

ADVANCING DISABILITY RIGHTS THROUGH STRATEGIC HUMAN RIGHTS REPORTING:

Fostering Disability Rights Organizations Participation in the UN Universal Periodic Review Procedure

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What is the UPR?

- ▣ Country assessment mechanism
- ▣ All UN member states subject to review
- ▣ Intergovernmental or peer review
- ▣ NGO and stakeholder participation

What is the value of UPR?

- ▣ Unique opportunity to advocate
- ▣ Unique opportunity to put country under spotlight
- ▣ Not work like a court of law

Basic facts about the UPR

- ▣ Periodic review every 4 years
 - 16 states reviewed at each UPR session
 - 3 sessions per year

Stages of the UPR

- The reports
 1. State report
 - Max 20 pages
 - Oral and/or written
 2. UN report compilation
 3. DPO/NGO and stakeholder report compilation

- DPO/NGO and stakeholder submissions
 - 5 page limit
 - Filing deadlines

- What do you want reflected in the report
 - ▣ Thematic issues
 - ▣ Assess challenges
 - ▣ Individual cases
 - ▣ Recommendations – specific, actionable and measurable
 - ▣ Integrate disability human rights perspective

- Stages of the review (in the Working Group)
 - ▣ Working Group
 - ▣ Adopting the report of the review
 - ▣ Final outcome of the UPR- Human Rights Council adopts it

Advocacy Targets



- ▣ State under review
- ▣ Other Governments
- ▣ Media, public opinion
- ▣ National legislature/parliament

Advocacy tools

- ▣ Recommendations
- ▣ Clear concise information
- ▣ Targeted and focused

Examples of advocacy targets

- Policies or laws
- Ratify CRPD and regional treaties
- Ratify CRPD Optional Protocols
- Remove reservations, understandings and declarations
- To institutionalize specific safeguards to ensure independence of the judiciary
- Standing invitations to UN special procedures
- Invite specific mandate holders to the country
- Individual cases
- Implementation of recommendations of Special Procedures or Treaty Bodies
- More ideas....

Possible advocacy targets on the situation of persons with disabilities

- *Note that advocacy targets for each article of the Convention on the Rights of Persons with Disabilities are outlined in the handout that accompanies this session. All of these issues cannot be covered in a single DPO UPR submission. DPOs should identify a few specific elements in their areas of expertise to provide a detailed, but focused, report. Illustrative examples are outlined below.*
- Article 6: Women with disabilities
 - ▣ Do women and girls enjoy full and equal human rights and freedoms?
 - ▣ Has the country taken action to support the growth and empowerment of women and girls with disabilities so that they can use and enjoy their rights?

Possible advocacy targets on the situation of persons with disabilities – Continued

- Article 19: Living independently and being included in the community
 - Does the country protect the rights of persons with disabilities to live in the community, to be fully included and to participate in the community?
 - Are persons with disabilities forced to live in institutions?
 - Are personal assistants available to persons with disabilities to help with inclusion in the community?

Possible advocacy targets on the situation of persons with disabilities – Continued

□ Article 24: Education

- Does the country ensure that persons with disabilities have the right to education which, among other things, develops the personality and talents of persons with disabilities to their fullest potential?
- Are persons with disabilities afforded the opportunity to learn alternative means of communication, such as Braille and sign language, and orientation and mobility skills, and are peer support and mentoring facilitated?
- Are persons with disabilities employed as teachers and are all teachers and staff properly trained on techniques for providing education to students with disabilities?
- Does the country provide equal access and appropriate accommodations for persons with disabilities to obtain required elementary and secondary training, vocational training, post-secondary education and life-long learning programs?

Possible advocacy targets on the situation of persons with disabilities – Continued

- Article 29: Participation in political and public life
 - Does the country ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right to vote and be elected?
 - Does the country ensure that voting is accessible and that persons with disabilities can vote in secret and have the assistance of a person of their own choosing if necessary?
 - In the country, are persons with disabilities encouraged to be involved in the government and public affairs, and does the country encourage the development of Disabled Persons Organizations?

Possible advocacy targets on the situation of persons with disabilities – Continued

□ Article 46: Reservations

- If the country has ratified the CRPD, has it done so with any reservations, declarations or understandings and, if so, are they incompatible with the purpose of the Convention?

□ Optional Protocol

- If the country has ratified the CRPD, has the country also ratified the Optional Protocol so that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention?
- If so, have any complaints been filed against the country, and what was the result?

Advocacy calendar

- 1 year to 6 months before:
 - ▣ Alert civil society of UPR
 - ▣ Define advocacy priorities and report focus
 - ▣ Prepare 5 page written UPR submission and supplemental documentation
- 5 months before:
 - ▣ Start advocacy activities in preparation and lead up to UPR
 - ▣ Trigger media interest
 - ▣ Organize events domestically and internationally

Advocacy calendar - continued

- 3 months before:
 - Lobby key countries
 - Approach embassies of other countries in the reviewed State, foreign ministries (capitals) and Geneva
- 6 weeks before:
 - National report should be public
 - chance for media and public debate aimed at influencing the process pre-session
 - Contrast National report to the UN and stakeholder reports to highlight inconsistencies

Advocacy calendar - continued

- 1 day before:
 - ▣ Media advisory or press release
- On the day of the review:
 - ▣ Monitor the review – WEBCAST
 - ▣ Inform media and others about what happened
 - ▣ Shape the debate about what happened
 - ▣ Try to influence which recommendations the government under review will agree to follow
- On the day adoption of the report of the review
 - ▣ Inform media and others

Press

- Bring attention to main issues raised and recommendations formulated
- Stir up debate on recommendations State should accept
- Criticize/praise the quality of the review and the Government's behaviour
- Announce areas requiring follow up

Advocacy calendar – continued

- After the adoption of the report of the review
 - Lobby domestically to influence Government's decision on recommendations under consideration
 - Use international pressure
 - Adoption of the final report at the Human Rights Council Plenary
 - If your DPO/NGO has (ECOSOC) Observer Status at the UN you can make a statement about the UPR process

Follow up

- Taking the UPR results back home
 - ▣ Organizing national follow-up debates
 - ▣ Create national mechanisms to monitor follow-up and implementation
 - ▣ Lobby for concrete follow-up

Useful websites

- <http://www.upr-info.org> UPR-info.org is a project of UPR Info, a non-profit and non-governmental organization (NGO) based in Geneva, Switzerland. UPR Info intends to both raise awareness and provide capacity-building tools to the different actors of the UPR process, such as United Nations Member States, NGOs, National Human Rights Institutions and civil society in general.
- <http://upr-epu.com> UPR Watch, a project of the Research Center in Public Law of the University of Montreal's Law Faculty
- <http://www.ohchr.org> Office of the High Commissioner for Human Rights
- <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> OHCHR's UPR webpage
- <http://www.un.org/disabilities/default.asp?navid=13&pid=150> United Nations Convention on the Rights of Persons with Disabilities text
- <http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Contents%20of%200%20Human%20Rights.%20YES!.html> Lord, Janet E., Guernsey, Katherine N., Balfe, Joelle M. & Karr, Valerie L., Flowers, Nancy, Editor. Human Rights. Yes! Action and Advocacy on the Rights of Persons with Disabilities. Human Rights Education Series: Topic Book 6. (2007)