



**FUNDERS LEARNING VISIT  
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**The Office of the UN High Commissioner for Human Rights (OHCHR),  
the Human Rights Council, and the Universal Periodic Review:  
Challenges and Opportunities**

**Tuesday, May 4, 2010, 2:00-3:30 pm**

*Facilitator:* **Michael J. Hirshhorn**, Jacob and Hilda Blaustein Foundation; IHRFG

*Speakers:* **Ambassador Carlos Portales**, Permanent Mission of Chile to the United Nations; **Juliette de Rivero**, Human Rights Watch; **Lucia Nader**, Conectas Direitos Humanos (Brazil); **Eric Tistounet**, Human Rights Council Branch of the OHCHR

**Juliette de Rivero** opened by stating that the transition from the Human Rights Commission to the new Human Rights Council was more successful than many had thought it would be. It is important for the Council to work with human rights organizations from around the world, and to this end, HRCNet was founded to serve as a cross-regional network of organizations to share information and advocate at the Council. Human Rights Watch and Conectas Direitos Humanos are both members of HRCNet. All NGOs – whether local, US-based, or international – and all governments are responsible for the performance of the Human Rights Council. They work with other NGOs to include a wide diversity of voices in the information and ideas coming into Geneva, and help groups not in Geneva to know what is going on around the Council. Human Rights Watch works to hold governments accountable, and being based in Geneva, Juliette has collaborated with Conectas.

There are a lot of bigger questions that must be addressed in working with the Council, and they address these through the individual actions of their members. One example was the controversial resolution on defamation of religion, which was almost defeated. Opposition went well beyond the US and issues around Islam – e.g., Argentina was very involved through a sustained advocacy campaign.

They also engage with governments, including working to get African governments to engage with Sudan. They try to elevate the debate, and persuade countries not to dilute resolutions and instead to take firm stands. They sit with delegations and walk through arguments from different perspectives. When Africans are advocating for themselves, it's not as easy to brush off as Western values only. They operate as a network to break up tendencies toward regional voting blocks, and as a cross regional group to show global support for the issues they work on. It is the first time they are seeing different

ambassadors getting involved, and opening up new spaces for discussion. The network allows them to exchange more information and coordinate across organizations and regions.

**Lucia Nader** discussed the work of Conectas, a Brazil-based organization which has become more engaged with the Human Rights Council through HRCNet, and is an excellent example of an actively involved national organization. Conectas was founded in 2001 and works to promote respect for human rights in the Global South through programs and advocacy at the national, regional, and international level. They have a national judicial program and work with the Inter-American Court, and work with over 650 activists internationally in the global South, including African and Portuguese activists. Southern governments have started playing a larger role in the UN, and they work to empower Southern NGOs and advocate at the national level in Southern capitals, to influence their governments' foreign policy as it impacts other countries.

The Human Rights Council uses several mechanisms. First, there is peer review, which includes the elaboration of reports, interactive dialogue, the adoption of an outcome report with recommendations, and follow-up – and NGOs have a role to play in each phase of the process. Second, there is the Universal Periodic Review (UPR). By contrast, the UPR is a national process, with only some moments in Geneva. Brazil was one of the first countries to undergo the UPR and it is still a new process. They tried to participate in each phase: they organized three NGOs, pushed for a public hearing in the Senate, and lobbied government locally, not only in Geneva. They also came to Geneva twice for the interactive dialogue and the adoption of recommendations, and they are staying involved in follow-up activities. Conectas has gone on to work on UPR engagement with 29 other countries, including Lesotho.

The UPR can create momentum on the national level and open opportunities for NGOs to have a dialogue with government. However, challenges include:

- Convincing the state to engage;
- Ensuring NGOs have the resources to write reports and travel to Geneva;
- Implementing recommendations;
- Protecting human rights defenders from reprisals, especially since more NGOs are engaging with the process for the first time, and their visibility has increased.

For example, when the Lesotho delegation traveled to the Human Rights Council, it was their first time in Geneva, and the day after they arrived, one of its members got a call about his papers.

Q: What is a concrete example of one of these mechanisms being taken back and having an impact at the national level?

A: Conectas was involved in advocacy around prison conditions in Brazil during the UPR. This received a lot of media attention in Brazil and the courts decided to release minors until a solution was found; Brazil was ashamed by the visibility they faced in Geneva.

NGOs need to engage with us on their government's foreign policies. Religious issues have been dominated by Islamic issues. Also, the biggest obstacle for greater protection of women's rights is that many Islamic and North African countries are worried that women's rights would expand to rights for LGBT communities, and they push back more aggressively against women's rights for this reason.

**Eric Tistounet** discussed the OHCHR, which was first established in 1993 to strengthen UN human rights programs in the wake of the Cold War, and underwent the major reforms establishing the Human Rights Council in 2006, after 9-11. There were fewer than 100 staff members for UN human rights programs in 1985, and that number has grown to over 800 employed today, with many of them working in the field and in regional offices. Before, there were no NGOs, no media, and no field offices; reports were simply sent to experts in anonymous experts. Now, there are over 40 countries on the Council, with UN coordinators and the UNDP involved, and twice the number of treaty bodies in operation. This expansion was begun in 1985 with a major reform of the UN, and continued under Kofi Annan, who doubled resources for human rights programs.

He dislikes the wording of “politicization” of the Council, since human rights are political and work on them will always be “politicized.” The problem is instead polarization, especially among geographical groupings of nation. The EU spends a lot of time on work internally and then has no time left to address issues outside of its region. But when the Council is in session, there are hundreds or thousands of people talking with their discussions broadcast over the web. There is no other place for such public multilateral discussions of human rights to take place. For example, when Vanuatu was before the Council for its UPR in 2009, over 6,000 Vanuatians were watching the proceedings (which is substantial in a country with a population of under 250,000). A drawback, though, is that journalists inevitably try to condense all the issues covered into 1-2 minute news items. The Council is working to make the recommendations given during the UPR matter more, but so far the trend is positive.

Q: What next? What opportunities are there for funders around the UPR? What new partnerships are emerging between NGOs and the UNHCHR?

- One major need is for follow-up to the UPR. Over 9,000 recommendations have been made so far. Some bilateral interaction between governments is very important, but some is useless because governments want to maintain friendly relations. The OHCHR has no budget for follow-up work. Also, funding to bring NGO delegations to Geneva for the UPR is key.
- One idea for follow-up is to index all recommendations. Another is to bring everyone back around the table (national institutions, civil society, governments, etc) to take stock, see what’s being done by other countries, and map what more is needed. Everyone sees the UPR as great now, but we need to withhold judgment until the second cycle, when follow-up and progress can be evaluated. It’s still unclear what the rules of engagement or focus of the second round will be, or how chronic violations will be addressed.
- Another challenge is to involve legitimate local NGOs in the process. Many governments created government-sponsored NGOs to get ECOSOC status and these then monopolize the space and dialogue talking about less relevant things.
- **Lucia** explained that after the UPR in Brazil, 9 NGOs got together to look at recommendations. They categorized all 467 recommendations and mapped, digested, and strategized how to implement them, as well as deciding which were legitimate and which were not. It can be difficult to find information, but a database of recommendations for each country would be very helpful. The webcast and field offices (or the UNDP) are also a great resource.

- With the OHCHR, they created a civil society unit that helped Conectas and produced a useful handbook.
- NGOs tend to push for independence and openness in the OHCHR/HRC, but governments want to take control of them.
- There will be a chance to improve the UPR at the future review of the HRC. E.g., Some governments received a lot of recommendations, but countries haven't said which ones they'll adopt. One improvement would be to make governments state what actions they'll take.
- Also, we can look at what treaties a government has ratified and bring them up at the UPR.
- Methodologically, it's too early to evaluate the HRC, but working within a bureaucracy, it's necessary to get the process moving – many shortcomings are already apparent.
- So far, all governments called to the UPR have taken part, which wasn't true in the past with treaty body reviews (states are eager to review other countries). However, it's possible to praise the UPR too much and dilute treaty bodies.