

Summary Minutes
Meeting of the CCIG UPR Platform Members with the OHCHR
Held on December 12, 2012 at the Motta Building
from 9h30 until 11h30

Representatives of the OHCHR:

Mr. Christophe PESCHOUX	<i>Chief UPR Team/Field Operations and Technical Cooperation Division (FOTCD) OHCHR</i>
Ms. Marlene ALEJOS	<i>Human Rights Officer at the OHCHR</i>
Mr. Juan PABLO VEGAS	<i>Human Rights Officer at the OHCHR</i>
Ms. Speideh MOHADJER	<i>Human Rights Officer at the OHCHR</i>

In Attendance:

Ms. Maria D'ONOFRIO	<i>Centre Catholique International de Genève</i>
Ms. Dalia MEHIAR	<i>Centre Catholique International de Genève</i>
Mr. Philippe RICHARD	<i>Office International de l'Enseignement Catholique</i>
Ms. Christine MO COSTABELLA	<i>Association Points-Coeur</i>
Mr. Manel MENDOZA	<i>Marist International Solidarity Foundation</i>
Mr. Vicente SOSSAI FALCHETTO	<i>Marist International Solidarity Foundation</i>
Ms. MariaGrazia CAPUTO	<i>Istituto Internazionale Maria Ausiliatrice</i>
Mr. Robert PATTARONI	<i>International Movement of Apostolate in the Independent Social Milieus</i>
Ms. Floriana POLITO	<i>Caritas Internationalis</i>
Ms. Monique JAVOUHEY	<i>Daughters of Charity of St. Vincent de Paul– La Compagnie des Filles de la Charité de Saint Vincent-de-Paul</i>
Ms. Johel HEDWIG	<i>Congregation of our Lady of Charity of the Good Shepherd</i>
Mr. Edward FLYNN	<i>VIVAT International</i>
Mr. Brian BOND	<i>Edmund Rice International</i>
Ms. Maria MERCEDES ROSSI	<i>Association Comunità Papa Giovanni XXIII</i>
Mr. Fabio AGOSTONI	<i>Association Comunità Papa Giovanni XXIII</i>
Ms. Laila SIMONCELLI	<i>Association Comunità Papa Giovanni XXIII</i>
Ms. Francesca RESTIFO	<i>Franciscans International</i>

Apologies:

Mr. Ha Eun SEONG	<i>Good Neighbors International</i>
Ms. Anna ANTICO	<i>International Volunteerism Organization for Women, Development, Education –VIDES</i>

I. Initial Remarks

The goal of this meeting was to provide the members of the UPR Platform with key information to improve their contribution within UPR as well as to share with the OHCHR difficulties encountered by NGOs while working with this specific mechanism.

In order to facilitate the discussion, a list of issues was submitted in advance to the OHCHR. As for the format of the discussion, the OHCHR team provided replies and then gave the floor to NGOs for additional questions and remarks on each issue.

In his opening remarks, Mr. Christophe Peschoux highlighted that the Universal Periodic Review (UPR) is not a traditional UN mechanism; it is a unique process which involves a review of the human rights records of all UN Member States. Through a process of peer review, the human rights situation for each country is assessed. It is a political process through which States are provided with a chance to declare the actions they have taken to fulfill their human rights obligations.

Thanks to his more than 10 years of work experience in Civil Society Organizations (CSO), Mr. Peschoux expressed his particular appreciation for the universal recognition of the role of Civil Society in the UPR. He asserted that it is essential for CSOs to become even more aware of the role they can play at almost every stage of the UPR process.

The main stages of the UPR are:

1. The preparation of the documentation, consisting of three reports:

A. Report prepared by the State concerned: the national report.

B. Report prepared by the OHCHR: information from special procedures and treaty bodies.

C. Report prepared by Stakeholders, including NGOs and Human Rights defenders.

2. The review sessions.

3. Working Group Report listing recommendations addressed to the State under review.

4. State returns to the Human Rights Council (during item 6 of the next HRC session) and clarifies its position on recommendations.

The responsibility of the civil society is first to report the actions of the State under review to the Human Rights Council and second, to ensure that the UPR process is meaningful by actively engaging in lobbying activities for prompt implementation of the accepted recommendations.

Therefore, the UPR provides civil society actors with international legitimacy and a chance to voice their concerns in regards to human rights violations. The UPR is an opportunity for civil society actors to establish checks and balances and contribute to improving the situation of human rights at the national level.

II. Discussion of questions submitted by the CCIG UPR Platform members

1. Summary Report of stakeholders' submissions:

a) What would be the best way for NGOs to structure their UPR submissions in order to facilitate the preparation of the Summary Report of stakeholders by the OHCHR?

From a very practical point of view, OHCHR UPR drafters would appreciate if NGOs may:

- (i) cluster the recommendations by issue at the conclusion of each thematic paragraph of their submissions and emphasize recommendations (ex. write in bold).
- (ii) Number the paragraphs of the report manually.

Concerning the language of stakeholders submissions, it was suggested to present the material in the original language if it is English, French, or Spanish in order to allow local members to express themselves properly. If the used language is Chinese, Russian, or Arabic, due to the shortcomings of resources for translation within the OHCHR, a translation in English provided by the NGO itself would be appreciated. However, an English translation of stakeholders submissions would be, in any case, very useful to favor access to the information by a larger public. For this reason, OHCHR team encouraged NGOs to send, if possible, English translations of submissions originally presented in other languages to be posted on the OHCHR website.

b) What criteria does the OHCHR use to sum-up the information submitted by stakeholders in preparation for the Summary Report of stakeholders' submissions?

Mr. Juan Pablo Vegas described the methodology he follows. The first and most sensitive step is making an internal list of priority issues from the first cycle. In fact, while recognizing the importance of all issues raised, a choice is made necessary because of the fixed word limit for the Summary Report of stakeholders' submission. Moreover, new developments that have occurred in the country reviewed over the four-year period deserve to be mentioned.

2. UPR Working Group Report and Outcome Report:

Ms. Speideh Mohadjer clarified the difference between the Working Group Report and the Outcome Report through a concrete example. If country x is being reviewed, the OHCHR collects information about 4 or 5 months before the review session and prepare two documents: the summary report (based on stakeholders and State information) and the compilation report (resulting from available UN documents). This is an internal process in which the office uses documents from the UN and references public documents. After editing, processing, and translating, two documents are produced in addition to the national report, these documents get published almost ten weeks before the start of the working group sessions.

When country x is under review, it takes part in the interactive dialogue for about three hours. At this stage, stakeholders do not participate directly, but they observe. It takes 48 hours to produce the working group report.

She emphasized that the OHCHR only acts as the secretariat in the process of producing the outcome report. The troika is responsible for the preparation of this document while the OHCHR provides assistance. Once the report is published, the OHCHR cannot alter recommendations.

Three months and a half later, the country reviewed comes back for the session of the HRC (item 6 of HRC agenda is, in fact, dedicated to the consideration of the UPR Reports) in order to make their final decision concerning the adoption of recommendations. This is the only stage when stakeholders can directly participate and make comments. After the statements of the State under review and other Member States, stakeholders are given 20 minutes to speak during which they can only refer to the working group report. Stakeholders are not allowed to discuss issues that were not previously raised. Following this step, the Working Group Report is normally adopted. The final step is the production of the outcome report which provides a summary of the actual discussion, the recommendations made by States, and the response of the reviewed State.

a) Is it possible to list the recommendations into subject-based categories?

The representatives said that the OHCHR tries to list recommendations under a thematic order and organizes them by the hierarchy of the rights of the Universal Declaration of Human Rights (UDHR).

They emphasized that recommendations cannot be altered because the working group report is just a reflection of what has been actually said in the room.

b) What criteria does the OHCHR use to translate the oral version of the recommendations into the written version of the outcome report?

OHCHR report the information directly from the webcast. Sometimes States change their statements and that is why differences can exist between the oral version and the written version in the outcome report. The OHCHR representatives made a point that the troika is responsible for the outcome report and that the OHCHR only works under their leadership. However, when a change occur in the wording of the recommendations, the original version will be reported in the footnotes.

3. How to ensure the effective monitoring of UPR recommendations on the ground:

It can be done individually; each NGO can examine the list of recommendations then report the actions of the state. It can also be done in teams in collaboration with different groups of the civil society.

Civil society actors should analyze the recommendations that have been accepted by a State within the UPR and other mechanisms, like the Council of Europe. They should find the overlaps between these recommendations, simplify them, and organize them thematically. Civil society actors should coordinate their actions with those of other civil society members.

a) Is it possible to have one clear document specifying the recommendations accepted (or rejected) by the State under review (instead of the ‘Addendum’ to the outcome report)?

The representatives of the OHCHR said that they do not summarize the documents of the UPR because they are too sensitive. Their responsibility is to listen to the

webcast and report what has been said in the room. However, the “Human Rights Index” is being updated with all recommendations resulting from the UPR.

b) How is it possible to ensure that States under review provide their positions on the recommendations reasonably in advance of the Human Rights Council Session?

The States have no obligation to provide an addendum. Because this is a massive process with many stages, many recommendations to consider, and so little time, it can be the case that States are not able to provide their positions before the HRC session. However, all States under review are required to provide a document for their 20 minute statements.

The OHRHC representatives mentioned that for six sessions now, they have been indexing all the recommendations. This new tool should lead to the indexing of all recommendations, thus facilitating the work of civil society actors.

The representatives said that although difficulties exist, progress has been made. There has been times when it was believed that the UPR will collapse. However, the UPR proved to be an important and influential process for fighting human rights violations.

4. Accessibility of Webcast:

a) Is it possible to provide podcasts of UPR sessions’ videos to enable NGOs to download and disseminate them more widely?

The names of the coordinators are mentioned during the podcast. The coordinators can be contacted and they will provide podcasts as they have done it for 2 or 3 countries. Ms. Alejos suggested downloading the sessions via real player. Although this is not their responsibility, the representatives promised that we will raise the issue with the office concerned.

b) Is it possible to provide a translation of the Webcast's audio or its transcript in different languages? (e.g. French and Spanish).

The cost of such an implementation is problematic.

A follow-up question was about translations of documents in countries where the UN official languages are not spoken. The response was that this is the responsibility of the State. However, OHCHR representatives advise NGO members to contact the desk office and ask if they can provide a translation or suggest someone who can provide it (sometimes UPR recommendations are translated by OHCHR local offices to favor dissemination at the national level).

III. Additional remarks and questions

Would you discuss the situation when the State under review changes the wording of recommendations before accepting them? Ex: India

When a state changes a recommendation, we indicate the change in a footnote and provide the original version of the recommendation.

The case of India:

At the stage of the addendum, the State produced a list of recommendations that they had reinterpreted. They accepted the recommendations received, but partially. The State rewrote the recommendations mentioning only the parts they accepted without declaring the changes they made.

The OHCHR representatives explained that this is not an acceptable action because recommendations are only to be accepted or rejected, not changed. However, these situations exist and the case has been brought to the attention of the President of the Human Rights Council. No satisfactory solution has been found so far and the Council is still discussing such incidents. Although the UPR process is not perfect, it works well especially because it provides equality to all States in treatment and in the manner of reviewing. It alleviates accusation between States, encourages dialogue, and tackles important issues regarding human rights. Moreover, we should acknowledge the improvements that States have been showing. India and many others States used to reject most and sometimes all the recommendations received, while they now accept most recommendations.

Would you speak about the footnotes that were added by Sri Lanka?

Ms. Speideh Mohadjer personally coordinated the Sri Lanka case and spoke from her experience. She said that the recommendations were changed because some States negotiate with other States during the period of 48 hours that they are given. In some cases, they succeed in convincing States of the change. In these cases, footnotes are always provided to reflect the change.

It is important to understand that the report reflects exactly what is said in the room. Changes that take place afterwards are added in footnotes and indicate that negotiation process happened afterwards. Ms. Mohadjer said they do their best to avoid these situations, but about 10% of countries insist on negotiation or clarification after the session. Sometimes, States only want to change the wording of the recommendation, but at other times, they have problems with the substance of the recommendation itself. All of these details are reflected in the footnotes.

What is the role of troika?

A group of three States who serve as rapporteurs and diplomats to assist the State under review. The troika is selected through a drawing of lots following elections for the Council membership in the General Assembly. Troikas can be changed if they happen to be from the same regional area or under the request of the State under review. They are responsible for the outcome report.

Is it possible to mention the recommendations in the 2nd cycle stakeholders' submission?

Although it would be more helpful to mention the recommendations again in the 2nd cycle summary of stakeholders' submissions, the reason the OHCHR does not do it is that it takes away from the space and forces them to use less words to convey important information. Sometimes mentioning new developments is much more important than the recommendations., as it is the case with the Arab Spring which brought so many important changes that needed to be discussed. However, the OHCHR encourages stakeholders to make

the link with 1st cycle recommendations in their submissions. This may also represent a positive methodology to make the UPR process clearer for local members.

Is it possible to know who on the OHCHR team is working on what country in the UPR?

The question was asked in order to arrange possible meetings between OHCHR officers working on a specific country and NGO local members from that country gathering in Geneva for training sessions on the UPR. OHCHR replied that rotation problems are essentially what make difficult to identify the person in charge for a specific country within the OHCHR. Also, sometimes this kind of information can be sensitive. As a rule, States are not informed on who is in charge to work on the UPR of specific countries within the OHCHR. However, meetings with NGO delegations are quite common. The best thing to do is to address the desk office explaining that a NGO delegation from a specific country would like to meet with OHCHR officers. The office will inform relevant colleagues including those working in UPR department.