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Seminar about implementation of UPR recommendations
adopted by Switzerland

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Human rights infra structures

At the national level it is important to have clear and transparent systems, procedures, institutions and plans in place to strengthen the implementation of the country's international HR obligations. Of course this includes the UPR recommendations.

At this point all UN member countries have gone through the first cycle of UPR and are meeting the challenges of how to implement the adopted recommendations.

This is why the creation of human rights infra structures are quite important to consider.

We do not have any detailed UN resolutions elaborating on how to institute human rights infra structures. Each country is free to decide how to go about it.

My focus today is to look at which instruments might be put in place to constitute the infra structures. The purpose of such structures is to create a conducive national framework for implementation of UPR recommendations as well as other types of human rights obligations.

I will focus on five instruments and draw a bit on experiences from the Danish UPR process.

- **National human rights action plan**

Why is it important to have a national action plan?

1) It means creating a coherent overall plan guided by a long term vision, medium and short term goals, define areas of intervention, prioritize and breaking these into action plans and budgets.

2) It allows for an overview: absorbing and coordinating existing sub plans in specific areas and identify needs for new sub plans in specific areas of intervention.

3) It can absorb/incorporate UPR recommendations as well as UN treaty body concluding observations.

Danish experiences:

The Danish Institute for Human Rights (NHRI) is conducting a human rights baseline study to describe and identify human rights areas of concern.

Recommendations from the human rights baseline study will feed into a national action plan.

It will furthermore include UPR recommendations and treaty body concluding observations.

The Institute is developing a corresponding matrix for the national action plan and it includes:

List separately all recommendations/actions to be taken
For each recommendation/action list of responsible state agency/cies
For each recommendation/action list of the timeframe
For each recommendation/action list the reporting deadlines of implementation (partly and fully)

OHCHR has made an excellent handbook on how to conduct a baseline study and develop a national action plan.

- **National Human Rights Institute**

A NHRI can in the capacity of an independent institution possessing exclusive knowledge on human rights provide important contributions to:

- Conducting a human rights baseline study (Legislative, systemic, institutional, procedural etc dimensions of study documenting the holistic human rights situation in a country)
- Develop a model for a national action plan
- Develop a matrix relating to the national action plan to create overview
- Monitoring of the implementation of the national action plan
- Advising the government the process of implementation and monitoring

Danish experiences:

The Institute is preparing a human rights baseline study – the first holistic human rights study in Denmark.

The baseline study will be updated by the Institute annually and this will serve as independent monitoring of the national human rights action plan.

The Institute is offering the Danish government advising in developing a national human rights action plan and a related matrix.

- **Governmental focal point**

To ensure ongoing attention and follow up it is important that the government is explicit in deciding which agency is responsible for the implementation of UPR recommendation and other international human rights obligations.

In many countries focal points are established but they are only mandated to ensure coordination of reporting on international human rights obligations.

The focal point for national implementation of international human rights obligations needs to be equipped with necessary skills and resources to be able to cover this dimension.

The implementation mandate of the focal point will be to act as the initiator, coordinator, and monitor of the implementation process from start to end – ensuring that things get done by those who are in fact responsible for the implementation. This includes:

- the formation of the national action plan including a matrix creating the needed overview,
 - communication/involvement of all responsible state agencies,
 - ongoing monitoring of progress of plans – reporting by responsible state agencies,
 - setting up of new structures
- **Overall monitoring body**

A cross ministerial body with representation of civil society, NHRI and other relevant bodies can be established to ensure overall coordination and overall monitoring of the process of implementation of the national action plan.

The governmental focal point can provide the needed reporting to the overall monitoring body where all involved implementing agencies and key independent human rights institutions are represented.

The monitoring body will consider the submitted reporting and jointly adjust the national action plan if and when needed. The focal point will ensure the decisions are communicated to all involved agencies.

- **Process**

The last instrument concerns the process.

One of the few suggested actions in the second and following cycles of UPR is that *"States are encouraged to conduct broad consultations with all relevant stakeholders on the follow-up"* (HRC resolution 16/21)

A minimal way to do so is to invite for a presentation and discussion of a mid-term reporting on implementation of UPR recommendations.

A more developed approach would involve hearings and broadly targeted meetings to collect comments from stakeholders in the various steps such as:

- Commenting on the draft human rights baseline study
- Deciding priorities for the national human rights action plan
- Commenting on the draft national human rights action plan

- Presenting independent monitoring of the national human rights action plan before the drafting of the governmental mid-term UPR draft progress report
- Commenting on the governmental mid-term UPR draft progress report
- Providing input to adjustments of the national human rights action plan

All in all these instruments – and possibly also others - can contribute towards the creation of a particular framework which is exclusively addressing implementation of international human rights obligations.