates and mechanisms of the Council of Human Rights, with a particular focus on the Universal Periodic Review (UPR). Generally considered as the cornerstone of the reform of the United Nations human rights system, the success of the UPR can be only measured by the improvement of the human rights situation on the ground.

The strategic partnership, reinforced since 2007, between the International Organisation of La Francophonie (OIF) and the Office of the High Commissioner for Human Rights (OHCHR) permitted the organisation of three Seminars for OIF member States on the Universal Periodic Review. Such joint action has now become a permanent transregional forum for exchanges, consultation and reflection.

In response to requests made at the three seminars, in 2008, 2010 and 2011, and with the intention of enabling member States to better master the UPR mechanism, the OIF has developed a Practical Guide on the Implementation Plan of UPR Recommendations and Pledges.

It should be remembered that the aim of this peer review is to serve as leverage for establishing and reinforcing institutions, policies, laws, programmes and initiatives geared towards achieving the results to which States have committed. Moreover, this peer review aims at creating spaces for dialogue at the international and national levels, including national human rights institutions and civil society.

It is in a spirit of openness, of respect and dialogue and with a commitment to cooperate and provide assistance that La Francophonie acts in order to reinforce the universality of human rights and the effectiveness of the Universal Periodic Review mechanism.



Abdou DIOUF
Secretary General of La Francophonie

PREFACE

The *Practical Guide on the implementation of Universal Periodic Review (UPR) recommendations and pledges* was developed as a response to requests made by OIF Member States for methodological tools and guidelines on the UPR process. Such requests were formulated during Francophone seminars on the UPR mechanism held in Morocco, in 2008 and 2010 and in Tunisia, in 2011. Good practices identified during these seminars, particularly during the Tunis Seminar on the implementation of recommendations, have been integrated into this Guide. Moreover, since 2008, OIF has provided support on request to Member States to build the capacity of mechanisms in charge of coordinating UPR follow-up. OIF assists Francophone countries to develop plans for the implementation of recommendations, as well as national reports on the status of implementation of recommendations for the review in Geneva. Approaches, processes and tools were developed on the basis of experience gained in the course of these missions of technical assistance. This Guide focuses on the implementation of UPR recommendations and pledges between the first two cycles of review. It deals mainly with practical aspects governing the design, development and realisation of an implementation plan. For each stage of the process, this Guide provides information on applicable rules, suggests good practices, presents concrete examples, proposes working tools as well as references to resource materials.

Objective: By making available working tools based on relevant experience in Francophone countries, this Guide aims to contribute to State capacity-building in UPR follow-up and implementation.

Target users: This Guide is intended for States, which bear primary responsibility for the implementation of UPR recommendations and pledges. It was designed as a practical tool, intended in particular for representatives of national bodies in charge of coordinating follow-up and implementation. It also concerns other stakeholders, including National Human Rights Institutions (NHRIs) and civil society organisations, in their capacities as State partners in follow-up and implementation. Thus the methodology and tools proposed for States can be adapted to develop specific strategies for NHRIs and civil society organisations for planning UPR follow-up.

Proposed methodology: This Guide was developed according to the following approaches:

Given that the nature of the Universal Periodic Review requires a transparent, inclusive and participatory approach, the suggested method presupposes a process based on dialogue, openness and cooperation between all stakeholders on the follow-up and implementation of UPR recommendations and pledges.

The Guide shows how to develop an integrated approach for the implementation of recommendations issued by the UPR and other UN and regional mechanisms. It also takes into account the need to integrate the National Human Rights Action Plan (NHRAP) and sector action plans (the advancement of women, education, poverty reduction, economic and social development, etc.) in planning the implementation of UPR recommendations. The proposed method includes gender mainstreaming as well as the specific needs of vulnerable or marginalised groups in UPR follow-up. Finally, it shows the added value of UPR as a mechanism conducive to the coordination of human rights actions and thus promotes the development of more efficient follow-up and implementation practices.

This Guide is a testimony to the commitment of La Francophonie to supporting its member States and governments at every stage of the UPR proceedings. I hope that it will provide answers to practical questions on the implementation of the recommendations made by this mechanism in the perspective of its unquestionable goal of improving the human rights situation throughout the world.

Finally, I would like to thank all those who have contributed to producing this guide, especially Martine Anstett, to whom we owe this initiative, and all the team of the Peace, Democracy and Human Rights Directorate in charge of this project, in particular Alexandra Veleva as well as outside consultant Cynthia Gervais.



Christophe GUILHOU
*Director of Peace, Democracy
and Human Rights*

THE UNIVERSAL PERIODIC REVIEW (UPR)

General presentation

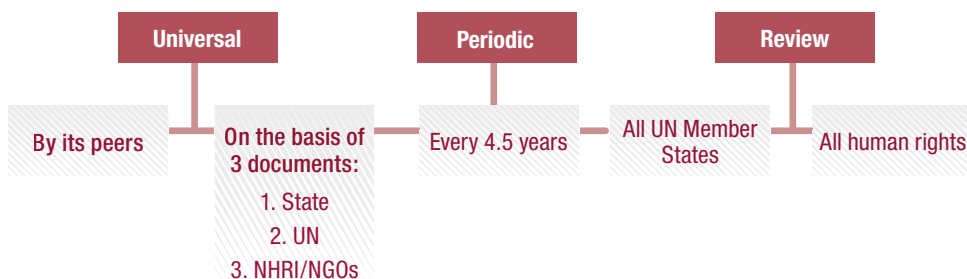
The Universal Periodic Review (UPR) was created by the UN General Assembly in March 2006 by Resolution 60/251, which established the mandate of the Human Rights Council (HRC). The principles, objectives and modalities for the UPR were then developed by the Human Rights Council. They are set out in the Annex to Resolution 5/1 adopted by the HRC in June 2007. They were reiterated during the review of the work and functioning of the HRC, five years after its creation, with the adoption of Resolution 16/21 of March 2011.

The UPR is a peer review. It is carried out through the Human Rights Council Working Group on the UPR (UPR Working Group). This Working Group consists of the 47 HRC Member States. However, any United Nations Member State can ask questions, make comments and/or recommendations to the State under review. The review is based on three equally important sources of information: a report provided by the State under review (twenty pages); a summary of recommendations and observations made by UN human rights mechanisms as well as UN agencies (10 pages); and a summary of information provided in particular by the National Human Rights Institution (NHRI) and civil society (10 pages).

The review itself which is held in Geneva has two stages lasting a total of 4.5 hours. The first stage is an interactive dialogue of 3.5 hours held during UPR Working Group sessions. These sessions are held three times a year in January, April and October. Fourteen States are reviewed in each session. The second stage is a one-hour plenary session dedicated to the examination and adoption of the UPR outcome report. This session takes place a few months after the interactive dialogue during an ordinary session of the Human Rights Council. At this stage, peers, the NHRI with “A” accreditation status granted by the International Coordinating Committee of NHRIs (ICC), as well as representatives of civil

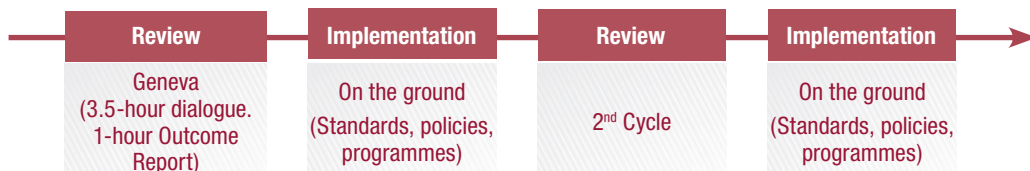
society organisations with consultative status with the United Nations can express their opinion on the outcome report. Ordinary sessions of the Human Rights Council are held in March, June and September. The State under review has 4.5 years between two reviews for follow-up and implementation of UPR recommendations and pledges. States are encouraged to present a mid-term report and periodic reports on the status of implementation of recommendations and pledges made during the preceding review. They can do so during general debate held under agenda item 6 (on UPR) during HRC ordinary sessions.

The objective of the UPR is to review and promote follow-up to all UN Member States' obligations and commitments concerning the respect, promotion and effective fulfilment of all human rights on the ground. The degree of implementation of these obligations is reviewed with reference to the Universal Declaration of Human Rights (UDHR), relevant international conventions to which the State under review is a party, as well as voluntary pledges made by the State, including those undertaken when presenting its candidature for election to the Human Rights Council.



The follow-up and implementation period between two reviews

To sum up, the process consists of a 4.5-hour two-stage review held in Geneva and a 4.5-year follow-up and implementation phase on the ground.



The implementation of UPR recommendations and pledges

A. Relevant UPR principles and objectives for the implementation stage

Improving the human rights situation on the ground is the first objective of the UPR. The UPR is:

- a cooperative mechanism;
- based on dialogue;
- action-oriented;
- complementary to other human rights mechanisms;
- a mechanism integrating a gender perspective;
- a mechanism for which capacity-building and technical assistance are important elements.

As the second and subsequent cycles of the review are focused, *inter alia*, on the implementation of recommendations made during the previous review, it may be useful to take into account the general guidelines adopted by the HRC for the preparation of information under the subsequent review. Such an approach will facilitate the drafting of a mid-term report, a step which is strongly encouraged, as well as the preparation of the national report for the next review. Indeed, the HRC guidelines for review under the second cycle (*Decision 17/119, § 2*) invite States, NHRIs and civil society to:

- present follow-up to the previous review;
- make an inventory of achievements, best practices, challenges and constraints in relation to the implementation of recommendations;
- identify key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints;
- describe support received in terms of capacity-building and technical assistance for the follow-up and implementation of UPR recommendations and pledges.

The following practices are considered essential to the UPR follow-up process: the establishment or strengthening of **mechanisms to coordinate** follow-up and implementation of international human rights commitments; the **consultation** of all stakeholders in planning, fulfilling and monitoring implementation; the development of an **implementation plan**.

B. Mechanisms to coordinate follow-up and implementation

It is recognised that the establishment of efficient coordinating mechanisms is essential for the effective fulfilment of follow-up and implementation of UPR recommendations and pledges. The structure of these mechanisms varies from one country to the other. As an example, the body in charge of UPR follow-up may be a ***working group or inter-ministerial committee*** coordinated by the Ministry of Foreign Affairs, Ministry of Justice or Ministry of Human Rights, in collaboration with the Office of the Head of State; a ***Human Rights Secretariat*** attached to the Office of the Head of State; or a ***network of thematic groups***. Membership of such mechanisms may vary; some bring together civil servants and representatives from executive bodies, the Parliament, the High Courts of Justice and the Public Prosecutor as well as representatives from the NHRI, other national institutions, civil society organisations and the United Nations system.

Good practices

Characteristics of follow-up and implementation coordination mechanisms retained as good practices:

- Characteristics of follow-up and implementation coordination mechanisms retained as good practices:
- Institutionalising and link with the highest level in the executive (for example under the authority of the Prime Minister) of an inter-ministerial committee in charge of implementing UPR recommendations to ensure its political support;
- A clearly defined mandate, which includes follow-up to the UPR and other international human rights mechanisms;
- The provision of sufficient human and financial resources, including the capacity-building of its members for coordination and follow-up;
- The inclusive nature of the mechanism guarantees an adequate representation of all governmental sectors of activity and institutions;
- The creation of mechanisms to ensure effective participation and consultation, on a permanent or ad hoc basis, of the NHRI, other national institutions and civil society.

C. The inclusive nature of the follow-up process

► Which practices further the inclusive nature of follow-up and implementation?

Representativity:

- Institutional (State institutions, NHRI, civil society organisations);
- Of population (including vulnerable or marginalised groups);
- Geographic (the capital, major centres, regions and towns).

Efficiency:

- The process and dissemination of information on the UPR mechanism.

Effectiveness:

- The inclusion of concerns, remarks and proposals.

» Representation

The inclusive nature of consultations held during the UPR follow-up process has several dimensions. It is useful to pay particular attention to the concept of representation:

- **Institutional:** with respect to State institutions including the executive, legislative and judiciary; NHRI and other national institutions; as well as civil society organisations.
- **Geographic:** at the national, regional and local level, including with respect to power-sharing in federal systems, administrative decentralisation to local governments or the recurrence of a human rights issue in a given region, for example.
- **Specific groups:** in particular those addressed in UPR recommendations and pledges, as well as those subject to an integrated approach which includes a gender perspective and the participation and needs of vulnerable or marginalised groups on the basis of prohibited grounds of discrimination (women, persons with disabilities, elderly people, representatives of minority groups).

» Effectiveness

To be effective, consultations must be participatory to ensure that States benefit from the expertise and cooperation of stakeholders in the follow-up and implementation of obligations. For all stakeholders, this approach promotes the sharing of information, ideas and perspectives and the expression of specific needs and concerns.

Good practices

The effectiveness of consultations can be promoted in the following manner:

- the provision of sufficient **time** for the exchange of views both within the State apparatus and with other stakeholders, including the NHRI and civil society;
- the provision of **sufficient space in the agenda in terms of content** for the expression of concerns by all parties;
- **the integration in planning documents and implementation strategies** of information, ideas, perspectives and concerns expressed by consulted parties.

» Efficiency

To be efficient, the consultations and participatory processes should take into account the following factors:

Information: Information gathering upstream and the organisation of this information in the form of working tools are essential to the efficiency of activities conducted in the framework of the consultations and participatory processes. The following section of this Guide, which covers the stages of development of an implementation plan, was designed with this in mind. Model working tools have also been developed for this purpose.

Communication: The efficiency of consultations and participatory processes also depend on the stakeholders' degree of knowledge of the process and issues, whether State, NHRI or civil society representatives. It is important to communicate clearly on the objectives, expected actions and results for each follow-up initiative. Within the UPR context, it is essential to ensure that, for example, from the earliest stages, all actors have appropriate knowledge of the UPR mechanism, its objectives and their roles in the follow-up process..

Good practices

- Present the UPR mechanism as well as good practices for follow-up and implementation during a national workshop to present the review outcomes, which generally takes place a few weeks after the adoption of the outcome report.
- The development of the implementation plan integrating the participatory and inclusive approach leads to a series of internal and external workshops, in the form, for example, of national and/or sector workshops. These workshops are followed by initiatives for approval, follow-up and assessment of the implementation plan.

A model calendar of the main consultation initiatives for UPR follow-up is provided in the tools and resources section of Stage 8 (*Tool 8-1*).

» The implementation plan

Once mechanisms to coordinate follow-up and consultation modalities are set up, the planning of implementation is the next stage. For this purpose, the development of an implementation plan for UPR recommendations and pledges is among of the best means to guarantee effective follow-up of the UPR mechanism at the national level. The next section proposes, as an example, a series of ten stages to develop an implementation plan. The timeline and selection of stages may vary according to contexts, specific needs, capacities and resources available. The implementation plan has the following main objectives:

- to acknowledge the nature and scope of obligations;
- to select measures enabling the fulfilment of these obligations and the achievement of concrete impact on the human rights situation;
- to identify the main stakeholders and partners for implementation;
- to set a timeframe for implementation taking into account the term between two reviews;
- to develop indicators to monitor the fulfilment of agreed measures and assess their impact on human rights.

» Approaches and added value of the implementation plan

The integrated approach: The main objective of the integrated approach is to increase the efficiency and coherence of national actions concerning human rights. It requires the following elements to be taken into account in the development and fulfilment of the UPR implementation plan: **recommendations issued by other UN mechanisms and regional mechanisms; the National Human Rights Action Plan (NHRAP); the sector action plans** (on housing, health, education, and economic and social development, for example); the **gender perspective**; the needs of **vulnerable or marginalised groups** according to prohibited grounds of discrimination.

National ownership: When the implementation plan is developed through a participatory and inclusive process, it is likely to lead to improved ownership of the UPR mechanism and its objectives by all parties. Such ownership will result in greater contribution by actors involved in implementation, both within the state apparatus, the NHRI, other national institutions and civil society.

A roadmap for capacity-building and technical assistance: A well-drafted implementation plan which identifies the initiatives for which capacity-building or technical assistance are required can be a useful roadmap for developing partnerships with institutions and international community organisations.

◎ RESOURCES

Reference materials on the UPR

- United Nations General Assembly Resolution 60/251 of 15 March 2006 “Human Rights Council” A/RES/60/251
- Human Rights Council Resolution 5/1 of 18 June 2007 “Institution-building of the United Nations Human Rights Council” A/HRC/RES/5/1
http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc
- Human Rights Council President Statement 8/1 of 9 April 2008 “Modalities and practices for the universal periodic review process” 8/PRST/1
http://ap.ohchr.org/documents/E/HRC/p_s/A_HRC_PRST_8_1.pdf
- Human Rights Council President Statement 9/2 of 24 September 2008 “Follow-up to President’s statement 8/1” PRST/9/2
http://ap.ohchr.org/documents/E/HRC/p_s/A_HRC_PRST_9_2.pdf
- Human Rights Council Statement 16/21 of 25 March 2011 “Review of the work and functioning of the Human Rights Council” A/HRC/RES/16/21.
- Human Rights Council Decision 17/119 of 17 June 2011 “Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review” A/HRC/DEC/17/119
- Human Rights Council President Statement 20/1 of 6 July 2012 “Reports of the Working Group on the Universal Periodic Review” PRST 20/1
- Human Rights Council Resolution 6/30 of 14 December 2007 “Integrating the human rights of women throughout the United Nations system” A/HRC/RES/6/30
http://ap.ohchr.org/documents/F/HRC/resolutions/A_HRC_RES_6_30.pdf
- Human Rights Council Resolution 6/17 of 28 September 2007 “Establishment of funds for the universal periodic review mechanism of the Human Rights Council” A/HRC/RES/6/17
http://ap.ohchr.org/documents/F/HRC/resolutions/A_HRC_RES_6_17.pdf

Reference websites on the UPR

- Office of the High Commissioner for Human Rights (OHCHR) – UPR
<http://www.ohchr.org/FR/HRBodies/UPR/Pages/UPRMain.aspx>
- OHCHR – UPR – Implementation (Mid-term reports of States under review)
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>
- UPR Info
<http://www.upr-info.org/-fr-.html>

- Global Observatory on Human Rights. UPR Watch
http://upr-epu.com/index_fr.php

Publications on UPR implementation

- Report of the 3rd Seminar on the Universal Periodic Review in Francophone countries. Peace, Democracy and Human Rights Delegation, Tunis (Tunisia), 31 October and 1 November 2011, International Organisation of La Francophonie, Paris, March 2012. 211 p.
- Universal Periodic Review. On the road to implementation. UPR Info, October 2012
http://www.upr-info.org/IMG/pdf/2012_on_the_road_to_implementation.pdf

Decree on the establishment of a national mechanism in charge of monitoring in compliance with international obligations - example

- Morocco established an Inter-ministerial Delegation on Human Rights in April 2011. The Delegation, which was established by decree, includes inter alia an office in charge of coordinating and promoting human rights, an office in charge of dialogue and partnership with national bodies and associations and an office in charge of legal studies and (international) cooperation. The Decree establishing the Delegation is available in PDF format at:
<http://adala.justice.gov.ma/production/pdf/172124.pdf>

THE IMPLEMENTATION PLAN IN 10 STAGES

The implementation plan for UPR recommendations and pledges such as presented here is the main tool for defining case specific goals and taking the necessary steps to achieve them. It is a roadmap which allows the planning and the fulfillment of national obligations in the field of human rights in the context of UPR.

The 10 stages proposed by this Guide are an example of how to draw up an implementation plan of UPR recommendations and pledges. Each one of the suggested steps will also answer frequent questions as to “why”, “who” and “when” in the UPR follow-up.

“Why?”	To meet expectations in terms of implementation measures and their impact on the human rights situation on the ground.
“Who?”	The main actor for implementation is the State. Implementation partners include the NHRI, other institutions and ONG as well as the international community.
“When?”	The timetable for carrying out implementation measures and monitoring progress must take into account the 4.5 year term between two UPR cycles.

Approaches and added value

1 **Gather relevant information**

- ▶ Obtain the list of recommendations;
- ▶ Identify and clarify the reply of the Government to recommendations (accepted, noted);
- ▶ establish the list of voluntary pledges;
- ▶ establish the list of capacity-building and technical assistance expectations.

2 **Cluster into themes**

- ▶ set up a list of themes in terms of human rights;
- ▶ identify major and secondary themes for each recommendation or voluntary pledge;
- ▶ integrate recommendations and pledges into the implementation plan under relevant themes.

3 **Identify expected actions and results as formulated in the recommendations applying the following criteria:**

- ▶ objectives of the recommendation or pledge;
- ▶ expected actions for implementation;
- ▶ expected results in terms of the impact of implementation actions on the human rights situation on the ground.

6 **Assign responsibilities for implementation at State level and namely:**

- ▶ the executive;
- ▶ the legislative;
- ▶ the judiciary.

7 **Identify implementation partners at the national level**

- ▶ the NHRI;
- ▶ other national institutions;
- ▶ civil society organisations.

8 **Set a timeframe for implementation taking into account:**

- ▶ timeframes of the UPR cycle: voluntary mid-term reports, reports for the subsequent review.

of the implementation plan

4 **Identify implementation measures**

- ▶ Measures: laws, policies, programmes;
- ▶ Criteria : relevance, precision.

5 **Adopt an integrated approach for each sector and theme taking into consideration:**

- ▶ the relevant recommendations from other human rights mechanisms;
- ▶ similar measures in the National Human Rights Action Plan;
- ▶ similar measures in sector plans: advancement of women and children, health, education, economic and social development, etc.;
- ▶ the gender perspective;
- ▶ the needs of vulnerable or marginalised groups, on the basis of prohibited grounds of discrimination.

9 **Identify capacity building and technical assistance needs and implementation partners at the international level**

- ▶ needs;
- ▶ international partners.

10 **Develop a follow-up and evaluation strategy for the implementation on the basis of:**

- ▶ implementation indicators based on expected actions;
- ▶ result indicators on the basis of the impact of undertaken measures;
- ▶ the timetable for the progressive updating of the implementation plan;
- ▶ the budget.

STAGE 1 : GATHER RELEVANT INFORMATION

► Which elements should be taken into account in the follow-up and implementation process?

- Accepted recommendations
- Recommendations which have not been accepted by the State (“noted”)
- Voluntary pledges
- Requests for capacity-building and technical assistance

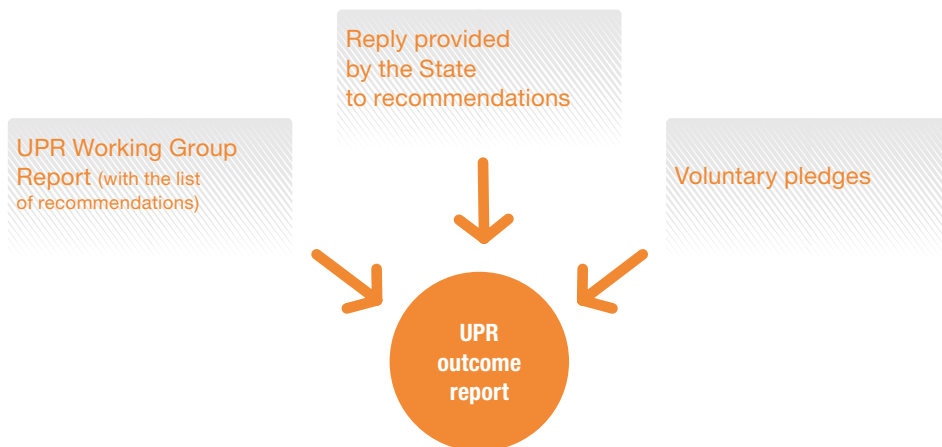
◎ RULES

The main rules governing the elements and the timeline to be taken into account for UPR follow-up and implementation were set out by the Human Rights Council in the *Annex to Resolution 5/1*. Further detail was given by the HRC during sessions held between 2008 and 2012.

1. The “outcome report”

For each State under review, a UPR “outcome report” is adopted by decision of the HRC. In principle, this document should be in the form of “a report consisting of a summary of the proceedings of the review process, conclusions and/or recommendations, and the voluntary commitments of the State concerned” (*Resolution 5/1, Annex, § 26*). Indeed, the UPR “outcome report” is not a single document. It is composed of the following elements:

- **the UPR Working Group report** which consists of: the summary of the proceedings during the interactive dialogue; the list of recommendations made during this dialogue; if applicable, the State’s reply to all or part of the recommendations; in some cases, the list of the voluntary pledges made before the adoption of the UPR Working Group report;
- **the views expressed by the State under review on recommendations** addressed to it (replies to recommendations presented orally or in writing before the adoption of the outcome report);
- **voluntary pledges** made during the review process and before the adoption of the outcome report;
- **replies of the State under review on questions and issues that were not sufficiently addressed during the interactive dialogue** and which were presented orally or in writing before the adoption of the outcome report.



2. Recommendations and views of the State under review

In the period between the interactive dialogue and the adoption of the UPR Working Group report, the reviewed State can express its views on recommendations. At this stage, it has the following 3 options for each recommendation:

- a) to accept it;
- b) to note it;
- c) to take it into consideration and provide a response subsequently – following consultation with State authorities.

However, the State shall provide its views on all recommendations before the last stage of the process dedicated to the adoption of the UPR outcome report. Moreover, the views and grounds leading the State not to accept a recommendation must be clearly communicated in a written format (*Resolution 16/21, Annex, §16*). The written document provided by the State on its position regarding recommendations for which no response had been received before the adoption of the UPR Working Group report is called “Addendum to the report of the UPR Working Group”.

At the end of the process, according to rules set by the HRC, there are only two categories of recommendations:

- accepted
- noted

All recommendations, whether accepted or not accepted (noted), are part of the UPR outcome report.

3. Voluntary pledges

Voluntary pledges made by the State under review are also part of the UPR process. Two types of pledges can be distinguished:

- On one hand, States which submit their candidature during elections to the Human Rights Council must demonstrate efforts made and to be made in the area of human rights promotion and protection. Voluntary pledges formulated on this occasion are part of the basic elements constituting the review, on the same basis as international conventions to which the State is a party.
- On the other hand, the State may undertake commitments at any time during the review process. It may do so in the national report, in the section setting out its priorities and commitments to improve the human rights situation. It may also make commitments when its concluding remarks are delivered, for example at the end of the interactive dialogue.

◎ EFFECTIVE PRACTICES

Gathering information, including the list of recommendations, the State's views on all recommendations and the list of voluntary pledges is the first stage of UPR follow-up and implementation planning. Moreover, the practices described below are proven to be useful for the development of a rigorous implementation plan in terms of methodology, enabling effective follow-up between two reviews, both for the State under review and for other United Nations Member States, the NHRI, civil society and implementation partners in technical assistance.

1. Obtain the list of recommendations and identify and clarify the State's reply

The list of recommendations is recorded in the UPR Working Group report. As emphasised above, following the review, recommendations are clustered into two categories: "accepted" or "noted". As of the 2nd cycle, States "must" present in a written form and clear manner their views on the recommendations. Although the practice is becoming widespread, it is often necessary, in the case of follow-up to 1st cycle reviews to seek to clarify State's views.

In the **UPR Working Group report**, the list of recommendations is presented according to the following numbering and categories:

I. Summary of the proceedings during the review process (§ 1 to 75)

II. Conclusions and/or recommendations

76. Recommendations made during the proceedings and listed below have been reviewed by the [Country]. **When they have received its support:**

1. Recommendation (country which made the recommendation)

It is Recommendation "76.1"

77. Recommendations below will be **reviewed** by the [Country] which will provide its replies in due time and at the latest before the adoption of the outcome report:

1. Recommendation (country which made the recommendation)

It is Recommendation "77.1"

78. Recommendations below **have not received the support** of the [Country]

1. Recommendation 1:

It is Recommendation "78.1"

This presentation shows replies made by the State to each recommendation at the time of the adoption of the Working Group report. It makes it possible in particular **to identify recommendations for which information on the reply and observations provided by the State must be sought.**

2. Use numbering and official wording for each recommendation in all documents on the follow-up and implementation process

For purposes of methodological rigour and reference, the following practice is recommended:

- Identify correctly and maintain the number of each recommendation by including the paragraph number in the UPR Working Group report under which it is presented, as well as the name of the country which made the recommendation: in the **implementation plan**; in the **working tools** developed to support the work carried out during the implementation plan development workshops; in the **mid-term report**; and in the **national report** for the next cycle. This practice will in particular:
 - Support the referencing of documents and avoid errors during clustering;
 - Support and ensure rigorous follow-up undertaken by other stakeholders, peers, the UPR Working Group and the Human Rights Council, from one UPR cycle to the next;

- Ensure that all aspects of each recommendation are adequately taken into consideration in the identification process of expected actions and results and measures to be adopted;
- Ensure that the nature of the responsibility or partnership as well as objectives to be achieved are adequately understood by partners and entities concerned by implementation;
- Identify potential implementation partners among countries which made recommendations.

3. Integrate “noted” recommendations into the implementation plan

The integration of recommendations which have not received the State’s support (together with related observations made by the State) into the implementation plan is suggested as a good practice. For this purpose, a heading in the table of contents of the implementation plan should refer to “noted” recommendations.

Good practices

The following initiative is an example of inclusion of recommendations which did not receive the State’s support into the implementation plan:

- Holding a meeting to review recommendations which were not accepted in the light of developments in the national context.

Such practice may lead the authorities of the country to: a) confirm the views expressed by the State on these recommendations or; b) reassess the State’s position with a view to implementing the recommendation.

4. Integrate voluntary pledges into the implementation plan

Equal importance should be attached to the follow-up and implementation of voluntary pledges. Whether expressed in the national report, or in concluding statements during the interactive dialogue, for example, such pledges may be similar or complementary to recommendations made during the review. It is useful to identify and integrate these pledges under relevant themes in the implementation plan.

5. Integrate capacity-building and technical assistance expectations into the implementation plan

Expectations expressed by the State during the preceding review with respect to capacity-building and technical assistance should also be part of the implementation plan and be integrated under relevant headings. Additional expectations might be identified, where applicable, depending on the implementation measures selected (*see Stage 9*).

TOOLS

Tool 1-1:

Sources of information – Recommendations/Government's responses to recommendations/Voluntary pledges/Capacity-building and technical assistance expectations

Recommendations

UPR Working Group report

www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

Government's responses to recommendations

UPR Working Group report

Written reply provided by the State immediately after the interactive dialogue and before the adoption of the Working Group report.

www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

Addendum to the UPR Working Group report

Reply provided by the State in writing on recommendations taken into consideration between the adoption of the UPR Working Group report and the adoption of the Outcome Report by the Human Rights Council.

www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

Report on the Human Rights Council ordinary session during which the Outcome Report was adopted:

Additional replies or observations made by the State under review on questions or issues which had not been sufficiently addressed during the interactive dialogue and which were presented orally during the plenary session on the the review and adoption of the Outcome Report.

www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx

Voluntary pledges

Advocacy during the submission by the State of its candidature for election to the Human Rights Council
www.un.org/fr/ga/67/meetings/elections/hrc.shtml

National report presented during the preceding review:
Section on priorities, initiatives and pledges
www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

Initial and concluding statements made by the State under review during the interactive dialogue and during the plenary session on the adoption of the Outcome Report.
www.ohchr.org/EN/HRBodies/UPR/Documentation.aspx

Capacity-building and technical assistance expectations

National report: Section on capacity-building and technical assistance expectations
www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

STAGE 2: CLUSTER RECOMMENDATIONS AND PLEDGES INTO THEMES

- What are the main themes under which recommendations can be clustered?
- Under which category of government action can these themes be clustered?

Clustering recommendations and pledges under defined human rights themes:

- civil and political rights;
- economic, social and cultural rights;
- rights of specific groups (women, children, persons with disabilities, other specific groups).

Clustering themes under general categories of government actions:

- cooperation with human rights mechanisms;
- good governance (democracy / elections, transparency, fight against corruption, etc.);
- national actions (laws, policies, programmes concerning the entire country and population);
- sector actions (laws, policies, programmes on specific rights or groups).

⦿ RULES

Each State under review receives, inter alia, identical, similar or complementary recommendations. These recommendations can be clustered thematically. However, it is not always easy to conduct this exercise, as individual recommendations frequently address a variety of themes. The HRC suggested that as of the 2nd UPR cycle, recommendations recorded in the UPR Working Group report “should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations” (*Resolution 16/21, Annex, § 15*).

⦿ EFFECTIVE PRACTICES

Clustering recommendations and voluntary pledges thematically is a key stage of UPR follow-up and implementation planning. Indeed, it can serve in particular to:

- Identify overlaps and complementarity;
- Provide an overview of sectors for which actions are required;
- Draw up the table of contents for the implementation plan;

- Set up working groups for the development and validation of the implementation plan;
- Assign responsibilities and identify implementation partners at the national and international level.

The proposed method for thematic clustering is composed of 5 stages, as follows:

1. draw up a reference list of human rights themes;
2. draw up a list of general categories of government action and cluster human rights themes under these categories;
3. use these clusters to draw up a table of contents of the implementation plan;
4. use these clusters to determine the major theme, the secondary theme(s) and the general category of government action, for each of the recommendations and pledges;

1. Draw up a reference list of human rights themes

The list of reference themes is a tool, a reading grid for analysis, which will be used to sort recommendations according to human rights issues. General themes such as civil and political rights and economic, social and cultural rights can then be broken down into more specific themes such as those proposed by the Universal Declaration on Human Rights and the international human rights conventions.

Conventions on the rights of specific groups (women, children, persons with disabilities) can also serve as a basis to determine themes on specific rights. In addition, some recommendations and pledges refer to collective rights, for example those related to the right to a healthy environment.

2. Draw up a list of general categories of government action and cluster human rights themes under these categories

In addition to themes defined in terms of human rights which might be assigned to a recommendation or pledge, it may be useful to cluster recommendations under general categories of government action. The following categories recur in UPR recommendations and pledges:

- **cooperation with international human rights instruments**, in the recommendations and pledges on the ratification of instruments, the withdrawal of reservations or cooperation with Treaty Bodies, for example. This category is useful insofar as it groups together recommendations for which implementation is placed under the

responsibility of the mechanism in charge of following-up human rights international obligations;

- **governance**, which can group together recommendations and pledges addressing issues related to democracy, elections, transparency and the fight against impunity, for example;
- **“national” laws, policies, strategies and initiatives (including on national institutions)** such as the National Human Rights Action Plan, the gender policy and the NHRI;
- **“sector” laws, policies, strategies and initiatives**, a category which can be used to group together recommendations and pledges on civil and political rights and economic, social and cultural rights as well as specific rights (women, children, persons with disabilities, for example).

3. Draw up a table of contents for the implementation plan

The table of contents is drawn up on the basis of two clusters: recommendations clustered by themes and then divided into general categories of government action required for implementation.

Examples of human rights themes together with their clustering under general categories of government action are proposed in a detailed but non-exhaustive manner in the model table of contents of the implementation plan provided below (*Tool 2-1*). They are also reproduced in the tools in the Annex entitled *Worksheets for the Development of the UPR implementation plan*.

Example

Tool 2-1 – Model – Table of contents for an implementation plan (extracts)

Instruments and cooperation with international human rights mechanisms

- Ratification of international instruments
- Withdrawal of reservations
- Cooperation with Treaty Bodies
- Cooperation with Special Procedures
- Cooperation with the UPR mechanism
- National mechanism for follow-up to and coordination of the implementation of international obligations

Governance (democracy, elections, transparency, fight against impunity)

- Restoration, consolidation and promotion of democracy
- Transparency, good governance of public affairs
- Fight against impunity

National laws, policies, strategies and initiatives

- National Human Rights Action Plan
- National gender policy
- National Human Rights Institution (NHRI)
- Human rights education and learning

Sector laws, policies, strategies and initiatives

- | | | | |
|--|--|--|--|
| <ul style="list-style-type: none"> ■ Civil and political rights - Right to life - Freedom of opinion and expression - Participation in public affairs– (...) | <ul style="list-style-type: none"> ■ Economic, social and cultural right - Right to work - Right to health - Right to education - (...) | <ul style="list-style-type: none"> ■ Specific rights - Women's rights - Children's rights - Rights of persons with disabilities - (...) | <ul style="list-style-type: none"> ■ Right to a healthy environment - Management of natural resources - Climate change - (...) |
|--|--|--|--|

4. Determine the major theme, the secondary theme(s) and the general category of government action, for each recommendation and pledge

At this stage, the reference list of themes and categories of government action drawn up previously to determine the major theme and secondary theme(s) as well as the general category of government action is used for each recommendation and pledge.

A difficult exercise: A recommendation or pledge should be inserted in a single location in the implementation plan to avoid overlaps and the risk of confusion during the division of responsibilities in implementation. Very often this exercise requires making difficult choices as a recommendation may pertain to two, three or up to five different equally important themes and require both national and sector strategies in terms of general categories of government action. A recommendation relating to the improvement of the conditions of detention of women, for example, might be placed under civil and political rights or in the specific rights section, under the women's rights theme. Similarly, a recommendation concerning death sentences for children with mental disabilities might be placed in the civil and political rights section or in the specific rights section under the rights of persons with disabilities or children's rights themes.

The inclusive and participatory approach at the stage of the clustering of recommendations and pledges will promote discussions and concerted choices. Sufficient time must be allocated to this exercise. The division of responsibilities for implementation between all partners involved, in particular major and secondary responsibilities, at Stage 6, is one of the strategies used to carry out the cross-checks necessary to ensure that all aspects of a recommendation have been taken into consideration.

Example
**MODEL MATRIX – IMPLEMENTATION PLAN OF UPR RECOMMENDATIONS
 AND PLEDGES (EXTRACTS)**

RECOMMENDATION / PLEDGE	MAJOR THEME	SECONDARY THEME(S)	GENERAL CATEGORY OF GOVERNMENT ACTION
76.4 Adopt measures to ensure that persons with disabilities enjoy their rights on an equal basis with others, in particular with respect to free access to healthcare, access to education and work, as well as full participation in the political life of the country (country which made the recommendation);	Rights of persons with disabilities	1. Health 2. Education 3. Work 4. Participation in public affairs 5. Other (“including”)	Sector measures
77.1 Withdraw reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (country which made the recommendation);	Women's rights		Human rights instruments and mechanisms / Withdrawal of reservations
Set up a National Human Rights Commission in conformity with the Paris Principles (Voluntary pledge expressed in the national report);	National Human Rights Institution (NHRI)		National measures

5. Insert recommendations and pledges into the implementation plan table under general categories of government action and relevant themes

Good practices : Microsoft Word © or Excel ©

For the sake of efficiency, tools, working documents and the implementation plan should be developed and saved in the Word format that has the characteristics best suited to word-processing and lay-out. These documents will be used, for example: during workshops organised by various working groups which will integrate the results of their work as they progress; to collect information from various sources and institutions, including during the update of data. Within this context, experience has shown that Excel software is not used effectively by all partners.

However, again for the sake of efficiency, it is recommended to build the capacities of those concerned in the use of such software and in particular to increase capacity to convert Word tables into Excel tables and vice versa. Throughout the different stages of development of the implementation plan, the recommendations and pledges may be classified using Excel with a “click of a mouse” according to needs: in numerical order; under themes; under general categories of government action (hence the value of setting the thematic reference list); or even according to implementation “responsibility” (thus enabling the Ministry of Justice or the Ministry of Health or the Parliament to easily group together recommendations falling under their responsibility).

6. General categories of government action and relevant themes

<p>Example WORKSHEETS DEVELOPMENT OF THE UPR IMPLEMENTATION PLAN (EXTRACTS, see ANNEX)</p>							
1. Instruments and cooperation with international human rights mechanisms							
RECOMMENDATION / PLEDGE							
	Withdrawal of reservations						
77.1 Withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (country which made the recommendation);							

2. Governance (democracy, elections, transparency, fight against impunity)							
RECOMMENDATION / PLEDGE							
	Transparency, proper management of public affairs						
76.4 Veiller à la promotion de la bonne gouvernance en menant les affaires publiques de manière transparente (pays ayant fait la RECOMMENDATION) ;							

3. National laws, policies, strategies, initiatives							
RECOMMENDATION / PLEDGE							
	National Human Rights Action Plan (NHRAP)						
76.2 Develop, in cooperation with competent national institutions, a global national human rights action plan and an education plan in the human rights field (country which made the recommendation);							

4. Sector laws, policies, strategies, initiatives

RECOMMENDATION / PLEDGE							
	Specific rights						
					Rights of persons with disabilities		
76.5 Adopt measures to ensure that persons with disabilities enjoy their rights on an equal basis with others, in particular with respect to free access to healthcare, access to education and work, as well as their full participation in the political life of the country (country which made the recommendation);							

TOOLS

Tool 2-1:

Model – Table of contents for an implementation plan

As an example, this table of contents presents the general categories of government action as well as human rights themes under which recommendations, pledges and implementation measures must be inserted. It has a section on rejected (noted) recommendations and a section on the coordination and follow-up mechanism and timetable. Annexes on the implementation evaluation strategy and the budget (*Stage 10*) as well as requests for technical assistance (*Stage 9*) are also part of this table of contents. It is reproduced in the table which will be used to develop the implementation plan stage by stage. (*See Annex: Worksheets for the development of the implementation plan*).

1. INSTRUMENTS AND COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS

- 1.1. Ratification of international instruments
- 1.2. Withdrawal of reservations
- 1.3. Cooperation with treaty bodies
- 1.4. Cooperation with special procedures
- 1.5. Cooperation with the UPR mechanism
- 1.6. National mechanism for follow-up and coordination of the implementation of international obligations

2. GOVERNANCE (DEMOCRACY, TRANSPARENCY, ELECTIONS, FIGHT AGAINST IMPUNITY)

- 2.1. Restoration, consolidation and promotion of democracy
- 2.2. Transparency, good management of public affairs
- 2.3. Fight against impunity

3. NATIONAL LAWS, POLICIES, STRATEGIES, INITIATIVES

- 3.1. National Human Rights Action Plan
- 3.2. National gender policy
- 3.3. National Human Rights Institution (NHRI)
- 3.4. Human Rights education and learning

4. SECTOR LAWS, POLICIES, STRATEGIES, INITIATIVES

- 4.1. Civil and political rights
 - 4.1.1. Right to life (death penalty, extrajudicial, arbitrary or summary execution)
 - 4.1.2. Security (security of the person, enforced disappearances)
 - 4.1.3. Torture, cruel, inhuman or degrading treatment or punishment
 - 4.1.4. Trafficking in persons, slavery and slave-like practices (servitude, forced labour)
 - 4.1.5. Deprivation of liberty
 - 4.1.6. Legal proceedings
 - 4.1.7. Legal personality (nationality, statelessness, asylum, refugees)
 - 4.1.8. Freedom of thought, conscience and religion
 - 4.1.9. Freedom of opinion and expression
 - 4.1.10. Freedom of assembly and association
 - 4.1.11. Protection of family, marriage
 - 4.1.12. Participation in the management of public affairs
- 4.2. Economic, social and cultural rights
 - 4.2.1. Work
 - 4.2.2. Social security
 - 4.2.3. Food
 - 4.2.4. Housing
 - 4.2.5. Health
 - 4.2.6. Education
 - 4.2.7. Cultural life and scientific progress
- 4.3. Specific rights
 - 4.3.1. Women's rights
 - 4.3.2. Children's rights
 - 4.3.3. Rights of persons with disabilities
 - 4.3.4. Rights of elderly people

- 4.3.5. Migrants' rights
- 4.3.6. Rights of indigenous peoples
- 4.3.7. Minorities' rights
- 4.4. Right to a healthy environment
 - 4.4.1. Natural resources
 - 4.4.2. Climate change
 - 4.4.3. ...

5. NOTED RECOMMENDATIONS (REJECTED)

6. MECHANISM AND PROCESS FOR COORDINATION, FOLLOW-UP AND EVALUATION OF THE FULFILMENT OF THE IMPLEMENTATION PLAN

- 6.1.1. Coordination mechanism
- 6.1.2. Follow-up and implementation calendar

Tool 10-3:

Strategy to evaluate implementation status and impact on the human rights situation on the ground

Tool 10-2:

Budget – Fulfilment of the UPR implementation plan

Tool 10-4:

Requests for technical assistance to fulfil UPR follow-up and implementation initiatives

STAGE 3: IDENTIFY EXPECTED ACTIONS AND RESULTS AS FORMULATED IN RECOMMENDATIONS

What are the expectations in terms of actions and results at the end of the review?

- Expectations expressed **in the wording of recommendations** and pledges in terms of actions
- Expectations in terms of **results** of implementation actions

⦿ RULES

The UPR is an action-oriented mechanism. At the end of the review, expectations for follow-up and implementation arise on two levels.

In the short term: Expectations on the implementation of each recommendation and each pledge in terms of action (measures to be adopted).

In the short, medium and long term: Expectations in terms of **action results:** the impact of measures selected for the implementation of recommendations and pledges on improving the human rights situation on the ground. These actions and this impact should be measured with the support of indicators at the stage of the evaluation of implementation (*Stage 10*).

⦿ EFFECTIVE PRACTICES

The method requires each element to be identified from the precise wording of the recommendation to ensure that a detailed response, in terms of action, will be given to each aspect underlined by the State which made the recommendation. In other words, all “requirements” included in the recommendation or pledge should be taken into account in the development of the implementation plan.

Example

Tools 3-1: Model - Table of expected actions and results (extracts)

RECOMMENDATION / PLEDGE	EXPECTED ACTIONS FOR THE IMPLEMENTATION OF THE RECOMMENDATION OR PLEDGE	EXPECTED RESULTS IN TERMS OF THE CONCRETE IMPACT OF IMPLEMENTATION MEASURES
	<p>Note: Actions required by the recommendation should simply be listed here. As a result, depending on the degree of specificity of a recommendation, expected actions will be more or less precise. If necessary, a clarification exercise will be conducted at the following stage (Stage 4) which aims to identify measures to meet these expectations.</p> <p>The lack of precision in a recommendation is not necessarily a problem in itself. In some cases, it provides more latitude to the State and its partners to determine the most appropriate measures to achieve the expected results in terms of concrete impact of actions on the human rights situation on the ground.</p>	
77.1. Promote the participation of women in political life (country which made the recommendation);	<p>1. The participation of women in political life is promoted.</p> <p><i>Note: This is an example of a recommendation which will require the action "provide support" to be clarified at the time of selection of implementation measures (Stage 4)</i></p>	1. Women participate more actively and in greater numbers in political life.
76.4. Adopt measures to ensure that persons with disabilities enjoy their rights on an equal basis with others, in particular with respect to free access to healthcare, access to education and work, as well as their full participation in the political life of the country (country which made the recommendation);	<p>1. Measures are adopted to ensure that persons with disabilities enjoy their rights on an equal basis with others, in particular with respect to:</p> <p>1.1. free access to healthcare;</p> <p>1.2. access to education;</p> <p>1.3. to work;</p> <p>1.4. their full participation in the political life of the country.</p> <p><i>Note: The evaluation of the status of implementation (Stage 10) is conducted by asking the question: Were "measures ... adopted... in particular with respect to:</i></p> <p><i>1.1. free access to healthcare;</i></p> <p><i>1.2. access to education;</i></p> <p><i>1.3. to work;</i></p> <p><i>1.4. their full participation in the political life of the country". If the answer is positive for items 1.1 to 1.3, but negative for item 1.4., the status of implementation will be "in progress".</i></p>	<p>2. Persons with disabilities enjoy greater access:</p> <p>1.1. to healthcare;</p> <p>1.2. to education;</p> <p>1.3. to work;</p> <p>1.4. to more active participation in greater numbers in the political life of the country.</p>
76.9. Establish a moratorium on death penalty to abolish it, and sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (country which made the recommendation);	<p>1. A moratorium on death penalty is declared;</p> <p>2. The Optional Protocol to the International Covenant on Civil and Political Rights is signed;</p> <p>3. The Optional Protocol to the International Covenant on Civil and Political Rights is ratified.</p>	The death penalty has been abolished.

◎ TOOLS

Tool 3 -1:

Model – Table of expected actions and results

MODEL - TABLE OF EXPECTED ACTIONS AND RESULTS		
RECOMMENDATION / PLEDGE	EXPECTED ACTIONS FOR THE IMPLEMENTATION OF THE RECOMMENDATION OR PLEDGE	EXPECTED RESULTS IN TERMS OF CONCRETE IMPACT OF IMPLEMENTATION MEASURES ON THE HUMAN RIGHTS SITUATION ON THE GROUND

STAGE 4: IDENTIFY IMPLEMENTATION MEASURES

► Which measures are most likely to ensure the effective implementation of the recommendation or pledge?

The development, adoption and implementation of:

- Laws
- Policies
- Programmes

◎ EFFECTIVE PRACTICES

At the stage of identifying implementation measures, the following main questions should be asked:

- **The relevance criterion:** Which measure is most likely to meet the action required by the recommendation? Law, a policy, a programme, an awareness-raising campaign, etc.?

Stage 1	Stage 2	Stage 3	Stage4
RECOMMENDATION / PLEDGE	EXPECTED ACTIONS in terms of implementation of the recommendation or pledge	EXPECT RESULTS in terms of concrete impact of implementation measures on the human rights situation on the ground	IMPLEMENTATION MEASURES <i>Note: At this stage, expected actions as formulated in the recommendations, if they are imprecise, may be clarified.</i>
77.1. Promote the participation of women in political life (country which made the recommendation);	1. The participation of women in political life is promoted .	1. Women participate more actively and in greater numbers in political life.	1. Adoption of a law establishing quotas on the representation of women in political parties. 2. Development and implementation of a national programme to build the capacity of women in public speaking and participation in decision-making processes.

- **The accuracy criterion:** The measure selected for the implementation of one or several recommendations or pledges must be precise in order to designate responsible and relevant partners as well as the scope of their respective responsibilities for implementation. The specificity of the measure will also affect the budget which must be both realistic and detailed, in particular for presentation to Parliament and for technical assistance requests.

Good practices

To clarify measures, it is useful to refer to a checklist with examples of standard measures (laws, policies, programmes, etc.) and levels of action (in the case of a law, for example, measures might be listed depending on whether a new law, its submission to the Parliament or adoption is required. (*See: Tool 4-1*)

TOOLS

Tool 4-1:

Checklist - Examples of standard measures and levels of action

⊙ EXPRESSION OF POLITICAL WILL

- Statement
- Decision
- Directive

⊙ LAWS

- Drafting
- Revision
- Repeal
- Submission to Parliament
- Adoption
- Implementation

⊙ INSTITUTIONS

- Creation
- Establishment
- Operationalisation

⊙ POLICY, STRATEGY, PLAN OF ACTION

- Development
- Update
- Adoption
- Implementation

⊙ PROGRAM / SPECIFIC INITIATIVE

- Development
- Update
- Adoption
- Implementation

STAGE 5: ADOPT AN INTEGRATED APPROACH

What are the other aspects which should be taken into account in the follow-up and implementation process?

- Recommendations made by other human rights mechanisms;
- The National Human Rights Action Plan;
- The sector action plans (health, education, economic and social development, etc.);
- The gender perspective;
- Consideration of prohibited grounds of discrimination and the needs of vulnerable and marginalised groups.

The objective of the integrated approach is to increase the efficiency and coherence of all national human rights actions. It involves the transversal consideration of the following elements in the development and fulfilment of the implementation plan: **recommendations made by other UN and regional human rights mechanisms**; the **National Human Rights Action Plan (NHRAP)**; the sector action plans; the gender perspective; and the needs of **vulnerable or marginalised groups** according to prohibited grounds of discrimination.

A. Recommendations made by other human rights mechanisms

⦿ RULES

According to the principles and objectives established by the Human Rights Council, the UPR aims to complement, and not duplicate, the work of other human rights mechanisms.

⦿ EFFECTIVE PRACTICES

For the development of the implementation plan, a list of the most recent recommendations made by Treaty Bodies and Special Procedures from the United Nations system and the regional human rights systems should be prepared. At this stage, recommendations similar or complementary to UPR recommendations and pledges should be identified and integrated into the UPR implementation plan. Structures in charge of monitoring some of these mechanisms are often decentralised: for example, in the case of follow-up to the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and the *Convention on the Rights of the Child (CRC)*, which is often placed under the responsibility of the ministry in charge of the promotion of women and the protection of children. Closely involving representatives from these structures in the UPR follow-up process is therefore important.

◎ RESOURCES

Database of recommendations made by UN human rights mechanisms

Universal Human Rights Index – OHCHR

<http://uhri.ohchr.org/fr>

The Universal Human Rights Index is a database maintained by the Office of the High Commissioner for Human Rights (OHCHR). It gathers recommendations made by the UN human rights mechanisms including Treaty Bodies and Special Procedures. UPR recommendations are being integrated at the time of writing. They are already available for countries reviewed at the beginning of the 1st UPR cycle. The Index research engine makes it possible to filter information by key word, document symbol, date, country, or region, right or groups of persons affected, type of document or even mechanism. In addition, the UPR section makes it possible to filter recommendations by country and by session or even according to the views of the State under review on recommendations (accepted, noted) or by State which made the recommendation. The Index interface is available in English and French. The information is provided in the language in which the source documentation is available.

B. The National Human Rights Action Plan (NHRAP)

◎ RULES

The development of National Human Rights Action Plans (NHRAPs) is recommended in the Vienna Declaration and Programme of Action adopted in 1993 by the World Conference on Human Rights (§ 71). The NHRAP is a strategic plan which aims to strengthen the promotion and protection of human rights by planning national actions in this field over a certain period of time (for example, over 3 to 5 years). There is no rule specifically related to UPR on NHRAP. However, when a NHRAP exists, the complementarity between the NHRAP and the implementation plan of UPR recommendations and pledges should be taken into account.

◎ EFFECTIVE PRACTICES

In the light of the universal character of UPR (which covers all rights), the combination of the UPR implementation plan and the National Human Rights Action Plan is recognised as good practice. Initiatives set out in the NHRAP which can contribute to the implementation of UPR recommendations and pledges should be identified. In the same way, measures selected for the implementation of UPR recommendations and pledges which can contribute to the fulfilment of the NHRAP should also be identified. In the medium term, it may be possible to combine UPR implementation plans adopting an integrated approach with the development or renewal of NHRAPs.

☉ RESOURCES

Guides – National Human Rights Action Planse

- Commonwealth Model National Plan of Action on Human Rights, Commonwealth Secretariat, London, 2007, 64 p.
<https://publications.thecommonwealth.org/commonwealth-model-national-plan-of-action-on-human-rights-544-p.aspx>
- Office of the United Nations High Commissioner for Human Rights Professional Training Series No. 10, Handbook on National Human Rights Plans of Action United Nations, New York and Geneva, 29 August 2002
<http://www2.ohchr.org/english/about/publications/docs/nhrap.pdf>

C. Sector action plans

☉ EFFECTIVE PRACTICES

The integration of sector action plans into the UPR implementation plan in fields such as for example the advancement of women, protection of the child, the rights of persons with disabilities, as well as education, health or economic and social development is also considered good practice. At this stage, initiatives provided in the sector action plans which can contribute to the implementation of UPR recommendations and pledges should be identified. In the same way, measures which might contribute to the fulfilment of sector action plans should also be identified among measures selected for the implementation of UPR recommendations and pledges.

Good practices

The following practices are advised both for the National Human Rights Action Plan and the sector plans:

- make available to members of working groups in charge of the development and validation of the UPR implementation plan the national human rights action plan as well as sector plans;
- ensure the attendance and active participation of at least one NHRAP and sector plans expert in each of the working groups to support the identification of overlaps and the integration of these overlaps into the UPR implementation plan.

D. The gender perspective

⦿ RULES

Many States have received and accepted recommendations which require the integration of a gender perspective into the UPR follow-up. These recommendations and pledges build on the rule requiring integration of this perspective in all Human Rights Council's activities. In December 2007, the HRC adopted *Resolution 6/30* on "Integrating the human rights of women throughout the United Nations system". In this resolution, the HRC insists in particular on the principle of the systematic and effective mainstreaming of women's rights and the gender perspective in all UPR stages. *Resolution 6/30* also provides for an annual discussion on the integration of a gender perspective throughout the HRC's work and mechanisms. This discussion takes place during HRC sessions in September. In 2009 it was specifically dedicated to the UPR process.

⦿ EFFECTIVE PRACTICES

1. The implementation of recommendations on the gender perspective

In general, States respond to recommendations on the mainstreaming of the gender perspective in the UPR follow-up by indicating their national policy in this area or initiatives for the advancement of women implemented in a transversal manner. The following practices were identified as useful for the systematic mainstreaming of the gender perspective into government initiatives: the existence of a **national gender policy**; the existence of an **intergovernmental mechanism** in charge of integrating the gender approach; the establishment of focal points and the availability of **gender experts in each ministry**.

However, several States and NHRI and civil society representatives expressed the need to improve understanding of this concept within the context of UPR follow-up. This Guide therefore proposes an analysis and methodology as well as methods and resources to promote the integration of the gender approach from the earliest stages of development of the implementation plan.

2. Definition of the gender perspective

The gender perspective can be summarised as follows

- It refers to **roles** allocated to women and men in society, the community and the family;

- It affects the **power relationship** between men and women;
- It also affects the power of individuals, regardless of their sex, to **participate fully in their own development and the development of society and benefit from it**. It concerns the **equality of opportunities and freedom of choice** which are available to them for that purpose, including for participation in decision-making, access to resources and control of resources;
- It must be put in context in the light of factors affecting this power and the degree of control individuals have over these opportunities. These factors can be political, social or economic, they can be linked to social class, ethnicity, religion or age.

As initiatives specifically focused on women are necessary but insufficient to introduce major changes, recommendations specifically related to the gender perspective should be grouped together under the section “National laws, policies, strategies, initiatives” and those specifically focused on women under the section “Sector laws, policies, strategies, initiatives” under the theme “women’s rights”.

OBJECTIVES OF GENDER MAINSTREAMING IN THE UPR IMPLEMENTATION PLAN

- In general: ensure that **the plan and its implementation** take into account the political, social, economic or cultural factors which may constitute obstacles to the equal access of men and women to participation in the fulfilment of implementation measures and benefits from them.
- In particular: ensure that **measures** planned are developed and implemented in such a way as to:
 - have the desired effects;
 - ensure that women and men may, on an equal basis, express their concerns on issues at stake;
 - ensure that women and men may also enjoy the benefits of the implementation of these measures;
 - ensure that they contribute to reducing gender inequality;
 - ensure that they do not, on the contrary, contribute to the increasing of inequalities.

3. How to integrate the gender perspective in UPR follow-up

This method suggests integrating the gender perspective by sector or theme, at Stage 5 of the development of the implementation plan, once the implementation measures have been identified. Examples of questions to raise during the work are the following:

- Which measures directly concern the gender perspective?

- Are there factors (political, social, economic, cultural, etc.) which have an effect on the power relationship between men and women and might constitute obstacles to the implementation of selected measures? If so, which complementary measures should be adopted to overcome these obstacles?
- Is there appropriate representation men and women in the working groups set up to develop the various section of the implementation plan?

Example For the implementation of the recommendation:

Promote the participation of women in political life”, the following measure is proposed:

- Adopt a law establishing quotas for the representation of women in political parties.

The gender approach may indicate that men who form the majority and hold executive positions in political groups do not even pause to consider the benefit of having more women within their ranks. This analysis may lead to other measures in the implementation plan, for example:

- Holding an awareness-raising workshop for the representatives of political parties on the benefits of having more women in their groups and the need to actively recruit them.

The gender analysis may also find that women lack confidence in their capacity to take part in the management of public affairs and that despite the law in force and efforts made to recruit them, they do not run for elected posts. This analysis may possibly lead to a new measure in the implementation plan, for example:

- The development and implementation of a national capacity-building programme for women in public speaking and participation in decision-making processes and political life.

The following practices are proposed:

- Ensure the participation of a gender perspective expert in each of the working groups in charge of the development, validation and follow-up of the implementation plan;
- Systematically enforce national policies in this field to monitoring and implementation activities;
- Provide a capacity-building workshop on the integration of the gender perspective into UPR follow-up in the implementation plan for actors involved.

◎ RESOURCES

Guides on gender perspective

- *Gender Tool Kit* – instruments for gender mainstreaming – Swiss Agency for Development and Cooperation (SDC), Swiss Federal Department of Foreign Affairs
http://www.deza.admin.ch/fr/Accueil/Themes/Genre/Instruments_generaux_et_thematiques/Gender_Tool_Kit

- Toolkit on mainstreaming gender equality in EC development cooperation – European Commission
http://ec.europa.eu/europeaid/sp/gender-toolkit/fr/index_fr.htm
- OIF – Gender equality
<http://www.francophonie.org/-Egalite-femmes-hommes-.html>

E. The integration of prohibited grounds of discrimination

☉ RULES

Prohibited grounds of discrimination are set out in Article 2 of the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. The following are prohibited grounds of discrimination: “race, colour, sex, language, religion, political or any other opinion, national or social origin, property, birth or any other situation”.

☉ EFFECTIVE PRACTICES

As with the gender perspective, the transversal integration of prohibited grounds of discrimination in the identification of implementation measures ensures that the specific needs of people belonging to vulnerable or marginalised groups are taken into account. The method used to integrate the gender perspective into the development, validation and evaluation of the implementation plan can be adapted to this approach.

◎ TOOLS

Tool 5-1:

Integrated approach: Examples of questions for working groups

INTEGRATED APPROACH	Stage 5
1. Recommendations made by other human rights mechanisms	Which recommendations made by Treaty Bodies and Special Procedures (UN, regional) are similar or complementary to the UPR recommendations and pledges and might be implemented through the fulfilment of identified measures?
2. National Human Rights Action Plan (NHRAP)	Which measures planned in the NHRAP can contribute to the implementation of UPR recommendations and pledges? And vice versa?
3. Sector action plans	Which measures planned in the sector action plans can contribute to the implementation of UPR recommendations and pledges? And vice versa?
4. Gender perspective	<p>Are there factors (political, social, economic, cultural, etc.) which have an effect on the power relationship between men and women and might constitute obstacles to the implementation of selected measures? If so, which complementary measures should be adopted to overcome these obstacles?</p> <p>Is the representation of men and women appropriate in the working group set up for the development of this section of the implementation plan ?</p>
5. Prohibited grounds of discrimination	The methodology used to integrate the gender perspective can be adapted to the consideration of prohibited grounds of discrimination (race, colour, sex, language, religion, political opinion or any other opinion, national or social origin, property, birth or any other situation).
6. Challenges and constraints	In the light of the political, economic, social, cultural or other context, are there factors which might constitute obstacles to the implementation of some recommendations or pledges? If so, what are the most appropriate complementary or alternative measures to overcome these obstacles?

STAGE 6: ASSIGN RESPONSIBILITIES

▶ Which State bodies are responsible and can contribute to implementation?

The State:

- Executive
- Legislative
- Judiciary

A. The State

◎ RULES

The State under review has primary responsibility for implementing UPR recommendations and pledges (*Resolution 5/1, Annex, § 33*).

◎ EFFECTIVE PRACTICES

1. The Executive

The Executive is among the bodies with primary responsibility for the State's commitments during the UPR process and the implementation of these commitments. The political will expressed in Geneva to cooperate with the UPR mechanism, must be affirmed and translated into concrete and sustained actions during the national implementation phase. This political will can be demonstrated through the following practices:

- Submit the UPR outcome document to Parliament for review;
- Participate in workshops to present the outcomes of the UPR process;
- Create or strengthen a permanent mechanism to coordinate follow-up to the UPR process and other human rights mechanisms;
- Initiate development of an implementation plan and ensure its adoption (participate in workshops to develop and approve the implementation plan);
- Take into account the needs identified in the implementation plan in the draft law on the budget;
- Submit the implementation plan to Parliament for review;

- Present a mid-term report on the status of implementation of UPR recommendations and pledges to the Human Rights Council. Submit this report to Parliament for review;
- Establish partnerships with the international community for technical assistance on UPR follow-up and implementation;
- Submit the national report for the 2nd UPR cycle to Parliament (including an evaluation of implementation of outcomes of the preceding cycle) for review;
- Provide continuous support to the follow-up process.

The Head of State and all Ministries across all sectors must be aware of the UPR process, the State's commitments made within the framework of this mechanism and respective responsibilities in the process of implementing recommendations. To this end, the following practice is proposed: organise awareness raising activities for members of the executive, including for example, sessions providing information on the mechanism itself and presentation of the outcomes of the UPR process.

Example: In South Africa, the Head of State concluded “performance agreements” with certain Ministries with the objective, inter alia, of meeting the State's international human rights commitments.

2. The Administration

The universal character of the UPR mechanism and recommendations and pledges presupposes the informed involvement of all Ministries and State administrative bodies in the UPR follow-up and implementation process. To this end, the following practice is proposed: organise awareness-raising activities for senior officials and technical advisers involved in the process, including for example, sessions on presentation of the outcomes of the UPR process, information on the mechanism itself and rules on follow-up.

3. The Legislative

Parliament has an important role to play at all stages of the UPR process, especially with regard to follow-up and implementation of recommendations and pledges. At the end of the 1st UPR cycle, it was noted that particular effort is required to ensure that parliaments are more closely involved in this process. In order to respond to these concerns, in addition to the relevant initiatives presented in the section concerning the executive, the following practices are encouraged:

- Hold a workshop to provide information on the UPR process and the role of Parliament in follow-up and implementation of UPR recommendations and pledges;
- Involve representatives of relevant parliamentary commissions and committees in workshops on development, approval and evaluation of the implementation plan;
- Hold a working session to fix the legislative timetable for UPR implementation;
- Present and take into consideration the *Belgrade principles on the relationship between NHRIs and parliaments* in follow-up and implementation of UPR recommendations and pledges.

The Belgrade Principles on the relationship between NHRIs and parliaments

These principles were adopted in Belgrade (Serbia) in February 2012 at the conclusion of an international seminar organised by the OHCHR, the International Coordinating Committee of NHRIs (ICC), the National Assembly and the Protector of Citizens of Serbia. They are included in an annex to the Annual Report of the United Nations Secretary General concerning NHRIs, presented to the Human Rights Council in June 2012. Section IV of the Belgrade Principles deals with cooperation between parliaments and NHRIs in relation to international human rights mechanisms. The UPR process is expressly mentioned and the development of joint strategies for follow-up to recommendations issued by these mechanisms is encouraged. Other sections of the Belgrade Principles are also relevant to UPR follow-up, including Section I, on the role of Parliament in the establishment of a NHRI and securing its functioning, independence and accountability; Section II on forms of cooperation between parliaments and NHRIs; Section III on cooperation in relation to legislation; Section V on human rights education, training and awareness raising; and Section VI on monitoring the Executive's response to court and other judicial and administrative bodies' judgements concerning human rights.

4. The Judiciary

It is important to inform and involve representatives of the relevant bodies of the judiciary in the process of development and fulfilment of the implementation plan. Prosecutors, judges and magistrates are directly concerned by many of the recommendations, pledges and requests for technical assistance.

Examples of recommendations concerning the judiciary:

“Take the necessary action to combat violence, in particular through legislative measures defining and sanctioning domestic violence and training judges and civil servants”;

“Strengthening institutional and operational capacity of the administration of justice, including by increasing the number of courts and tribunals, training judges and officers of the court” (Request for technical assistance);

“Order without delay the opening of impartial and independent investigations in cases of allegations concerning acts of torture and ill-treatment and bring to justice those responsible for such crimes”.

5. Decentralised governmental bodies (provincial, regional, local, traditional)

Depending on the territorial organisation and separation of powers, for example in federal systems, and administrative delegation, provincial, regional and local governments and traditional government organisations will also share responsibility for UPR follow-up and implementation.

B. Assigning responsibilities

Concerning the allocation of responsibility for implementation within the state apparatus, the following practices are suggested:

- Establish **primary responsibility**: Identify a single body with primary responsibility for the implementation of the recommendation or group of recommendations and pledges. This approach facilitates coordination as well as accountability.
- Establish **secondary responsibility**: Identify, where relevant, the state bodies which will collaborate in implementation of the recommendation or pledge or group of recommendations and pledges.

Good practices

- **Responsibility for coordination v. responsibility for implementation:** At this stage, it is useful to distinguish between responsibility for coordination and responsibility for implementation. The following question should be asked, in order to allocate primary responsibility:

Which State body will have the most work to do to achieve the measure(s) selected for implementation?

Thus, when drawing up the implementation plan table, the allocation of primary responsibility and the column of responsibilities should in principle reflect a division of tasks between the various ministries and State bodies which is proportional to the diversity of the human rights themes in recommendations. When primary responsibility for the majority of implementation measures is attributed to a single ministry – which is often the case, for example, with the Ministry of Justice, the Ministry of Human Rights, or the Ministry of Foreign Affairs – it can be useful to review such division of responsibility with the help of the above question. This practice will encourage ownership of the process at the national level.

- **Checklist – List of State bodies:** Making the list of state bodies available, including their exact titles and acronyms at the time of developing the implementation plan will help to take into consideration all actors concerned when allocating responsibilities. The name of ministries and state bodies frequently change with governments and institutional reforms: this practice makes it possible to strengthen the efficiency of the drafting activities of the working groups and the integration of information in the implementation plan in a uniform manner. It is useful to bear in mind that the implementation plan will become an official document which will contribute to the production of mid-term reports for the Human Rights Council and to the development of the necessary documents to request technical and financial assistance.

◎ TOOLS

Tool 6-1:

Checklist – List of State bodies

CHECKLIST – LIST OF STATE BODIES		
EXECUTIVE / ADMINISTRATION (Head of State / Ministries)	LEGISLATIVE / PARLIAMENT (Parliamentary Committees / Commissions)	JUDICIARY
Title (acronym)	Title (acronym)	Title (acronym)

STAGE 7: IDENTIFY IMPLEMENTATION PARTNERS AT THE NATIONAL LEVEL

► Which other actors at the national level can contribute to the implementation of recommendations?

Other stakeholders:

- The National Human Rights Institution (NHRI)
- Other national institutions
- Civil society

A. NHRIs, other national institutions and civil society

◎ RULES

Although the State under review has primary responsibility for the implementation of UPR recommendations and pledges, other relevant stakeholders, such as NHRIs and civil society organisations can, as appropriate, contribute to implementation (*Resolution 5/1, annex, § 33*). Furthermore, it is useful to recall that as of the 2nd UPR cycle, the HRC encourages States to conduct “broad consultations with all relevant stakeholders” at this stage of the process (*Resolution 16/21, annex, § 17*). Thus, NHRIs, other national institutions and civil society organisations should be encouraged to participate in and contribute to the follow-up and implementation process of UPR recommendations and pledges.

◎ EFFECTIVE PRACTICES

1. NHRI

The National Human Rights Institution is a major partner in the implementation of UPR recommendations and pledges. This partnership, which presupposes the State’s commitment to involving the NHRI in all stages of the UPR process, can be considered from several perspectives, in particular:

- The NHRI as a **subject** of recommendations and pledges aimed at its reinforcement in accordance with the Paris Principles;

- The NHRI as an **expert** in relation to recommendations and pledges concerning its mandate and areas of expertise;
- The NHRI as a **facilitator** in the consultation and coordination process conducted by the State with other stakeholders.

The following practices are suggested:

- During the development of the implementation plan: take into consideration the transversal role of the NHRI in UPR follow-up, as well as in the proposed implementation measures; raise awareness on and ensure the application of the Belgrade Principles on the relationship between NHRIs and parliaments in the follow-up and implementation of UPR recommendations.

2. Other national institutions

Other national institutions should also be involved in the UPR follow-up process, for example: provincial or regional NHRIs; bodies specialised in combating racism, child protection, rights of persons with disabilities; media and communications; electoral institutions; the ombudsman or arbitrator; auditors, etc.

3. Civil society organisations

Civil society organisations also represent important State partners in the implementation of UPR recommendations and pledges, in particular:

- as a **subject** of pledges and recommendations concerning the strengthening of their capacities, status or the extent to which they enjoy freedom of association and expression;
- as **experts** in the various areas dealt with by recommendations and pledges;
- as **outreach officers** to the population and groups targeted, in particular in terms of awareness-raising, human rights education and learning and in sectors of front-line protection services.

Civil society: The term civil society should be interpreted broadly. The process of planning UPR follow-up and implementation of recommendations and pledges may strongly benefit from the expertise and collaboration not only of individuals and NGOs working specifically on the promotion of human rights but also, for example, of the following bodies: trade unions, professional associations (the Bar, judges, police, prison officers, doctors, journalists, teachers, artists).

B. Media and companies

☉ EFFECTIVE PRACTICES

1. Media

Pledges and recommendations may directly concern media officers, for example, in relation to press freedom, decriminalising press offences or requiring capacity-building on journalism ethics. The media also have an important role to play in informing and raising awareness of the general public on the UPR process in general and monitoring implementation. In order to ensure that this contribution is constructive and efficient, it is important that media officers fully understand the principles and objectives of the UPR process. To this end, the following practices are proposed:

- Hold a workshop on the UPR process and the role of the media in UPR follow-up and implementation;
- Involve media officers not only in ensuring media coverage but also as stakeholders in all stages of the process of development, approval and evaluation of the implementation plan

2. Companies

In relation to recommendations and pledges concerning, inter alia, employment, accommodation or economic development, companies can also potentially contribute to the implementation of UPR recommendations and pledges. The following is a practice that it would be useful to develop further:

- Involve representatives of companies operating in relevant areas in the process of development, approval and evaluation of the implementation plan.

☉ RESOURCES AND TOOLS

Resource: Belgrade Principles on the relationship between NHRIs and parliaments

Belgrade Principles on the relationship between NHRIs and parliaments: *National institutions for the promotion and protection of human rights. Report of the Secretary General, A/HRC/20/9, Annex, (Belgrade, 22–23 February 2012)*

www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-9_en.pdf

Tool 7-1:**Checklist – List of national institutions and main civil society actors**

CHECKLIST - LIST OF NATIONAL INSTITUTIONS AND MAIN CIVIL SOCIETY ACTORS	
National institutions	Civil society and private sector organisations
(NHRI, regional NHRI, specialised national bodies, (women, children, persons with disabilities, etc.), Ombudsman, electoral institution, body in charge of communications, etc.	(NGOs, professional associations, private sector companies, etc.)

STAGE 8: SET A TIMEFRAME FOR IMPLEMENTATION

- ▶ What are the main stages of a UPR cycle between reviews?
- ▶ What is the model timetable for follow-up and implementation?

The main stages of the UPR cycle

Year 0	:	Preceding review
Year 0 + 2	:	Mid-term report
Year 0 + 4.5	:	Subsequent review

Follow up to the implementation plan

Every 3 or 4 months	:	Meeting to update on the status of implementation
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◎ TOOLS

Tool 8-1:

Model timetable : follow up and implementation activities

MODEL TIMETABLE:					
Time 0 (Previous review)	Year 1				
	Date of adoption of the UPR outcome report:				
	+ 1 month	+ 2 months	+ 3 months + 4 months	+ 4 months	+ 8 months
	Date :	Date :	Date : Date :	Date :	Date :
Activities	1	2	3	4	5
	Workshop: Presentation of UPR outcomes Submission of outcome report to Parliament	Working sessions: Preparation of workshop for the development of an implementation plan	Workshops: of implementation plan (2 - 3 workshops of 2 - 3 days) Approval of implementation plan (1 workshop, 2-3 days)	Adoption of implementation plan	Workshop: Update of the status of implementation (3x per year / every 4 months)

FOLLOW UP AND IMPLEMENTATION ACTIVITES					
Year 2		Year 3	Year 4		Time 0 + 4.5 years (Previous review)
Date of adoption of the UPR outcome report:			Date of subsequent review:		
+ 12 months + 16 months + 20 months	+ 2 ans	+ 28 months + 32 months + 36 months	– 6 months	– 3 months	
Date : Date : Date :	Date :	Date : Date : Date :	Date :	Date :	
6	7	8	9	10	Activities
Workshops: Update of the status of implementation (3x per year / every 4 months)	Mid-term report: (Item 6 on the agenda of HRC ordinary sessions: March, June or September)	Workshops: Update of the status of implementation (3x per year / every 4 months)	Workshops: Evaluation of the status of implementation Evaluation of the impact of implementation on the human rights situation on the ground	National report for 2nd UPR cycle	

STAGE 9: IDENTIFY CAPACITY BUILDING AND TECHNICAL ASSISTANCE NEEDS AND IMPLEMENTATION PARTNERS AT THE NATIONAL LEVEL

What is the role of the international community in the implementation of recommendations?

Support to implementation measures which require capacity building and technical assistance

◎ RULES

1. Expectations of the State in terms of capacity-building

Capacity-building on the promotion, protection and fulfilment of human rights is among the objectives of the UPR mechanism. Thus, according to the HRC's instructions on the preparation of information for review, a section of the national report should be devoted to setting out the State's expectations in this area, in order to overcome the challenges and constraints that may be confronted in the implementation of obligations and commitments. Furthermore, States are invited, during the subsequent cycle, to express new expectations and to provide feedback on support received for the implementation of recommendations and pledges during the preceding cycle. For this reason it is suggested that expectations expressed in the national report should be integrated in the implementation plan.

2. Technical assistance and the role of the international community in implementation

It is foreseen, in the methods established by the HRC for the UPR mechanism, that "the international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance" (*Resolution 5/1 annex, § 36*). Furthermore, the HRC invites States to request the UN representation at the national or regional level to assist them in the implementation of follow-up to their review (*Resolution 16/21, annex, § 20*). It is also underlined that "financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans" (*Resolution 16/21, annex, § 21*). Finally, in 2007 the HRC established a Voluntary Fund for Financial and Technical Assistance for UPR implementation to help developing countries (*Resolution 6/17*).

The Voluntary Fund for Financial and Technical Assistance for UPR implementation

At the request of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights produced a compilation of views of States and relevant stakeholders on access to and viability of the Voluntary Fund for Financial and Technical Assistance for UPR implementation. This compilation was presented to the HRC in March 2012 (A/HRC/19/50). According to observations, the Fund should serve the following purposes:

- “to devise road maps for the follow-up of recommendations” (§ 6);
- “delineation of accomplishment strategies, goals and progress indicators” (§ 5);
- “to establish and strengthen coordination mechanisms” (§ 6);
- to support “States in the design, establishment and implementation of specialised information systems for the follow-up of recommendations and voluntary pledges” (§ 5);
- to support the establishment of “strategic partnerships with educational institutions, NGOs and [Community Based Organisations, CBOs], ministries, the private sector, the media and journalists” (§11);
- to establish “networks that may be regional or topic-related” (§11).

In addition, the following observations were made:

- “The [Fund] should not exclude those recommendations that have not been accepted by States, provided such recommendations were in line with international human rights standards”; (§12)
- “States, when requesting assistance from the [Fund], should provide a preliminary action plan on how recommendations would be implemented and that this should include the timeframe for such implementation”. (§ 24)

◎ EFFECTIVE PRACTICES

In order to identify needs in terms of capacity-building and technical assistance, the following practices are suggested:

- identify among the measures selected for implementation of recommendations and pledges those that require capacity-building and technical assistance;
- once the budget has been established (*Stage 10*), include these measures in an annex to the implementation plan. This document can serve as a roadmap for submitting requests for technical assistance to the Voluntary Fund for Financial and Technical Assistance for UPR implementation, as well as to bilateral and multi-lateral partners in the fulfilment of the implementation plan;
- identify and request support from implementation partners at the international level, including through: the Voluntary Fund for Financial and Technical Assistance

for UPR implementation; inter-governmental bodies at the international, regional and national level (UN – including UNDP, OHCHR, EU, OIF, etc.); bilateral cooperation (North-South, South-South); international non-governmental organisations (INGOs).

◎ RESOURCES AND TOOLS

Resources: Voluntary Fund for Financial and Technical Assistance for UPR implementation - OHCHR

Voluntary Fund for Financial and Technical Assistance - OHCHR

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRVoluntaryFundFinancialAndTechnicalAssistance.aspx>

Tool 9-1:

Model matrix – List of measures for which capacity building and technical assistance needs have been identified

LIST OF MEASURES FOR WHICH CAPACITY BUILDING AND TECHNICAL ASSISTANCE NEEDS HAVE BEEN IDENTIFIED								
RECOM- MENDATION / PLEDGE	EXPECTED ACTIONS AND RESULTS	IMPLEMEN- TATION MEA- SURE(S)	PRIMARY RESPON- SABILITY / SECONDARY RESPONSA- BILITY	NATIONAL IMPLE- MENTATION PARTNERS	TIMETABLE FOR IMPLE	CAPACITY BUILDING AND TECHNICAL ASSIS- TANCE NEEDS		STATUS OF IMPLEMEN- TATION
						YES	Potential partner(s)	

STAGE 10: DEVELOP A FOLLOW-UP AND EVALUATION STRATEGY FOR THE IMPLEMENTATION

► How to measure the extent to which implementation has been achieved and progress in the human rights situation on the ground?

- Challenges and constraints to implementation
- Indicators of the achievement of implementation actions
- Indicators of the concrete impact of measures on the human rights situation on the ground
- Budget
- Timetable for continuous monitoring of the implementation of UPR recommendations and pledges.

A. Evaluation of implementation and results

◎ EFFECTIVE MEASURES

The aim of developing a strategy for the evaluation of implementation is to measure: the extent to which actions required by UPR recommendations and pledges have been achieved; and results in terms of the impact of implementation measures on the human rights situation on the ground. To this end, the following practices are suggested:

- identify the **challenges and constraints** to the implementation of recommendations and pledges;
- identify the **measures** most likely to enable challenges and constraints to be overcome;
- develop **indicators of implementation** for each of the recommendations and pledges (on the basis of the expected actions identified at Stage 3);
- develop **indicators of impact** of the implementation of recommendations on the human rights situation on the ground (on the basis of the expected results identified at Stage 3);
- establish a timetable for updating the status of fulfilment of the implementation plan.

B. Challenges and constraints to implementation

A selection of non-exhaustive examples are presented below, taken from the *Report of the 3rd Francophone Seminar on the Universal Periodic Review Process, Delegation for Peace, Democracy and Human Rights, Tunis (Tunisia), 31 October - 1 November 2011, OIF, March 2012 [pp. 24-28]*, (available in French): *identification of constraints to the implementation of UPR recommendations and pledges aims to contribute to finding solutions making it possible to overcome barriers to the fulfilment of such obligations and to reach the UPR objectives (...) Implementation of recommendations which have received the support of the State under review requires the allocation of varying amounts of human and financial resources. The amount of effort required to deal with each recommendation, in terms of time, capacity and resources depends on numerous factors which can render the achievement of concrete results more or less complex. Factors influencing the complexity of implementation can be analysed from various perspectives.*

It should also be noted that in the general guidelines on the preparation of information for the second UPR cycle and subsequent cycles, the HRC invites States to present challenges and constraints to implementation in the national report.

1. The degree of precision in the recommendation

The degree of precision of recommendations is one of the main issues evoked when identifying the challenges at the follow-up stage of the UPR process... This also raises the question of the role of the States conducting the review in strengthening the effectiveness of the UPR mechanism. At the Rabat Seminar in 2010, it was suggested that guidelines should be elaborated, like those on the preparation of the national report, aimed at facilitating clear and operational formulation of recommendations and limiting their number. The following question could be asked in order to verify the operational character of a recommendation: Does the way in which recommendations are phrased make it possible to identify expected results and the means required to attain them?

This challenge is raised, in particular, at the stage of identifying expected actions for implementation (Stage 3).

2. “Action categories” (in terms of “continuity” or “new action”)

In order to establish a database of UPR recommendations, the organisation UPR Info uses “action categories” based on a semantic analysis developed by Professor Edward R. McMahon of the University of Vermont: (see p. 26).

- *“Minimal” action: concerning recommendations addressed to a third State or which encourage the State under review to request assistance from the international community or to share information.*

- *“Continuing” action:* concerning recommendations which use verbs such as *continue, maintain, persevere, pursue.*
- *“Considering” action:* concerning recommendations which require considering a change, using verbs such as *analyse, consider, envisage, explore, reflect on the issue, revise, review, study.*
- *“General” action:* concerning recommendations which use verbs such as *accelerate, confront (a problem), encourage, establish a dialogue, ensure, guarantee, intensify, promote, accelerate, strengthen, take action, take measures, take measures with a view to...*
- *“Specific” actions:* concerning recommendations which use verbs such as *conduct, develop, eliminate, establish, investigate, undertake, as well as verbs referring to the law, such as abolish, conform to, adopt, reform, implement, enact, enforce, ratify.*

Each country’s particular political, social, economic, cultural and situational context represents a factor of complexity which must be taken into consideration in order to be able to determine the degree of complexity of implementation according to the type of action required, on the basis of this categorisation (...) For example, a continuing action may at first sight seem easier than a new general or specific action, but may be linked to developments in legislative processes, implementation of policies or programmes concerning issues carrying high costs in financial terms, human resources, technical capacity, political costs or cultural resistance.

3. Theme

The theme of a recommendation may be sensitive and its promotion may be the subject of major differences at the national level for socio-cultural reasons (*see pp. 26, 27*).

For example, in the area of HIV/Aids, factors of complexity such as financial costs or socio-cultural resistance, render implementation more or less complex depending on whether the measures identified are the establishment of prevention, treatment and support programmes for persons affected by HIV or Aids or require the abolition of discriminatory laws, such as the decriminalisation of sexual practices between persons of the same sex.

4. Means [of government action] required

The means required to implement a recommendation effectively can be categorised according to different approaches. The nature of the principal means of action available to any State at the national level can make it possible, to a certain extent, to identify the degree of complexity of implementation of a given recommendation. Some

of them are presented below as examples. These are the elements that are found in recommendations which can be classified as “operational”. The following means are concerned: (*see pp. 27, 28*)

- *Political:* The acceptance of recommendations establishes a premise that the necessary political will exists to implement them. However, the initiation and implementation of the process required to achieve this end require renewed commitment at the national and international level.
- *Legislative:* Numerous recommendations concern the State’s legislative power, for example, the drafting, adoption or amendment of the Constitution, laws or regulations, or general sector reforms. Others refer to the ratification of international instruments, harmonisation of national laws with international standards, acceleration of ongoing constitutional or other legislative processes. Additional factors of complexity may include, for example, federal structure, division of powers between the various levels of government.
- *Policies, strategies, programmes, initiatives:* The requirement to identify priorities, plan and adopt reforms is in the recommendations. Many of them require drafting, development, implementation, strengthening, acceleration or continuation of the implementation of policies, strategies and programmes. The sectors concerned may be general (human rights, poverty, health, education) or concern target groups within the population (for example, women, children, people with disabilities, indigenous populations, migrants). Some recommendations require human rights to be integrated into these national strategies.
- *Resources:* Some recommendations specifically require the allocation of or increase in financial, material or human resources necessary to implement action plans, strategies and programmes or to effectively fulfil mandates of various bodies, including NHRIs. Other recommendations which are not expressly of a financial nature necessarily have a more or less significant impact on the allocation of such resources. The establishment or strengthening of an existing mechanism for UPR implementation requires such considerations to be taken into account from the outset.

5. Costs (financial, political)

The financial or political costs linked to the implementation of a recommendation can also form obstacles to the achievement of expected results.

6. Number of actors

The number of actors (many or few) involved in the implementation of a recommendation, at the national level (relevant ministries, NHRI, Parliament, civil society, beneficiaries, etc.), and international level, when requests for technical assistance have been

expressed (multilateral or bilateral donors), should also be considered as a challenge to implementation.⁸Number of actors

The number of actors (many or few) involved in the implementation of a recommendation, at the national level (relevant ministries, NHRI, Parliament, civil society, beneficiaries, etc.), and international level, when requests for technical assistance have been expressed (multilateral or bilateral donors), should also be considered as a challenge to implementation.

7. Constitutional and legal framework and political, social, economic or cultural context

The difficulty of implementing a recommendation can only be effectively evaluated if each country's own context is taken into account. Indeed, the following factors may represent challenges to implementation: the constitutional or legal framework or the political, social, economic or cultural context, whether permanent or temporary (federal systems, legal systems, situations of democratic crisis or transition, situation created by a natural catastrophe, economic or social crises, etc.) The analysis perspectives are only examples of factors that can feed into reflection on the process of planning and evaluating the implementation of UPR recommendations (*ibidem* p.25).

8. Taking into account a range of factors of varying complexity

Taking into account a combination of the factors of varying complexity presented above may represent another challenge to the implementation of the UPR recommendations and pledges.

Good practices

Identify challenges and constraints to implementation at the stage of developing the implementation plan and throughout the process of updating and evaluation. This practice makes it possible to identify complementary measures or to replace certain measures by others, in order to overcome the challenges and constraints identified and to integrate them into the implementation plan, including in terms of resources and capacity-building initiatives.

© TOOLS

Tool 10-1:

Checklist – Challenges and constraints to implementation

Could the following factors constitute obstacles to the implementation of the UPR recommendation or pledge or group of recommendations or pledges in a given sector?

If so, what measures make it possible to overcome such challenges and constraints most effectively?

- **degree of precision** of the recommendation;
- **“action category”** applicable to the recommendation (continuing actions, consideration of reforms, new action);
- **means of government action required** for implementation (national strategic planning, specific or general constitutional or legislative reforms, development of policies, programmes and sector initiatives);
- **theme** (may be sensitive, its promotion may be the subject of profound differences at the national level, or socio-cultural obstacles, etc.);
- **constitutional or legal framework or political, social, economic or cultural context**, whether permanent or temporary (federal systems, legal systems, situations of democratic crisis or transition, situation created by a natural catastrophe, situation of economic or social crisis, etc.);
- **costs** (financial, political) which may be linked;
- **multiplicity or rarity of actors** which must be involved in the implementation of a recommendation, at the national level (relevant ministries, NHRI, Parliament, civil society, beneficiaries, etc.), and international level, when requests for technical assistance have been expressed (multilateral or bilateral donors).
- **other factor(s)** presenting challenges: (...)

C. Indicators of implementation and progress in the area of human rights

◎ EFFECTIVE PRACTICES

In 2012, the Office of the United Nations High Commissioner for Human Rights published a guide on indicators of progress in implementation in the area of human rights (Human Rights Indicators: A Guide to Measurement and Implementation). This guide is available in English and Spanish. The French version is expected to be published in 2013: http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf. The guide offers a conceptual and methodological framework for identifying quantitative and qualitative human rights indicators. It refers to the development of three types of indicators: **structural indicators**, concerning commitments to international human rights standards; **process indicators**, concerning efforts made to meet obligations arising from these commitments; **outcome indicators**, concerning the results obtained as a consequence of these efforts. The method proposed also underlines the need to breakdown these indicators according to prohibited grounds of discrimination. The guide provides a series of thematic illustrations containing concrete examples of structural, process and result indicators in various areas (*see annex*).

Since UPR pledges and recommendations are of a variable nature, the evaluation and implementation of the UPR process will require the establishment of:

- **structural indicators:** in order to evaluate effective implementation of recommendations and pledges which, for example, require the State to ratify international conventions or to withdraw reservations entered to conventions to which it is already a party;
- **process indicators:** in order to evaluate the implementation of recommendations or pledges which require the State, for example, to adopt and effectively implement laws, policies or programmes aimed at fulfilling obligations arising from the ratification of international human rights protection instruments;
- **outcome indicators,** in order to evaluate:
 - the effective implementation of the UPR recommendations and pledges which specifically concern the “improvement of the human rights situation on the ground”;
 - how and to what extent the measures chosen for the implementation of the UPR recommendations and pledges of a structural nature (ratification, withdrawal of reservations) and of process (laws, politics, programmes) impact on the improvement of the human rights situation on the ground.

At the stage of developing a strategy for the evaluation of implementation, the following questions and examples may be useful:

- **Evaluation of implementation (actions):**
 - Which structural indicators (accession to international standards) make it possible to confirm that each action required in this regard under the heading of the recommendation or pledge has been conducted and / or achieved. For example, date of ratification, date of withdrawal of reservations, etc.
 - Which process indicators (efforts to implement international obligations) make it possible to confirm that each action required in this regard under the heading of the recommendation or pledge has been conducted and / or achieved? For example: date of adoption of a law, policy, programme; proportion of or development in the national budget allocated to implementation measures, etc.)
- **Evaluation of the impact of implementation on improvement to the human rights situation:**
 - Which **outcome** indicators make it possible to confirm that the measures chosen to implement UPR recommendations and pledges have had an impact on improving the human rights situation? For example, developments in the number of cases of violations of human rights dealt with by the courts; number of perpetrators of crimes convicted; number or victims who received compensation, amount of compensation; number of persons who called on and benefited from a public service; level of satisfaction with this service; rate of enrolment in educational structures, etc.)

The following examples concern the **breakdown of indicators according to prohibited grounds of discrimination**:

- **Structural indicators:** Accession to international standards on the promotion and protection of the rights of persons belonging to vulnerable or marginalised groups (on the elimination of all forms of discrimination against women, the rights of persons with disabilities, the elimination of all forms of racial discrimination, the protection of the rights of all migrant workers and members of their families, etc.;
- **Process indicators:** Provisions of a law of broad application which take into account the specific needs of vulnerable or marginalised groups (women, children, persons with disabilities); elements of a general policy, programme or initiative which are adapted to the needs of persons belonging to vulnerable or marginalised groups; number or persons belonging to such groups which have participated in these programmes or benefited from these initiatives, etc.;
- **Outcome indicators:** Based on the indicators of general results identified: proportion of persons belonging to vulnerable or marginalised groups.

Strengthening capacities: The identification of indicators of the impact on human rights of the implementation of recommendations and pledges frequently requires the strengthening of knowledge and capacity in this area. One of the practices suggested is to integrate in the implementation plan the organisation of a workshop on strengthening knowledge and capacity of the actors concerned in the development of indicators and evaluation specifically focused on the implementation plan.

◎ RESOURCES

Human rights indicators

Human Rights Indicators: A Guide to Measurement and Implementation, Office of the High Commissioner for Human Rights (OHCHR) (2012).

http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

Strengthening capacities to identify indicators on implementation and results

Contact OHCHR: hrindicators@ohchr.org

D. The budget

◎ EFFECTIVE MEASURES

Needs and costs in terms of financial, material and human resources for the fulfilment of the implementation plan can only be evaluated once all aspects have been identified. In order to do this:

- Implementation initiatives must be relevant and precise;

- Overlaps between the actions required for the implementation of UPR recommendations and pledges and the initiatives and budgetary allocations planned in the national human rights action plan and sector plans must be clearly identified.

Once these stages have been completed, the following step is suggested:

- Conduct one or several working sessions by sector and in plenary session to design a budget based on measures identified in the implementation plan.

◎ TOOLS

Tool 10-2:

Model matrix – Budget for the fulfilment of the UPR implementation plan

MODEL MATRIX – BUDGET FOR THE FULFILMENT OF THE UPR IMPLEMENTATION PLAN		
RECOMMENDATION / PLEDGE	IMPLEMENTATION MEASURE(S)	BUDGET
Mechanism and process for the coordination, follow-up and evaluation of the fulfilment of the Implementation Plan		

E. Periodic monitoring and updating of the status of fulfilment of the implementation plan

◎ EFFECTIVE PRACTICES

In order to insure the effective fulfilment of the implementation plan, the following practices are suggested:

- Develop and apply a timetable to ensure the status of fulfilment of the implementation plan is regularly updated, including by: holding workshops to this end every 3 or 4 months (see Tool 8-1 : Model timetable for follow-up and implementation between reviews).

◎ TOOLS AND RESOURCES

Tool 10-3:

Model matrix – Strategy for evaluating implementation and results

MODEL STRATEGY FOR EVALUATING THE STATUS OF IMPLEMENTATION AND THE IMPACT			
RECOMMENDATION / PLEDGE	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES	INDICATORS OF IMPLEMENTATIONS (EXPECTED ACTIONS)
			<p>Structural indicators (accession to international standards): e.g. date of ratification, date of withdrawal of reservations, etc.</p> <p>Process indicator (efforts to implement international obligations): e.g. date of adoption of a law, policy or programme; proportion of or development in national budget allocated to implementation initiatives.</p> <p>What are the structural or process indicators (qualitative and quantitative) which make it possible to confirm that each of the actions required by the wording of the recommendation or pledge have been undertaken and / or achieved?</p>
Integrated approach			
2. Prohibited grounds of discrimination (race, colour, sex, language, religion, political or any other opinion, national or social origin, property, birth or any other situation).		Breakdown of indicators according to prohibited grounds of discrimination: <p>Structural indicators: Accession to international standards on the promotion and protection of the rights of persons belonging to vulnerable or marginalised groups (on the elimination of all forms of discrimination against women; the rights of persons with disabilities; the elimination of all forms of racial discrimination; to the protection of the rights of all migrant workers and members of their families, etc.)</p> <p>Process indicators: General legal provisions which take into account the contexts and the specific needs of vulnerable or marginalised groups (women, children, persons with disabilities); aspects of policies, programmes or initiatives which are adapted to the needs of persons belonging to vulnerable or marginalised groups; number of persons belonging to these groups which have participated in or benefited from these programmes or initiatives, etc.</p> <p>Outcome indicators: Based on the general result indicators identified: Proportion of persons belonging to vulnerable or marginalised groups.</p>	
6. Challenges and constraints		Taking into account the political, economic, social, cultural or other context, are there factors which could present obstacles to the implementation of certain recommendations or pledges? If so, what are the most appropriate complementary or alternative measures to overcome such obstacles?	

**MATRIX
OF IMPLEMENTATION ON THE HUMAN RIGHTS SITUATION ON THE GROUND – GUIDE TO HEADINGS**

Actions et Results; Implementation measures; Integrated approach (prohibited grounds of discrimination, challenges); Indicators on the improvement of the human rights situation (results). Measures to overcome these challenges

INDICATORS OF IMPROVEMENT TO THE HUMAN RIGHTS SITUATION (RESULT)	MEASURES TO OVERCOME CHALLENGES AND CONSTRAINTS
<p>Outcome indicators</p> <p>(developments in the number of cases of violation of human rights dealt with by the courts; number of perpetrators of crimes convicted; number of victims who have received compensation, amount of compensation; number of persons who called on and benefited from a public service; degree of satisfaction with the service; enrolment rate in educational structures, etc.)</p> <p>What are the result indicators (qualitative and quantitative) which make it possible to confirm that the actions and the measures taken to implement UPR recommendations and pledges have had an impact on the improvement of the human rights situation?</p>	

Tool 10-3:

Model matrix – Strategy for evaluating implementation and results

MODEL MATRIX – STRATEGY FOR EVALUATING IMPLEMENTATION AND RESULTS					
RECOMMENDATION / PLEDGE	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES	INDICATORS OF IMPLEMENTATION (EXPECTED ACTIONS)	INDICATORS OF IMPROVEMENT TO THE HUMAN RIGHTS SITUATION (RESULT)	MEASURES FOR OVERCOMING CHALLENGES AND CONSTRAINTS
Integrated approach					
Breakdown of indicators according to prohibited grounds of discrimination					
Challenges and constraints					

Tool 10-4:

Requests for technical assistance for the fulfilment of UPR follow-up and implementation initiatives

MODEL MATRIX – REQUESTS FOR TECHNICAL ASSISTANCE FOR THE FULFILMENT OF UPR FOLLOW-UP AND IMPLEMENTATION INITIATIVES		
RECOMMENDATION / PLEDGE	IMPLEMENTATION MEASURES	BUDGET
Mechanisms and processes for the coordination, follow-up and evaluation of fulfilment of the Implementation Plan		

CONCLUSION

The Practical Guide On The Implementation Plan of Recommendations And Pledges opens up the following important perspectives:

From knowledge to good practices

During the 1st UPR cycle, the international community, including the OIF and its partners participating in Francophone seminars on the UPR process, created numerous occasions to exchange on practices concerning this new mechanism. Building on the consensus that the ultimate goal of the UPR process is improving the human rights situation on the ground, these exchanges contributed to the identification of converging views on good practices for follow-up and implementation. Such practices include: establishing or strengthening coordination mechanisms, adopting inclusive and participatory approaches, integrated planning and regular monitoring of implementation.

With the start of the 2nd cycle in 2012, which focuses, inter alia, on the implementation of the outcome of the preceding review, the UPR mechanism entered the maturation phase. It is no longer, strictly speaking, “new”. Several states being reviewed for the second time highlighted the need to make follow up more systematic, in order to ensure that concrete results are achieved during the four and a half year period between reviews. It is therefore time to disseminate as widely as possible and ensure the application of the good practices developed and observed during the 1st UPR cycle.

UPR: A federating mechanism for effective monitoring of implementation of human rights obligations

In developing approaches and working methods concerning UPR implementation, it should be recalled that this mechanism was the result of a significant reform process of the United Nations human rights system. These reforms were made tangible in 2006, with the abolition of the former Human Rights Commission and the establishment of the Human Rights Council by the General Assembly. They were pursued with the establishment and the entering into operation of the UPR process, from 2008 when the first reviews took place. Discussions are under way concerning strengthening other mechanisms to which UPR should be complementary: Treaty Bodies (the committees responsible for monitoring respect by States of their obligations under international human rights conventions); and Special Procedures (independent experts nominated by the Human Rights Council to conduct thematic or country specific mandates).

During the 1st cycle, the UPR process contributed to increasing ratifications of the main international human rights instruments, to reducing delays in the submission of periodic reports in accordance with these instruments and to strengthening cooperation with Special Procedures. Given the universal nature of the UPR process and the development of the practice of drawing up implementation plans, taking into account recommendations made by other human rights mechanisms, it may be useful to pursue reflection on the role of the UPR as a federating mechanism for the establishment of integrated processes for follow-up to and implementation of international obligations in this area.

The UPR implementation plan as a national human rights action plan

It would also be useful to initiate or develop reflection on the role of UPR implementation plans developed according to the integrated approach. Designed as an effective tool for action on human rights, the plan should serve as a basis for the development or renewal of the national human rights action plan with a view to combining the two in a single document.

Rationalising efforts, planning, integrated working methods and appropriate tools in an era of information technologies and interactive communication

In relation to all mechanisms, including UPR, the challenges and constraints most often identified during the follow-up and implementation process concern a lack of human and financial resources. This problem is exacerbated by the number of different mechanisms requiring follow-up. The rationalisation of efforts, planning and integrated working methods,

with the support of appropriate tools, are undeniably among the solutions which can contribute to overcoming these obstacles.

In this context, the use of information technologies and means of communication must be further encouraged. Indeed, they have reached a stage of development such that their use has been simplified while interactive methods of exchange and collaboration have multiplied. Integration and coordination of national efforts for UPR implementation with those related to other mechanisms, require the development of suitable databases. These should contribute to increased efficiency in the collection, exchange and updating of information as well as collaboration between the various actors involved in implementation.

The matrix proposed in this Guide for the development of a UPR implementation plan was conceived for this purpose. It is intended to be a first step towards the construction of such national interactive databases in which the following actions should be accessible “at the click of a mouse”:

- Establish links between recommendations and pledges issued by all international, regional and national human rights mechanisms (including NHRIs);
- Reconcile implementation measures for recommendations and measures planned in national and sector action plans;
- Identify points of convergence between implementation measures;
- Organise information, as necessary, according to, for example:
 - human rights mechanism;
 - theme;
 - body responsible for implementation;
 - national and international implementing partners;
 - implementation timetables.
- Update the status of implementation in real time;
- Monitor the development of indicators in terms of improvements to the human rights situation;
- Coordinate timetables for the submission of periodic reports for all mechanisms and for the organisation of national consultations;
- Produce periodic reports.

The Practical Guide and ownership of the UPR process in the national context

The OIF expert missions on the UPR process aimed, inter alia, to promote approaches likely to contribute to the transfer of knowledge and capacity building, with a view to encouraging increased ownership of the mechanism at the national level. This Guide is therefore based mainly on linking two fundamental factors:

- Expertise provided by the OIF to Member States on the UPR process and methods for planning follow-up to and implementation of international obligations;
- Expertise based on thorough knowledge of the situation on the ground and the specific issues which form the context in which the parties concerned have committed to achieving the objectives of the UPR and in particular the improvement of the human rights situation on the ground.

Furthermore, the presentation of inclusive and participatory approaches in this Guide is based on observation of practices of transparency, consultation and cooperation with NHRIs and civil society, established by the authorities in Francophone countries to which the OIF had the opportunity to provide support during this process.

The OIF Practical Guide on national implementation plans for UPR recommendations and pledges is a first attempt to present the approaches and methods observed in the form of a tool to indicate good practices with the aim of facilitating States' efforts in this area.

The various stages proposed for the development of a national implementation plan should be considered as steps likely to contribute to the effective implementation of UPR recommendations and pledges. To this end, the OIF invites States, NHRIs, civil society and partners from the international community interested in making use of this Guide and the tools it provides, to adapt them to their national context and needs and to enrich them with their own experiences.

ANNEX

MODEL MATRIX - IMPLEMENTATION PLAN OF UPR RECOMMENDATIONS
AND PLEDGES (GUIDE TO HEADINGS)

WORKSHEETS - DEVELOPMENT OF THE UPR IMPLEMENTATION PLAN

MODEL MATRIX – IMPLEMENTATION PLAN OF UPR

1. Instruments and cooperation with			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION / PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURE(S)
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.	<p>a) Which specific actions are required by the precise wording of the recommendation or pledge?</p> <p>b) Which result is intended by the recommendation or pledge in terms of concrete impact on the human rights situation?</p>	<p>a) Relevance criterion: Which measure is most likely to meet expectations expressed in the recommendation or pledge in terms of action? Law, policy, programme, etc.?</p> <p>b) Accuracy criterion: Does the identified measure allow those in charge of implementation or their partners to understand precisely what they will have to do to discharge their responsibility? Does it make it possible to design a credible and detailed budget?</p>

INTEGRATED APPROACH

1. Recommendations made by other human rights mechanisms

2. National Human Rights Action Plan (NHRAP)

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

RECOMMENDATIONS AND PLEDGES (GUIDE TO HEADINGS)

international human rights mechanisms

STAGE 6	STAGE 7	STAGE 8	STAGE 9		STAGE 10
RESPONSABILITY PRIMARY RESPONSIBILITY SECONDARY RESPONSIBILITIES	NATIONAL IMPLEMENTA- TION PARTNERS	IMPLEMENTA- TION TIMEFRAME	CAPACITY-BUILDING AND TECHNICAL ASSISTANCE NEEDS		STATUS OF IMPLEMENTA- TION
(Executive / Legisla- tive / Judiciary). It is useful to distinguish between responsibi- lity for coordination and implementation: Which entity will have most work to carry out selected measures for imple- mentation?	NHRI, other national institutions, civil society, private sector, etc.	NHRI, other national institutions, civil society, private sector, etc.	(yes)	PTF (Partners: International community)	a) Non initiated b) In progress c) Completed
			(no)	A coloured background in this column identifies initia- tives for which needs exist.	

STAGE 5

Which recommendations made by Treaty Bodies and Special Procedures (UN, regional) are similar or complemen-
tary to UPR recommendations or pledges and might be implemented through the fulfilment of identified measures?

Which measures included in the NHRAP are likely to contribute to the implementation of UPR recommendations
and pledges? And vice versa?

Which measures included in the sector actions plans are likely to contribute to the implementation of UPR recom-
mendations and pledges? And vice versa?

Are there any factors (political, social, economic, cultural, etc.) which impact on the power relationship between
women and men and might constitute obstacles to the implementation of selected measures and the achieve-
ment of expected results? If so, what are the complementary measures to overcome these obstacles? Is the
representation of women and men within the working group established for the development of this section of the
implementation plan appropriate?

The methodology used to integrate a gender perspective can be adapted by taking into consideration prohibited
grounds of discrimination (race, colour, sex, language, religion, political or other opinion, national or social origin,
property, birth or other status).

Given the political, economic, social, cultural or any other context, are there factors which might constitute obsta-
cles to the implementation of some recommendations or pledges? If so, what are the most appropriate comple-
mentary or alternative measures to overcome these obstacles?

WORKSHEETS – DEVELOPMENT OF
WORKING GROUP 1: Instruments and cooperation

1. Instruments and cooperation with			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		1.1. Ratification of international instruments	
		1.2. Withdrawal of reservations	
		1.3. Cooperation with Treaty Bodies	
		1.4. Cooperation with Special Procedures	
		1.5. Cooperation with UPR mechanism	
		1.6. National mechanism to follow-up and	
		1.7. (...)	

INTEGRATED APPROACH
1. Recommendations: other human rights mechanisms
2. National Human Rights Action Plan
3. Sector action plans
4. Gender perspective
5. Prohibited grounds of discrimination
6. Challenges and constraints

with international human rights mechanisms

STAGE 5	
Similar or complementary recommendations:	
Similar or complementary measures:	
Similar or complementary measures:	
Social, cultural or other factors to be taken into account:	Complementary measures:
Measures to take into account the specific needs of vulnerable or marginalised groups:	
Major challenges and constraints:	Measures to overcome them:

WORKING GROUP 2: Governance (democracy,**2. Governance (democracy, elections,**

STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		2.1. Restoration, consolidation and promotion of	
		2.2. Transparency, good management of public	
		2.3. Fight against impunity	
		2.4. (...)	

INTEGRATED APPROACH

1. Recommendations: other human rights mechanisms

2. National Human Rights Action Plan

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

elections, transparency, fight against impunity)

transparency, fight against impunity)				
STAGE 6	STAGE 7	STAGE 8	STAGE 9	STAGE 10
PRIMARY RESPONSIBILITY SECONDARY RESPONSIBILITIES	NATIONAL IMPLEMENTATION PARTNERS	TIMEFRAME FOR IMPLEMENTATION	CAPACITY-BUILDING AND TECHNICAL ASSISTANCE NEEDS	IMPLEMENTATION STATUS
democracy				
affairs				

STAGE 5	
Similar or complementary recommendations:	
Similar or complementary measures:	
Similar or complementary measures:	
Social, cultural or other factors to be taken into account:	Complementary measures:
Measures to take into account the specific needs of vulnerable or marginalised groups:	
Major challenges and constraints:	Measures to overcome them:

WORKING GROUP 3: National laws,**3. National laws, policies,**

STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		3.1. National Human Rights Action Plan	
		3.2. National gender policy	
		3.3. National Human Rights Institution (NHRI)	
		3.4. Human rights education and training	
		3.5. (...)	

INTEGRATED APPROACH

1. Recommendations: other human rights mechanisms

2. National Human Rights Action Plan

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

policies, strategies, initiatives

strategies

[illegible]

STAGE 5

Similar or complementary recommendations:

Similar or complementary measures:

Similar or complementary measures:

Social, cultural or other factors to be taken into account:

Complementary measures:

Measures to take into account the specific needs of vulnerable or marginalised groups:

Major challenges and constraints:

Measures to overcome them:

WORKING GROUP 4: Sector measures

4. Sector laws, policies, 4.1. Civil and political			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		4.1.1. Right to life (death penalty, extrajudicial,	
		4.1.2. Security (security of the person, enforced	
		4.1.3. Torture, cruel, inhuman or degrading	
		4.1.4. Trafficking in persons, slavery and	
		4.1.5. Deprivation of liberty	
		4.1.6. Judicial proceedings	
		4.1.7. Legal personality (nationality, statelessness,	
		4.1.8. Freedom of thought, conscience and religion	
		4.1.9. Freedom of opinion and expression	
		4.1.10. Freedom of assembly and association	
		4.1.11. Protection of the family, marriage	

- Civil and political rights

strategies rights				
STAGE 6	STAGE 7	STAGE 8	STAGE 9	STAGE 10
PRIMARY RESPONSIBILITY	NATIONAL IMPLEMENTA- TION PARTNERS	TIMEFRAME FOR IMPLEMEN- TATION	CAPACITY-BUILDING AND TECHNICAL ASSISTANCE NEEDS	IMPLEMENTATION STATUS
SECONDARY RESPONSIBILITIES				
arbitrary or summary execution)				
disappearance)				
treatment or sentence				
slavery-like practices (servitude, forced labour)				
asylum, refugees)				

.../...

WORKING GROUP 4: Sector measures

4. Sector laws, policies, 4.1. Civil and political			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		4.1.12. Participation in the conduct of public affairs	
		4.1.13. (...)	

INTEGRATED APPROACH

1. Recommendations: other human rights mechanisms

2. National Human Rights Action Plan

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

- Civil and political rights (end)

strategies rights				
STAGE 6	STAGE 7	STAGE 8	STAGE 9	STAGE 10
PRIMARY RESPONSIBILITY SECONDARY RESPONSIBILITIES	NATIONAL IMPLEMENTA- TION PARTNERS	TIMEFRAME FOR IMPLEMEN- TATION	CAPACITY-BUILDING AND TECHNICAL ASSISTANCE NEEDS	IMPLEMENTATION STATUS

Stage 5
Similar or complementary recommendations:
Similar or complementary measures:
Similar or complementary measures:
Social, cultural or other factors to be taken into account:
Complementary measures:
Measures to take into account the specific needs of vulnerable or marginalised groups:
Major challenges and constraints:
Measures to overcome them:

WORKING GROUP 5: Sector measures

4. Sector laws, policies, 4.2. Economic, social			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		4.2.1. Work	
		4.2.2. Social security	
		4.2.3. Food	
		4.2.4. Housing	
		4.2.5. Health	
		4.2.6. Education	
		4.2.7. Cultural life and scientific progress	
		4.2.8. (...)	
		4.3. Right to a healthy environment	
		4.3.1. Natural resources	
		4.3.2. Climate change	

- Economic, social and cultural rights

strategies, initiatives
and cultural rights[illegible]

...

WORKING GROUP 5: Sector measures

4. Sector laws, policies,
4.2. Economic, social

INTEGRATED APPROACH

1. Recommendations: other human rights mechanisms

2. National Human Rights Action Plan

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

- Economic, social and cultural rights (end)

**strategies, initiatives
and cultural rights**

STAGE 5

Similar or complementary recommendations:

Similar or complementary measures:

Similar or complementary measures:

Social, cultural or other factors to be taken into account:

Complementary measures:

Measures to take into account the specific needs of vulnerable or marginalised groups:

Major challenges and constraints:

Measures to overcome them:

WORKING GROUP 6: Sector measures – Specific rights

4. Sector laws, policies, 4.3. Specific rights			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	THEMATIC CLUSTERING	EXPECTED ACTIONS AND RESULTS	IMPLEMENTATION MEASURES
	insert thematic headings into the implementation plan table. Insert recommendations and pledges under relevant themes.		
		4.3.1. Women's rights	
		4.3.2. Right of the child	
		4.3.3. Rights of persons with disabilities	
		4.3.4. Rights of the elderly	
		4.3.5. Rights of migrants	
		4.3.6. Rights of indigenous peoples	
		4.3.7. Rights of minorities	
		4.3.8. (...)	

(women, children, persons with disabilities ...)

strategies, initiatives

[illegible]

...

WORKING GROUP 6: Sector measures – Specific rights

4. Sector laws, policies,
4.3. Specific rights

INTEGRATED APPROACH

1. Recommendations: other human rights mechanisms

2. National Human Rights Action Plan

3. Sector action plans

4. Gender perspective

5. Prohibited grounds of discrimination

6. Challenges and constraints

(women, children, persons with disabilities ...) (end)

strategies, initiatives

STAGE 5

Similar or complementary recommendations:

Similar or complementary measures:

Similar or complementary measures:

Social, cultural or other factors to be taken into account:

Complementary measures:

Measures to take into account the specific needs of vulnerable or marginalised groups:

Major challenges and constraints:

Measures to overcome them:

WORKING GROUP 7: Noted recommendations (rejected)

5. Noted recommendations (rejected)		
STAGE 1	STAGE 3	STAGE 4
RECOMMENDATION PLEDGE	EXPECTED ACTIONS AND RESULTS/ OBSERVATIONS DE L'ÉTAT	MEASURE/ INITIATIVE TO EVALUATE THE RECOMMENDATION IN THE LIGHT OF EVOLUTION OF NATIONAL CONTEXT

INTEGRATED APPROACH	STAGE 5
1. Recommendations: other human rights mechanisms	Similar or complementary recommendations:
2. National Human Rights Action Plan	Similar or complementary measures:
3. Sector action plans	Similar or complementary measures:
4. Gender perspective	Social, cultural or other factors to be taken into account: Complementary measures:
5. Prohibited grounds of discrimination	Measures to take into account the specific needs of vulnerable or marginalised groups:
6. Challenges and constraints	Major challenges and constraints: Measures to overcome them:

WORKING GROUP 8: Mechanism and process for the coordination, follow-up and evaluation of implementation

6. Mechanism and process for the coordination, follow-up and evaluation of the fulfilment of the implementation plan

6.1. Coordination mechanism

6.2. Calendar for follow-up and implementation of the implementation plan

INTEGRATED APPROACH	STAGE 5
1. Recommendations: other human rights mechanisms	Similar or complementary recommendations:
2. National Human Rights Action Plan	Similar or complementary measures:
3. Sector action plans	Similar or complementary measures:
4. Gender perspective	Social, cultural or other factors to be taken into account: Complementary measures:
5. Prohibited grounds of discrimination	Measures to take into account the specific needs of vulnerable or marginalised groups:
6. Challenges and constraints	Major challenges and constraints: Measures to overcome them:

WORKING GROUP 9: Strategy to evaluate the status and concrete impact of implementation on the human rights situation on the ground

See Tool 10-3:

Model matrix – the Strategy to evaluate the status and concrete impact of implementation on the human rights situation on the ground

WORKING GROUP 10: Budget

See Tool 10-2:

Budget – Fulfilment of the UPR implementation plan

WORKING GROUP 11: Requests for technical assistance

See Tool 10-4:

Model matrix – Requests for technical assistance to fulfil UPR follow-up and implementation initiatives

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