



**Advancing Disability Rights through
Strategic Human Rights Reporting:
Fostering Disability Rights Organizations Participation in the
UN Universal Periodic Review Procedure**

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The United Nations Universal Periodic Review (UPR) is the mandatory reporting procedure of the United Nations Human Rights Council (HRC) for all UN Member States and each state is reviewed every four years. The UPR assesses accomplishments and future objectives to advance human rights. Non-governmental organizations have an important role to play in this process and have the right to submit reports in their areas of expertise.

Disabled persons organizations (DPOs) have not engaged in the UPR and there is little to no coverage of disability rights in State Party UPR reports. Engagement by DPOs in the UPR process creates visibility, enhances advocacy skills and supports DPO capacity-building and engagement with national governments and multilateral organizations.

The goals of this interactive Tool Kit for DPOs include active learning and participatory methods and covers the United Nations Human rights Council's Universal Periodic Review framework and enhances UN advocacy skills, including

report preparation, effective lobbying techniques, media strategies and post-reporting national follow-up.

▶ What is the UPR?

- A country assessment mechanism
- All UN member states are subject to review and can participate in it
- Intergovernmental or “state-driven” process – functions like a peer review mechanism
- NGO and other stakeholder participation

▶ What is the value of UPR?

- A unique opportunity to advocate for improvements in a country under review
- Unique opportunity to put the country under the spotlight
- It does not work like a court of law and is one of many tools

▶ Basic facts about the UPR

- UPR of a country occurs periodically every 4 years
- 16 states reviewed at each UPR session
- 3 UPR sessions per year
- UPR Calendar: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx>

▶ Stages of the UPR

▶ The reports

1. State report

- Max 20 pages

- Oral and/or written
- 2. UN report (Compiled by Office of the High Commissioner for Human Rights)
- 3. DPO/NGO and stakeholder report (Compiled by OHCHR) from submissions

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

▶ DPO/NGO and stakeholder submissions

- 5 page limit for individual organizations
- 10 page limit for organization Coalition submissions
- Pay close attention to filing deadlines

▶ What do you want reflected in the report

- Thematic issues
- Broad assessment of challenges
- Individual cases
- Recommendations – specific, actionable and measurable
- Fully integrate disability perspective and provide information that permits the identification of concrete recommendations concerning disability issues and the rights of persons with disabilities

▶ The review (in the Working Group)

- 3 hour debate
- Other states/Governments ask questions, make comments and recommendations of the state under review
- Country under review has 1 hour to
- Present its report

- Respond to written questions
- Respond to questions, comments and recommendations from the floor
- Present conclusions

LINK TO WEBCAST of the session:

<http://www.ohchr.org/EN/HRBodies/UPR/PAGES/UPRMain.aspx>

▶ Adopting the report of the review

- Troika + Secretariat prepares the report
- Must accurately reflect debate
- Contain formulated recommendations
- State under review can make comments to recommendations
- Report is presented to the WG for adoption 2 days after the review
- State under review has until the next HRC UPR plenary session to respond to recommendations

▶ Final outcome of the HRC UPR

- Adopted at the next regular session of the UN Human Rights Council (1 hour)
- DPOs/NGOs with ECO-SOC status can make statements
- Final report is adopted, containing:
 - A procedural decision adopting the final outcome
 - The report of the working group
 - Written comments provided by the State under review
 - Summary of the plenary proceedings contained in the report of the session

▶ Advocacy targets

- State under review
- Governments participating in the review (in capitals, in the capital of the State under review, and their missions in Geneva)
- Media, public opinion at home and in Geneva
- National legislature/parliament

▶ Advocacy tools

- Focus on recommendations
- Provide clear concise information on the situation
- Advocacy should be targeted and focused
- Examples of advocacy targets
 - For the release of political prisoners
 - To the review of problematic policies or laws
 - For the ratification of the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments
 - To sign Optional Protocols to the CRPD and other relevant human rights treaties
 - To remove reservations, understandings and declarations to human rights treaties
 - To institutionalize specific safeguards to ensure independence of the judiciary
 - For the reviewed country to issue standing invitations to UN special procedures
 - For the reviewed country to invite specific mandate holders to the country
 - To give visibility to specific individual cases
 - To prove the lack of freedom of association, given the low NGO life and participation in the country, including through the HRC UPR process

- For the implementation of specific recommendations made by Special Procedures or Treaty Bodies
 - To advocate for access to prisons by International Committee of the Red Cross (ICRC) and other bodies
 - To call for the establishment of an Office of the High Commissioner for Human Rights OHCHR office
 - More ideas....
- ▶ Possible advocacy targets on the situation of persons with disabilities – Note that 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, especially given the page limits on submissions and the importance of providing detailed information.
- 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 and that their organizations can thrive?
 - Article 7: Children with disabilities
 - Do children with disabilities have the same rights as other children?
 - Do children with disabilities have the right to give their opinions, and do they have the support they need to do so?
 - Article 8: Awareness-raising
 - Has the country taken action to make the community in general aware of the human rights of persons with disabilities, treat them with respect, fight against prejudices and stereotypes, show the skills of persons with disabilities, and encourage the media to show images of persons with disabilities that promote the rights of persons with disabilities rather than only pity?
 - Article 9: Accessibility

- What actions has the country taken to remove barriers to persons with disabilities in buildings, roads, transportation, and indoor and outdoor facilities, such as schools, housing, hospitals, health centers and workplaces?
- What actions has the country taken to remove barriers to persons with disabilities in information, communication, and other services, such as electronic and emergency services?
- Has the country set standards for accessibility of public spaces and services?
- Does the country have a mechanism to ensure that private businesses and organizations open to the public are accessible?
- Are Braille signage, readers, sign language interpreters and guides available to persons with disabilities to assist them in accessing buildings and programs that are open to the public?
- Does the country promote new technologies that improve access to information and communications for persons with disabilities?
- Article 10: Right to life
- Has the country taken the necessary steps to ensure that persons with disabilities enjoy the inherent right to life on an equal basis with others?
- Article 11: Situations of risk and humanitarian emergencies
- Has the country taken steps to ensure that persons with disabilities are protected in times of war, natural disasters or other emergencies?
- Has the country taken steps to ensure that persons with disabilities are engaged in all processes post-conflict or natural disaster and that women with disabilities are included in these processes?
- Article 12: Equal recognition (as a person) before the law
- Do persons with disabilities have the right to recognition as persons before the law and enjoy legal capacity on an equal basis with others in all aspects of life?
- Does the country provide support to persons with disabilities they may require in exercising their legal capacity?
- Does the country ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights laws? Do such safeguards ensure that measures relating to the exercise of legal capacity respect the rights, will and

preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body, and are the safeguards proportional to the degree to which such measures affect the person's rights and interests?

- Do persons with disabilities have the right to own or acquire property, the right to control their own money and other financial affairs, the same opportunities as other people to acquire bank loans, mortgages and credit, and are not arbitrarily deprived of their property?
- Article 13: Access to justice
- Does the country ensure that persons with disabilities can access the justice system in the same way as other people do, including physical access to institutions of the justice system and the provision of reasonable accommodation?
- Does the country provide training to justice system personnel on providing access to persons with disabilities?
- Article 14: Liberty and security of the person
- Does the country ensure that persons with disabilities, on an equal basis with others, enjoy the right to liberty and security of person, and are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty?
- Does the country ensure that if persons with disabilities are deprived of their liberty through a proceeding, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and the human rights of persons with disabilities?
- Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Does the country ensure that persons with disabilities, on an equal basis with others, are not subjected to torture or cruel, inhuman or degrading treatment or punishment, nor are they subjected without his or her free consent to medical or scientific experimentation.
- Article 16: Freedom from exploitation, violence and abuse

- Has the country taken appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities from all forms of exploitation, violence and abuse, including their gender-based aspects?
- Has the country provided appropriate forms of assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse?
- Does the country ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by an independent authority, and if so, how?
- Does the country support persons with disabilities with their recovery and reintegration into society if they have been victims of violence and abuse?
- Has the country enacted laws and policies to investigate and punish people who abuse or mistreat persons with disabilities?
 - Article 17: Protecting the integrity of the person
 - Does the country have any legislation or program to ensure that every person with a disability has a right to respect for his or her physical and mental integrity on an equal basis with others?
 - Article 18: Freedom of movement and nationality
 - Does the country recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, and their rights to change their nationality, leave and enter their country?
 - Are children with disabilities registered at birth?
 - 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?
 - Article 20: Personal mobility

- Has the country taken effective measures to ensure personal mobility with the greatest possible independence and lowest cost for persons with disabilities?
- Are quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries available to persons with disabilities?
- Is mobility training available?
- Article 21: Freedom of expression and opinion, and access to information
- Do persons with disabilities have the right to say what they think by using Braille, sign language or any other type of communication that they choose?
- Are private businesses and organizations that serve the public encouraged to make their services more accessible for persons with disabilities, and is the media encouraged to make their information accessible to persons with disabilities?
- Article 22: Respect for privacy
- How does the country ensure that no one interferes in the private life of a person with a disability, enters their home, opens their mail, intrudes on their family, or harms their good name without cause?
- What does the country do to protect the privacy of information about the health and rehabilitation of persons with disabilities?
- Article 23: Respect for home and the family
- How does the country protect the right of persons with disabilities to marry and have a family, have access to information on reproduction and family planning and help in understanding this information, and retain their fertility, on an equal basis with others and without discrimination?
- How does the country ensure the right of persons with disabilities to care for and adopt children, giving priority to the best interests of the child?
- Does the country provide assistance to persons with disabilities in raising their children?
- What information, services and support does the country provide to children with disabilities and their families to minimize concealment, abandonment, neglect and segregation of children with disabilities, and how does the country ensure that children are not taken away from their parents against their will unless it is in their best interest and is done legally and without discrimination on the basis of disability?

- When the immediate family is not able to care for a child with a disability, does the country make efforts to provide alternative care within the wider family or in the community and not in segregated facilities?
- 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?
- Is such education provided in the general education system rather than in segregated facilities and programs?
- 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?
- Article 25: Health
- Does the country take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation?
- Are persons with disabilities provided with sexual and reproductive health care which is gender sensitive and inclusive of all sexual and reproductive health care?
- Do persons with disabilities receive the same variety, quality and standard of free and affordable health care as other people?
- Do persons with disabilities receive the services they need because of their disability and that protect them from further disability?
- Does the country provide training to health workers and have standards to ensure that persons with disabilities receive the same quality care as others, and that health care is only provided with the informed consent of the person with a disability?
- Does the country prohibit discrimination against persons with disabilities with respect to health insurance and life insurance?

- Does the country ensure that persons with disabilities are not discriminated against or denied health care or health services, or food and fluids, because of their disability?
- Article 26: Habilitation and Rehabilitation
- Does the country take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life?
- Does the country offer comprehensive habilitation and rehabilitation services and programs, especially in the areas of health, employment, education and social services?
- Does the country promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation?
- Does the country promote the availability, knowledge and use of assistive devices and technologies designed for persons with disabilities as they relate to rehabilitation and rehabilitation?
- Article 27: Work and employment
- Does the country prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions?
- Does the country protect the right of persons with disabilities to the equal pay for equal work, and safe and healthy working conditions?
- Does the country ensure that persons with disabilities have the right to organize and join labor unions and trade unions like everyone else?
- Does the country provide career counseling and job training for persons with disabilities?
- Does the country promote self-employment, business opportunities, cooperatives and start up businesses for persons with disabilities?
- Does the country hire persons with disabilities to work in the government, and help other employers to hire persons with disabilities?
- Does the country provide reasonable adjustments in the workplace for persons with disabilities?

- Does the country ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labor?
- Article 28: Adequate standard of living and social protection
- In the country, do persons with disabilities have an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, without discrimination?
- In the country, do persons with disabilities have access to social protection programs and poverty reduction programs?
- Does the country provide access for persons with disabilities living in poverty to assistance from the government with disability-related expenses?
- Does the country provide access for persons with disabilities to public housing programs and retirement benefits and programs?
- 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?
- Article 30: Participation in cultural life, recreation, leisure and sport
- Does the country take appropriate measures to enable persons with disabilities to participate in cultural life, and are cultural materials and facilities accessible to persons with disabilities?
- Does the country foster programs that enable persons with disabilities to develop and utilize their creative, artistic and intellectual talents?
- Does the country ensure that laws that protect documents and other writings and inventions from forgery or copying do not discriminate against people with disabilities?

- Does the country promote and encourage persons with disabilities to take part in sports with people without disabilities at all levels, organize disability-specific sport and recreation activities, receive the same training as others, and have equal access to sports and recreation facilities?
- Article 31: Statistics and data collection
- Does the country collect appropriate statistical and research data to enable them to implement the Convention and to identify barriers to persons with disabilities, ensuring the privacy and confidentiality of persons with disabilities?
- Article 32: International cooperation
- Does the country engage in international cooperation or development programs, and do such programs include persons with disabilities?
- Article 33: National implementation and monitoring
- Has the country designated one or more focal points within government to address matters of implementation of the Convention?
- Does the country have an independent mechanism to promote, protect and monitor implementation of the Convention, e.g. a national human rights institution, and are persons with disabilities included in the monitoring process?
- Articles 35 and 36: Reports by States Parties; Consideration of reports
- If the country has ratified the Convention on the Rights of Persons with Disabilities, has the country submitted its report to the CRPD Committee?
- Article 40: Conference of States Parties
- If the country has signed or ratified the CRPD, has the country participated in meetings of the Conference of States Parties?
- 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?
- Other international Human Rights Treaties
- Has the government ratified any other human rights treaties, e.g., Convention on the Elimination of All Forms of Discrimination Against Women, Convention Against Torture, Convention on Civil and Political Rights, Convention on Economic, Social and Cultural rights, etc.?
- In reporting to the respective Committees for these treaties, has the Government raised issues concerning persons with disabilities?

*** See Appendix A for a Guide on Reviewing Legislation from a Human Rights Perspective...

► Advocacy calendar

- 1 year to 6 months before:
 - Alert civil society in reviewed country of upcoming UPR
 - Define key advocacy priorities and focus for report
 - Prepare a 5 page written submission for the UPR, along with supplemental documentation
- 5 months before:
 - Start advocacy activities in preparation and lead up to UPR
 - Trigger media interest in the process
 - Organize events domestically and internationally to bring attention to the UPR
- 3 months before:
 - Start lobbying key countries to take up issues and make specific recommendations in the Working Group

- Approach embassies in the reviewed State, foreign ministries (capitals) and Geneva delegations
 - 6 weeks before:
 - National report should be public
 - ▶ chance for media and public debate aimed at influencing the process immediately prior to the session
 - ▶ National report can be contrasted to the UN and stakeholder reports to highlight inconsistencies or denial by the reviewed state
 - 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 what recommendations the State should accept to implement
 - Criticize/praise the quality of the review and the Government's behavior
 - Announce areas that require follow up

*** For a Detailed Media Strategy Guide, see appendix B...

▶ Advocacy calendar

- After the adoption of the report of the review
- Lobby domestically to influence the decision of the government on recommendations under consideration
- Use any international pressure available
- 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 HRC 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://www.WomenEnabled.org> website of Women Enabled International for resources on the rights of women and girls with disabilities
- [http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Contents%20of%20"Human%20Rights.%20YES!".html](http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Contents%20of%20) 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)

APPENDIX A: ANALYZING LEGISLATION OR POLICY

Questions to ask

The following list of questions may help you analyze a policy statement or piece of legislation:

- Who benefits from this legislation or policy (if anyone)?
- Who loses (if anyone)?
- What will be the consequences five years from now of enforcing this?
- How does the legislation or policy affect marginalised groups?
- Is this something ordinary people can understand?
- Who supports this law/policy, and why?
- How did this issue first come to the notice of decision-makers?
- What is the financial cost?
- Can it be enforced? If so, by whom, and how?

- What is the penalty if you don't obey this law/policy?
- Does the law/policy violate the UN Declaration of Human Rights, the UN Convention on the Rights of Persons with Disabilities or any other convention signed by your country?
- Is the law/policy consistent with your own country's Bill of Rights and/or Constitution?

*Reference: Adapted from **Training for Transformation, Book 4**, by Anne Hope and Sally Timmel, Mango Press, Zimbabwe, 2000.*

APPENDIX B: USING THE MEDIA

The specific news strategies frequently used by media advocates include building professional relationships with journalists, creating news, linking issues with breaking news, and using paid or free advertising selectively.

Cultivating Relationships

Journalists need information and ideas for stories with importance to the local community. Advocates need to think of themselves as sources for these stories. To be a good source, it is necessary to have expertise, credibility, reliability, and timely information as well as a broad knowledge of an issue. A source should be able to point the journalist to others who can add to the story and provide sufficient background to cover key points, including the points of opposition.

Creating News

Issues that concern large numbers of people, raise broader community issues, involve conflict, controversy or injustice are potential news stories. Every day, news outlets have a "news hole" to fill, and there always is more news than can be covered. The more interesting, important, and easy to cover a story is, the more likely it is to be covered.

Linking to Breaking News

Every day, there are stories in the news to which advocates can link their issues. Sometimes breaking news can be anticipated.

Evaluation - The basic question of the impact evaluation is whether the policy being advanced was actually adopted. However, media advocacy inevitably is only one of several important factors that contribute to achieving the desired change.

Evaluation questions in media advocacy revolve around three points:

- Did the issue get on the media agenda?
- Did the issue get framed from the policy perspective?
- Did the media coverage advance the message?

Basic outcome issues include whether (1) the issue was placed on the public agenda, (2) it put pressure on and mobilized key decision makers, and, (3) the policy was enacted or the change occurred.

Steps in media advocacy:

- ✚ Identify local print and electronic and internet media in your city or region and nationally;
- ✚ Identify key journalists interested in the issues that concern you;
- ✚ Designate one or two key media spokespersons for the organization;
- ✚ Craft a pointed and direct media message: sometimes you only get 10 or 20 words of print or 10 seconds of airtime;
- ✚ Prepare a concise one-page document outlining your key points, incorporating the points above;
- ✚ Invite media to your events.

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For information on human rights, women's rights and the rights of women with disabilities internationally...

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