Bringing International Human Rights Home

A Civil Society Toolkit on International Human Rights Reporting.
Section 1: Introduction to human rights reporting at the United Nations (UN)

1.1 Introduction

This toolkit is aimed at civil society groups and non-governmental organisations (NGOs) who intend to use international human rights monitoring at the United Nations (UN) in their advocacy and campaign activities. Engaging in human rights monitoring can help to influence decision-making on critical issues, tackle the root causes of inequalities, improve services and secure legal and social change. Working collectively on human rights can also be empowering and provide a means for individuals/groups to get access to public life.

Human rights monitoring is defined by the 2001 UN Training Manual on Human Rights as “the active collection, verification and immediate use of information to improve human rights protection”. The UN is especially important for the promotion and protection of human rights. It was created in the aftermath of the Second World War and the Holocaust/Shoah to build a new world grounded on peace, justice and respect for human rights. As a member of the UN, Ireland is required to promote the principles and values of the institution.
Human rights are also monitored under human rights treaties to which states have voluntarily signed up. There are currently nine core UN human rights treaties which have been agreed at the international level since 1948 that are important for human rights monitoring in Ireland, which cover: civil and political rights; economic, social and cultural rights; racism; women’s rights; torture; children’s rights; migrant rights; disability rights and protection against enforced disappearance. In contrast to the UPR process, these treaties are monitored by Treaty Monitoring Bodies (TMBs) made up of independent experts. TMBs also issue recommendations benchmarking the state of human rights in each signatory country.

Civil society and NGOs can play an important role at the international level in ensuring that human rights are effectively monitored and protected. The purpose of this kit is to equip and empower leaders, members of civil society and activists to identify/monitor human rights violations in order to educate bodies charged with examining Ireland’s record at the UN. It is segmented into short sections explaining: how human rights monitoring can be useful for campaign work; the importance of coalition building; liaising with the State; how to prepare reports for UN bodies; the role of civil society during formal examinations by human rights bodies; media/public awareness; follow-up activities and fundraising.

### What are human rights?

Human rights are inherent to all human beings and without discrimination.

Universal human rights are expressed and guaranteed in international human rights conventions. These generally require governments to act in certain ways or to refrain from particular actions, in order to promote/protect human rights and fundamental freedoms of individuals or groups.

Human rights entail both rights and obligations. The obligation to protect requires states to protect individuals and groups against human rights abuses. So for example, the State must ensure that people within its jurisdiction are not subjected to torture, or detained unless it is in accordance with the law. States must also take positive actions to facilitate the enjoyment of basic human rights, such as providing for access to education, health services and social security.

At the individual level, while we are entitled to enjoy our human rights, we should also respect the human rights of others.

**Source:** Adapted from the United Nations High Commissioner for Human Rights. [www.ohchr.org](http://www.ohchr.org)

### 1.2 UN Human Rights Treaties

There are currently nine core UN human rights treaties which have been agreed at the international level since 1948 that are important for human rights monitoring in Ireland.

- **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965**
- **International Covenant on Civil and Political Rights (ICCPR), 1966**
- **International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979**
- **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), 1984**
- **Convention on the Rights of the Child (CRC), 1989**
- **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), 1990**
- **International Convention on the Rights of Persons with Disabilities (CRPD), 2006**
- **International Convention for the Protection of All Persons from Enforced Disappearance (ICAED), 2010**

Through its membership of the UN and because it has signed up to and given effect to human rights treaties, the Irish State is obliged to respect, protect and fulfil the international human rights of everyone in the country.

Each treaty is monitored by a Treaty Monitoring Body (TMB) comprised of independent experts that are elected for a four-year term by UN Member States. These committees monitor the implementation of each treaty by reviewing reports which states are expected to submit usually every two to four years (depending on the treaty). The State’s Report is supposed to effectively set out how it is respecting and treating the rights of people within its jurisdiction under each article of the treaty.

**Did you know?** Ireland, along with its European counterparts, has not signed or given effect to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
However, the State’s Report can include information gaps, be misleading and demonstrate a lack of understanding of certain human rights concerns. Civil society organisations address these issues by preparing ‘shadow reports’ to pinpoint inaccuracies in the State’s Report and provide an independent analysis of facts on the ground. These reports may be submitted under any human rights treaty and can be an important organising mechanism for collective action on human rights issues.

The State’s Report and shadow reports are considered by the TMB when a country’s progress under a treaty is being examined. The State’s officials are also invited to a session of ‘constructive dialogue’ with the TMB over a period of two days at the UN. NGOs lobby independent experts on the TMBs and participate in briefings to ensure that the experts are fully apprised of human rights problems in their country.

Following the examination, the TMB issues ‘concluding observations’ which provide a benchmark, and through strong NGO interventions, the TMBs are usually able to produce an authoritative overview of the state of human rights within a country. The observations also provide advice on how to stimulate systemic improvements in human rights protection and should be viewed as a political tool to demand legal and social change.

1.3 Universal Periodic Review (UPR)

The UPR process was created through a UN General Assembly Resolution in 2006 and has been operational since 2008. It is an important political process for countries because they are examined by their peers, that is, other countries. Approximately 48 countries per year are examined through this process and Ireland will be reviewed for the first time in October 2011.

This process is much broader than the treaty monitoring system and assesses how countries are respecting the commitments made and agreements signed under international law. In particular, countries are reviewed on their human rights obligations in the:

- The Charter of the United Nations (founding document of the UN)
- The Universal Declaration of Human Rights
- Human rights treaties ratified by the State concerned
- Voluntary pledges and commitments made by the State
- International humanitarian law (laws of war and armed conflict)

The Outcome Report of the UPR is a list of recommendations on how the State can improve the human rights situation in a country. See Section 7 for more information on the UPR, and refer to A Plain English Guide to the Universal Periodic Review which is accessible at: www.rightsnow.ie

Section 2: Why use human rights monitoring for campaign work?

- Human rights monitoring can be important for campaign work to promote public awareness of a human rights issue and achieve legal/social change.

- Human rights language is designed to be easy to understand and sets out a common standard of achievement for all peoples and nations. The language of human rights can be empowering for marginalised and oppressed people.

- Human rights monitoring opens up opportunities for leadership and can provide legitimacy/authority to help groups advocate for reform on unpopular issues at home.

- Human rights language can transform real needs into legal rights and can be extremely helpful for analysing laws and public policies.

- The steps that civil society and NGOs need to take to prepare reports for UN bodies provide a model for documenting and gathering evidence of a human rights problem. They also help to identify solutions for addressing an issue.

- Reports prepared for UN bodies can be useful for public awareness, media work and education. If done well, the report can become a reference document for independent experts, public policy makers, the media, academia and civil society.

- The production of reports for UN bodies can be an organising mechanism for collective action for a diverse group of organisations on salient human rights concerns.

- An examination of the country’s record at the UN level can provide opportunities for exposure of a human rights problem and can create openings for media work.

- In preparing its reports for UN bodies, the State conducts consultations, particularly under the UPR process. This is a good opportunity for civil society and NGOs to feed their issues to national policy makers.

- A critical evaluation of Ireland’s progress by a UN body not only reflects badly at home, it can also impact on Ireland’s aspirations at the UN and international level.

- The issuance of recommendations from a UN body can be used to encourage political party representatives to seek a parliamentary debate or to ask a question of a particular Minister at the Oireachtas (Houses of Parliament).
Section 3: Working together

3.1 Introduction

If a civil society group or NGO is considering preparing a report for a UN Body a decision needs to be made on whether to join an existing coalition/alliance, find project partners or work as a single entity. This decision depends on the context, the issues involved, the availability of resources, as well as internal staff and volunteer capacity.

3.2 Advantages of working with coalitions or project partners

- UN body members may prefer dealing with coalitions that have already agreed a set of priority issues. This is due to the fact that members from these bodies do not have a lot of time to learn about the domestic situation and lengthy documentation can be overwhelming.

- Engaging in human rights monitoring work can be a protracted process spanning over two years and involving research, consultations, advocacy, lobbying and media work. Many groups therefore decide to pool their resources by joining existing coalitions or finding project partners.

- Building credibility and presenting a united front can be very important to convince and persuade a range of audiences of human rights violations documented in a report for a UN body. This is why groups often try to organise collectively or ask project partners and allies to endorse their reports for UN bodies.

Did you know? When the human rights treaties were originally agreed by UN Member States, the Treaty Bodies were never set up “to have teeth”. So for example, the Treaty Bodies are not judicial bodies and cannot strike down laws or grant legal remedies/compensation. However, over time they have strengthened human rights protection by working constructively with governments and expanding states’ understanding of how they should protect and fulfil people’s rights. A forthcoming examination before a Treaty Body can provide impetus for the Government to launch a new policy initiative. Success in law reform can be more complex but in Ireland, the Government has initiated major reforms because of its human rights obligations. For example, the Government set up the Ombudsman for Children to help it meet its obligations on children’s rights. The Oireachtas enacted the Criminal Justice (United Nations Convention Against Torture) Act, 2000 in order to fulfil its obligations under the UN Convention Against Torture.

There are several Irish coalition-type organisations which campaign/lobby before specific thematic human rights treaties. The Women’s Human Rights Alliance (WHRA) co-ordinates work around CEDAW and the ICESCR. The Children’s Rights Alliance (CRA) co-ordinates activities before the CRC and the NGO Alliance Against Racism organises activities in relation to the ICERD (refer to the contact list). Amnesty International is coordinating work under the ICESCR. The Irish Council for Civil Liberties (ICCL) is currently coordinating the civil society response under the UPR process and is working with a Cross-Sectoral Steering Group involving representatives from NGOs and civil society groups.

The FLAC/ICCL/IPRT Experience:
The ICCL approached FLAC and the IPRT in 2006 to discuss the possibility of working together in advance of Ireland’s third examination under the ICCPR. The ICCL made this approach based on existing positive working relationship with these organisations and the fact that both FLAC and the IPRT campaigned on issues that directly came under the scope of the ICCPR. Representatives from the three groups met regularly and rotated the chairing/venues of meetings. A Project Manager from the ICCL was tasked with co-ordinating meetings and keeping both FLAC and the IPRT well informed of all developments. The three groups agreed on a project plan, applied for funding to cover costs, recruited a researcher, organised consultations with civil society and NGOs and co-ordinated submissions and media/public awareness activities.

In order to build credibility for its shadow report, a range of civil society and NGOs were contacted and asked to endorse the report. Finally, FLAC/ICCL/IPRT worked with many of these organisations to lobby members of the Human Rights Committee during Ireland’s formal examination in July 2008.
3.3 Disadvantages of working with coalitions or project partners

— NGO reports for UN bodies are not intended to be exhaustive and may fail to provide sufficient detail on a pressing human rights issue. In these circumstances a group might decide to submit its own report or write directly to the human rights body in question to provide additional information on the domestic situation.

— Sometimes the voices of minorities can get lost in coalition-led NGO reports or in co-ordinated lobbying/advocacy strategies. Where minorities are well organised, it can be better for them to work on their single issue to ensure that it gets taken up by the UN body.

— Working with coalition and project partners can mean that certain issues do not get taken up or prioritised in lobbying strategies. Some groups might decide to lobby and campaign by themselves to ensure that a controversial issue at home becomes visible at the international level.

— Networking, negotiating and liaising with project partners can be resource-intensive for a single-issue organisation. Civil society groups and NGOs need to weigh up the benefits of working in coalitions and alliances as well as the possible outcomes from an examination by a UN body.

Working in Partnership: If an organisation/body decides to work with project partners, it is worth considering taking the following steps:

- Decide on a project leader or co-ordinator.
- Prepare a memorandum of understanding covering decision-making procedures, methods for communicating/consulting, resource allocation and the sharing of work.
- Agree a programme of work with target dates.
- Schedule meeting times and dates for a specified timeframe covering the duration of the project (where possible).
- Consider final evaluation options and follow-up activities.

The State’s major obligation under a UN Human Rights Treaty is to prepare a report which sets out article by article how the State is respecting, protecting and fulfilling its obligations for everyone. In relation to the UPR process, the State must prepare a state report which will form part of its review.

When preparing its reports, a government department will consult with colleagues from other government departments and statutory bodies in order to gather relevant information. The Government may also decide to consult with national human rights institutions (NHRIs) such as the Irish Human Rights Commission (IHRC), the Office of the Information Commissioner (OIC), the Data Protection Commissioner, the Garda Síochána Ombudsman Commission (GSOC) or the Ombudsman for Children (OCO).

Generally, a government department will consult with members of civil society and NGOs when preparing its report under a human rights treaty for a TMB. This consultation may happen before the compilation of a report or after a first draft is complete. However, consultation results can be mixed. Sometimes, they result in certain changes in the Government’s text, and on other occasions, the views of civil society and NGOs are included in an appendix.

Under the UPR process, the Government is obliged to conduct a broad consultation with civil society and other relevant stakeholders on the human rights record in the country. The Government has established an Inter-Departmental Working Group on UPR and its UPR website is accessible at: www.upr.ie

Positive Steps for Working with Government:

- Find out which department or division is responsible for co-ordinating the State’s response under the Convention (the Human Rights Unit of the Department of Foreign Affairs usually knows this). Responsibility for the UPR process resides with the Department of Community, Equality and Gaeltacht Affairs.

- Join mailing lists on any updates regarding the preparation and submission of the Government report.

- It is important to keep relevant government officials informed of your activities and to provide them with advance copies of submissions and reports. Invite them to any major conferences or events that you are hosting.

- A government department may not provide much notice when organising a consultation so it is important to update schedules regularly to allow sufficient time for your organisation to respond.

- When preparing submissions in reaction to a government consultation, civil society groups and NGOs should consider asking the Government to outline its response to recommendations from UN bodies on Ireland, clarify its position on key issues and provide concrete statistics/facts that demonstrate the negative and positive impacts of its laws, policies and practices.
Section 5: Fundraising for human rights reporting activities

- International human rights monitoring work can be factored into core costs for an organisation if properly planned in advance.

- If NGOs are working in coalition, they can be asked to contribute funding, resources or assistance towards joint human rights monitoring work.

- If your organisation is a member or an affiliate of an international organisation, it is worth checking if funding can be made available to participate in human rights monitoring work.

There are several public and private funders which provide funding for different aspects of human rights monitoring work or specialist themes (see below).

Tips: If government departments fail to make funding available to enable civil society and NGOs to participate or engage in human rights monitoring activities, this can be raised as a serious issue in shadow reports and supplementary submissions to the Treaty Monitoring Body that is examining Ireland.

AW.60
Heather Swailes
Trustee
York
United Kingdom
Email: aw.60@phonecoop.coop

AW.60 is a British trust that provides small grants to help organisations develop their effectiveness, administration and policy-making by enabling committee members, staff or volunteers to attend training courses, conferences or to visit other projects.

Dept. of Justice, Equality & Law Reform
94 St Stephen’s Green
Dublin 2
Tel: (01) 602 8202
www.justice.ie

Different divisions of the Department are responsible for co-ordinating the Government’s response under CAT and CEDAW. The relevant division of the department can provide support to enable NGOs to participate.

Human Rights Unit
Department of Foreign Affairs
80 St Stephen’s Green
Dublin 2
Tel: (01) 478 0822
www.dfa.ie

The Human Rights Unit of the Department of Foreign Affairs co-ordinates the Government’s response in relation to the ICCPR and the ICESCR. On occasion, the Department can provide funds to organisations to participate in human rights sessions and examinations.

Department of Health and Children
Hawkins House
Hawkins Street
Dublin 2
Tel: (01) 635 4000
www.dohc.ie

The Department co-ordinates the Government’s response in relation to the CRC. It should be contacted directly to establish what funding will be made available for NGOs intending to undertake work under this treaty.

Office of the Minister for Integration
Dún Aimhírigin
43 – 49 Mespil Road
Dublin 4
Tel: (01) 647 3236
www.integration.ie

The Office of the Minister for Integration co-ordinates the Government’s response in relation to ICERD. It should be contacted directly to establish what funding will be made available for NGOs intending to undertake work under this treaty.

St Stephen’s Green Trust
PO Box 950
Naas
Co Kildare
Tel: (045) 480 666
Email: info@ssgt.ie
www.ssgt.ie

The Trust will make small grants towards specialist projects focusing on homelessness, prisoner/ex-prisoners and Travellers (thematic areas can change from year-to-year).

Universal Periodic Review Secretariat
94 St Stephen’s Green
Dublin 2
Tel: (01) 602 8202
www.justice.ie

This Department co-ordinates the State’s response under the UPR process. It should be contacted directly to establish what funding will be made available for NGO intending to prepare reports and campaign under the UPR process.

Funding Point
www.fundingpoint.ie

Fundingpoint.ie provides information on all funding sources available to voluntary and community groups.
Section 6: NGO activities under UN Human Rights Treaties

6.1 Getting started: Preparation for shadow report writing

- Find out when the Government is likely to submit its report and inquire with the Secretariat of the relevant TMB when the State will be invited for a formal examination at the UN. It is also essential to discover the date for the submission of shadow reports. This deadline should be incorporated into your project planning and scheduling.

- Ireland has lodged reservations in relation to the ICERD, ICCPR, the ICESCR and CEDAW. It is important to find out which articles have a reservation and examine the rationale for the reservation. Generally many of the reservations are due to potential conflict between a treaty provision and an article of the Irish Constitution. Civil society and NGOs should encourage the Government to withdraw its reservation or take steps that would allow its withdrawal.

- The website of the Office of the Human Rights Commissioner is a major resource for anyone planning to prepare a shadow report. Become familiar with the website as it hosts information on: international human rights standards, TMB working methods, schedules, submissions from government/NGOs and resources. It is accessible at: www.ohchr.org

- When countries sign up to a treaty, reservations can be lodged to particular articles. While the reservation cannot be incompatible with the object or purpose of a treaty, it can mean that the article or aspects of it are inapplicable during an examination.

- TMBS often publish an expanded interpretation on the content of human rights treaties in the form of ‘general comments’ on thematic issues. Find out if the TMB has published a general comment on your issue and rely on this statement to determine if the Government is respecting this human rights provision in practice. General comments are accessible on the website of the TMB (www.ohchr.org).

- If it is not the first time that a government has been examined, gather any concluding observations from previous examinations. Committee members/independent experts will use the concluding observations as a baseline when reviewing Ireland’s progress under a human rights treaty. Concluding observations are accessible on the website of the TMB (www.ohchr.org) or the Irish Human Rights Commission (IHRC) (www.ihrc.ie).

Tips: In common with other countries, Ireland does not have a good reputation for submitting its reports to TMBS on time. When a government report is due, it is important for civil society groups and NGOs to regularly inquire on the status of such reports and bring any delays to the public’s attention.

6.2 Reading and critiquing the Government’s Report

- Civil society organisations and NGOs need to scrutinise the Government’s Report to identify any information gaps, misleading statements or poor analyses of human rights problems.

- Any serious information gaps, inaccuracies or issues in the Government’s Report should be highlighted and critiqued in the shadow report and in lobbying/advocacy activities with TMB members.

- If adopting this approach, it is useful to flag the relevant paragraph and page number from the Government’s Report in your shadow report to enable the reader to crosscheck.

6.3 Identify concerns and human rights violations

- From the outset it is important to identify concerns and human rights violations falling solidly under a treaty article.

- Identify the main determinants or factors causing the human rights violation and assess the adequacy of any legal measures or policy efforts to address the factors. Assess whether legal and policy failures are due to inability, a lack of resources or political will.

- Use the text of the treaty articles and the TMB’s corresponding general comments to establish if there is a gap between Ireland’s human rights obligations and the situation on the ground. Concluding observations from other countries should help in clarifying the TMB’s thinking on your human rights issue or concern.

- A civil society group or NGO can highlight a potential human rights violation that is new for the TMB in question. However, compelling and persuasive information would need to be provided to convince the TMB that the issue is a breach of the treaty.

6.4 Gather documentation and evidence

- Gather documentation and evidence of human rights violations through testimonies, interviews, meetings, human rights reports, media articles and surveys.

- Utilise government information, official statistics and court judgments where possible to illustrate a human rights issue or violation. Reliance on official data will improve the credibility of a shadow report.

- Ensure that any documentation and evidence is properly referenced in the shadow report and provide dated web references where possible.
6.5 Consultation

- Consultation can be useful for identifying concerns and human rights violations together with gathering relevant documentation and evidence.

- Consultation can take many forms and civil society groups/NGOs can choose a range of methods. In some instances, it might be advisable to arrange a well-attended public hearing permitting a wide range of representatives and individuals to provide some input.

- On more sensitive issues it might be preferable to organise a small confidential focus group of individuals where anonymity is assured.

- Consultations may also be in written form with groups/individuals submitting their views in writing in a specified time-frame.

- Consultations can be organised prior to the preparation of a shadow report and again once a first draft is complete. Consultations on a draft report can be used as an opportunity to seek endorsements from other organisations and individuals in order to build credibility for the document.

Tips on organising consultations:

- Publicise the consultation well in advance.
- It is important during consultation exercises that groups and individuals are informed of the parameters and limitations of potential issues that could be included in a report for a UN body. Devising a primer document which includes specific questions related to the treaty and previous recommendations from a UN body should help.
- Choose an experienced facilitator and chair that can generate a focused discussion.
- The facilitator should ensure that all participants have an opportunity to raise their issues or views.
- Make sure that the views of those consulted are properly documented and written up in a report.
- Provide supports and resources to guarantee participation from vulnerable and marginalised groups. This might take the form of financial support towards travel, meals, childcare or the booking of an Irish Sign Language (ISL) interpreter.
- Always ensure that consultation venues are linked to good public transportation networks, have appropriate parking and are accessible for people with disabilities.

6.6 Writing and preparing a shadow report for maximum impact

- Shadow reports can be organised under thematic headings or the relevant articles of the treaty. Generally, organisations submitting shadow reports on specific issues will choose thematic headings, while coalitions will prepare shadow reports providing information article-by-article.

- Discursive and lengthy shadow reports will not be as impactful as shadow reports that are brief and clearly rights-based. It is recommended that each section of the report should:
  - Highlight the human rights issue.
  - Point to any inaccuracy, information gap or poor analysis in the Government’s Report.
  - Provide concrete back-up evidence that is clearly referenced.
  - Note the potential treaty violation accompanied by a recommendation to address the issue.
  - Include a potential question which Treaty Body members might ask of the Government.

- Care should be taken to ensure that the shadow report is readable with no errors. Occasionally groups submit sloppily written documents that may impact on the document’s credibility. In order to guarantee that the document is accessible and readable to a range of audiences, it is important to appoint an author with good drafting skills and an editor with a keen eye. Editing time should be factored into project planning and scheduling.

- The visual presentation of a shadow report is crucial to ensure that issues within the document are understood and taken-up. Choose a template which is appealing, or, with any procured funding, find a graphic designer to design and typeset the document. Illustrations, figures and photos all help to improve readability.

- Groups sometimes gather a ‘book of evidence’ with clippings and reproductions of pertinent newspaper articles for the TMBs Secretariat.
Tips on launching and promoting an NGO report for a UN body:

- The launch of a shadow report can be the first step in a human rights advocacy campaign.
- Organise the launch early in the week and before 11am to ensure that the information gets to news desks in a timely fashion.
- Pick a venue that will be easily accessible for journalists, parliamentarians, public policy makers and civil society/NGOs.
- Brief specific correspondents that are likely to be interested in covering your launch. You may need to negotiate some measure of exclusivity.
- Prioritise issues and develop press messaging that can be understood by members of the public. Stories and real life scenarios can help here.
- If working in coalition, co-ordinate press releases and spokespersons for comment through one central communications officer.
- Think about writing an opinion piece for a major newspaper.
- Encourage opinion piece writers and bloggers to comment on your report.
- Ensure that all media contacts are targeted for the launch and encourage current affairs broadcast shows to do a special feature covering issues in your report.
- Disseminate the NGO reports widely and in many forms.
- Explore ‘new media’ forms of communication and create a FACEBOOK page or Twitter feed.

If your organisation or coalition has the resources, consider seeking assistance, advice and/or the services of a public relations company. Sometimes it is possible to negotiate good deals or to secure some work on a pro bono basis.

6.7 Setting the agenda for dialogue with TMBs

- Over the years, the TMBs have adopted operating procedures to improve the efficiency of the system. Several appoint pre-sessional working groups or ‘country report task forces’ to identify preliminary questions to focus the dialogue with representatives from the State. The Government’s representatives are normally expected to respond to these questions in writing prior to the examination.

Civil society organisations and NGOs can ensure that they have an active role in setting the agenda for this dialogue by submitting a shadow report in a timely fashion.

TMB members can also be directly lobbied in advance of any pre-sessional working group meeting through the organisation of an informal lunchtime briefing. These informal sessions should be advertised to TMB members well in advance and in a venue within the UN. International human rights organisations and the Treaty Body Secretariat can assist with the organisation of briefing sessions.

The FLAC/ICCL/IPRT Experience: In March 2008, FLAC/ICCL/IPRT organised an informal lunchtime briefing for members of the UN Human Rights Committee several days prior to an ICCPR pre-sessional meeting on Ireland.

The International Federation of Human Rights advised FLAC/ICCL/IPRT on the most appropriate time to host the meeting and liaised directly with the UN Human Rights Committee to advertise the briefing. The Federation also advised on any language issues and helped with arranging the venue and lunch for UN Committee members.

The briefing took place in New York in the offices of the UN High Commissioner for Human Rights. A FLAC/ICCL/IPRT delegate gave a presentation for approximately 40 minutes and committee members asked questions in response.

The session was extremely successful for FLAC/ICCL/IPRT as it was well attended by Human Rights Committee members. The Committee also subsequently issued a list of probing questions to the Irish Government which echoed concerns expressed in this briefing. These included questions on: same-sex partnerships and airports to facilitate rendition and the persistence of ‘slopping out’ in Irish prisons.

The briefing presentation needs to prioritise no more than eight to ten human rights issues backed up by concrete evidence and proposed questions which the TMB can ask of the Government. Submissions should be very brief and be no more than five to eight pages.

Recognising that Treaty Body members are from a wide range of countries, it is important that the briefing presentation and lobbying approach avoids local jargon, excessive details or common anecdotes. It is also essential to check out the working languages of Treaty Body members who are likely to attend to ensure that interpretation facilities can be arranged by your group if necessary.

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6.8 The role of civil society and NGOs at formal examinations

- The TMBs examine the Government’s Report in the presence of representatives of the reporting states over the course of two days. The TMBs require the Government to send representatives that are sufficiently senior and experienced enough to obtain the maximum benefit from a dialogue.

- The formal examination takes place in the conference room of the UN buildings in Geneva or New York. The dialogue normally follows a common format:
  - The Chairperson welcomes the Government’s delegation.
  - The head of the country’s delegation (a Minister, the Attorney General or Secretary General of a government department) introduces the State’s Report.
  - TMB members make comments and put questions to the Government delegation (this is largely led by a designated country rapporteur).
  - Members of the Government delegation may respond to questions immediately but will mostly prepare responses overnight for delivery the following day.
  - TMB members may ask additional questions.
  - Final remarks will be made by the country rapporteur and the Government delegation before the meeting closes.

- Under the ICCESCR, CEDAW and the CRC, the TMBs allocate formal sitting times for NGOs to provide information orally to committee members. The CAT holds a closed formal session with NGOs. However, under the ICERD, and the ICCPR, civil society groups and NGOs generally organize informal breakfast or lunchtime briefing sessions just before the formal examination begins. Civil society groups and NGOs can discreetly provide additional suggested questions to TMB members during the dialogue in order to immediately contest an inaccurate or misleading statement by government.

- The TMB will then issue concluding observations benchmarking the Government’s progress under the treaty and make recommendations for systemic legal and policy change. Concluding observations are mostly prepared by the TMB’s Secretariat in close cooperation with the TMB’s designated country rapporteur.

- The observations are advisory in nature and usually contain: an introduction, details of the examination, an acknowledgement of ‘positive aspects’ of the Government’s record, ‘principal areas of concern’ and ‘recommendations’. The observations are then made public and the Government is expected to publicise them widely.

6.9 Preparing civil society and NGO actions prior to an examination

Civil society groups and NGOs can work together and plan their activities in co-operation before a formal examination through a process of prioritisation and negotiation. Take the following steps if working in coalition or with project partners:

**Did you know:** UNCAT is equipped with a inquiry provision that permits it to conduct an inquiry whenever it receives a well-founded indication that torture is being systematically practiced in the territory of a country. With the consent of that country, its inquiry may include a visit to its territory. However, states may opt out of this provision.

**Tactics for lobbying Treaty Body members:**

- Study the background and record of achievement of Human Rights Committee members (their CVs are accessible on the committee website).
- Organise meetings in advance where possible with specific members.
- Approach particular members before the session starts.
- Co-ordinate lobbying activities with other NGOs and do not crowd Treaty Body members.
- Distribute additional information to committee members via their Secretariat.

Find out which groups plan to attend the formal examination and invite them to work with you.

Through a series of planning meetings, prioritise, negotiate and agree a set of key issues.

Nominate a leader/organisation to make contact with the Secretariat of the TMB. Book time if NGOs have formal standing with the Committee for the NGO briefing or arrange an informal briefing just before the examination begins.

Prepare a joint summary of concerns and a presentation of ten key human rights issues backed up by concrete evidence. Disseminate this widely to all TMB members via the Secretariat.

Try to ensure that minority and vulnerable groups do not get marginalised during this process. Make space in the briefing to ensure that there is some diversity in speakers and persons responding to questions from TMB member

Prepare an information pack for civil society groups and NGOs attending the event and arrange accreditation for individuals attending either through an international organisation or through the TMB.
Section 7: The Universal Periodic Review (UPR)

7.1 Introduction

Under the UPR, countries are examined by their peers, that is, other UN countries. While the UPR process is a state-driven exercise there are many opportunities for NGOs to take part and have their say. NGOs can submit information which will be used in the review and can take the floor prior to the adoption of the Outcome Report during a Human Rights Council session. NGO involvement can take many forms and representatives will often:

- Participate in the national consultation organised by the Irish Government.
- Send submissions to the Office of the High Commissioner before the Review.
- Lobby members of the UPR Working Group through embassies based in Ireland or the United Kingdom.
- Take the floor during the Human Rights Council session before the adoption of the Outcome Report on Ireland.
- Work with government to implement the UPR recommendations.

7.2 Before getting started

- Find out the submission date for stakeholder reports. Remember, in the UPR process, civil society stakeholder reports are submitted first.
- Contact government officials to find out government plans around the production of the State Report, especially in relation to its consultation. The Irish Government’s consultation website is accessible at: www.upr.ie
- Monitor the website of the Office of the High Commissioner on Human Rights for updates on Ireland’s review (www.ohchr.org). The Irish NGO cross-sectoral group will also host up-to-date information and is accessible at: www.rightsnow.ie
- Review any previous UPR examinations and conduct research on the type of recommendations that are made, and, those that are accepted and rejected.
- Gather any concluding observations from previous TMB examinations. These will form part of the UPR examination; therefore they could be helpful to you. Concluding observations are accessible on the website of the TMB (www.ohchr.org) or the Irish Human Rights Commission (IHRC) (www.ihrc.ie).
- Consider whether any civil society coalition has been formed and whether your organisation would be best placed to participate in that.
### Case Study: Cross-Sectoral Steering Group on Ireland

In preparation of the Irish stakeholder report, the Irish Council for Civil Liberties (ICCL) brought together a UPR Cross Sectoral Steering Group (CS-SG) of representatives from key Irish NGOs and bodies (refer to page 28 for the full membership).

The purpose of Group is to strategically input into the coordination of an inclusive and participative civil society response to Ireland’s examination under the UPR process by the UN Human Rights Council in 2011. It also advises on issues to be included in the stakeholder report. It is also expected that the Group will participate in the UPR Cross-Sectoral Working Group and sources of the information contained in the report and provides guidance on the accuracy examination under the UPR process by the UN.

The Group (CS-SG) of representatives from key Irish NGOs and bodies (refer to page 28 for the full membership).

### 7.3 Engaging with Government

- States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders. NGOs should try to feed into the Government’s consultation events. NGOs can also seize this opportunity to run a national campaign to promote the UPR and bring it to the attention of the general public and the media.

- It is worthwhile checking if there is any mechanism being established by the Government to oversee the implementation of recommendations from the UPR Working Group.

### 7.4 The stakeholder reports

- NGOs and civil society can prepare stakeholder reports which the OHCHR will summarise into one summary report for the UPR Working Group. In preparing a stakeholder report, NGOs/civil society should:

  - Identify relevant concerns and human rights violations

  - Consult with constituent members (if relevant) — refer to ‘Tips on organising consultations’.

  - Consider previous UPR recommendations (if relevant).

  - Use compelling and persuasive information to convince the UPR Working Group that the issue is a breach of the country’s human rights obligations.

- Gather documentation and evidence of human rights violations through testimonies, interviews, meetings, human rights reports, media articles and surveys.

- Utilise government information, official statistics and court judgments where possible to illustrate a human rights issue or violation. Reliance on official data will improve the credibility of a stakeholder report.

- Ensure that any documentation and evidence is properly referenced in the stakeholder report and provide dated web references where possible.

### Timeline for Ireland’s UPR Examination:

- **21 March 2011**: Independent NGOs, other civil society organisations and the IHRC must send their reports to the Office of the UN Human Rights Commissioner.
- **4 July 2011**: The Irish Government must send its report to the Office of the UN Human Rights Commissioner.
- **6 October 2011**: Ireland is reviewed under the UPR in Geneva.
- **8 October 2011**: The UPR Working Group adopts the Outcome Report on Ireland.
- **March 2012**: The UN Human Rights Council adopts the Outcome Report on Ireland.

### 7.5 Reviews before the UPR Working Group

The UPR review is carried out by a working group of the UN Human Rights Council called the UPR Working Group, which in practice, is all 47 members of the Council. The Working Group receives support from a group of representatives from three countries named a ‘troika’. Troika members are chosen by drawing lots among members of the UN Human Rights Council and are often diplomats or experts nominated by the country.

Before the review takes place, countries that are represented on the UPR Working Group can send written questions for the country under review to the troika. The troika passes these questions to the Office of the High Commissioner for Human Rights who then sends them to the country in question.

The review itself is based on three documents examined by the UPR Working Group of the UN Human Rights Council.

- **State report**: This contains information prepared by the State under review about the human rights situation in the country. This report cannot be longer than 20 pages. The Irish Government’s deadline to submit this report is 4 July 2011.

- **UN summary report**: This report is prepared by the Office of the UN High Commissioner for Human Rights. It summarises information in different UN documents such as reports of the TMBs and UN Special Procedures. This report cannot be longer than 10 pages.
Stakeholder summary report: Summary reports contain information from NGOs, civil society organisations and national human rights institutions. This report is also prepared by the Office of the Human Rights Commissioner using reliable information submitted from NGOs, civil society groups and the Irish Human Rights Commission (IHRC). Civil society reports cannot be longer than 10 pages, if submitted by a group of organisations, or five pages if submitted by a single organisation.

Presentation. The Government of the country under review presents its national report on the human rights situation in the country, including laws, policies, good practices and challenges. The Government also answers any written questions or other issues that have been raised in advance.

Interactive dialogue. After the Government’s presentation, a dialogue takes place between the country under review and the members of the UPR Working Group. At this stage, observer countries (that is, UN member countries that are not members of the UN Human Rights Council) also have an opportunity to speak. The UPR Working Group and observer countries ask questions and make recommendations to the country under review. The UPR Working Group countries can speak for three minutes each and observer countries for two minutes each.

Concluding remarks. During this stage, the country under review may make commitments to improve human rights in a particular way. The country under review may also reply to any of the recommendations made by other countries or to the questions asked during the interactive dialogue.

The review runs for three hours in total and the overall speaking time for the country under review is one hour. Within 48 hours of the UPR Working Group Session, the UPR Working Group issues its report, called ‘the Outcome Report’.

NGOs can lobby states in order to bring to their attention specific issues and to ensure that their issues are addressed during the interactive dialogue in the form of questions and/or recommendations. Those issues can also be raised through advance questions. Due to the high number of NGO submissions, not all the listed issues are brought to the attention of members of the Working Group nor included in summary reports. The information has then to be sent to the capital and the mission in Geneva. When meeting with delegates, whether in the country or in Geneva, it is important for NGOs to concentrate on four or five specific questions and recommendations addressing priority issues and to present them on a short document of one or two pages. This will allow those delegates to easily incorporate them in their statements.

More on lobbying

NGOs and civil society can engage in lobbying both in Geneva and in the country being reviewed.

In Geneva: It is strongly advised to visit at least one month before the date of review as the drafting of a statement by a State requires time and consultations between the capital, the embassy in the country under review and Geneva. However, certain delegations will still consider questions and recommendations the days before the review but only in rare occasions. For more efficiency, make sure to contact your country representative who is in charge of the UPR or the Human Rights Council.

In the country being reviewed: Since the members of the UPR Working Group are country representatives, NGOs and civil society need to lobby through embassies in Ireland. This lobbying must be done three to four months before the date of review as the information has then to be sent to the capital and the mission in Geneva. When meeting with delegates, whether in the country or in Geneva, it is important to concentrate on four or five specific questions and recommendations addressing priority issues and to present them on a short document of one or two pages. This will allow those delegates to easily incorporate them in their statements.

During the UPR Review

NGOs can attend the meeting of the UPR Working Group where countries are reviewed but they cannot participate.

NGOs have the possibility to hold parallel or side events during the Working Group session. At these events, NGOs can put emphasis on or highlight particular human rights issues within the country.

NGOs can conduct assessment meetings in the days following the review of a specific state, in order to evaluate the review and the extent to which some issues have (or have not) been addressed, and to prepare the follow-up.

NGOs can hold press conferences and/or issue press releases on the reviews to give their assessment of the review.

Outcome Report adopted by the UN Human Rights Council

Before the Outcome Report is adopted by the UN Human Rights Council, NGOs can make a public statement about the country under review at an open plenary session. NGOs get 20 minutes to make comments after the State has had 20 minutes to present its position.

As during any Human Rights Council plenary, NGOs can submit written statements under any item. Written statements have less impact than oral ones but they become official UN documents with a symbol.
Section 8: Follow-up and accountability

8.1 Strategic follow-up with government
- Seek a cross-departmental meeting with relevant government officials to find out how the Government will respond and implement recommendations from UN bodies. Seek follow-up meetings with appropriate Ministers as well.

8.2 Public awareness and dissemination
- Issue a press release commenting on recommendations from UN bodies once they are published bringing public attention to the UN’s views on your human rights concern. Ensure that the concluding observations and recommendations are disseminated widely to a range media and publications.
- Organise a follow-up conference involving speakers and invite a wide range of stakeholders, groups and individuals.
- Disseminate recommendations from UN bodies to relevant government and statutory bodies, as well as students, universities, civil society groups and NGOs.

8.3 Policy, advocacy and research activities
- Rely upon and cite recommendations from UN bodies in information material on your issue, policy documents, legislative analyses and research reports.
- Promote awareness of recommendations from UN bodies among opposition political parties and encourage them to seek a parliamentary debate or ask a parliamentary question to discover how the Government intends to implement the recommendations. Call on political parties to incorporate the recommendations into their political party manifestos and/or future Programmes for Government prior to impending elections.

8.4 Legal awareness
- Target legal journals with articles and information on the results of Ireland’s examinations at the UN and any relevant recommendations.
- Promote recommendations among clinical legal education programmes, academic human rights centres and professional legal bodies.
- Usefully cite the recommendations in amicus (‘friend of the court’) submissions and legal cases.

Membership of the Universal Periodic Review (UPR) Cross-Sectoral Steering Group

1. Amnesty International, Irish Section
2. Children’s Rights Alliance
3. Dóchas
4. Educate Together
5. Free Legal Advice Centres (FLAC)
6. Immigrant Council of Ireland (ICI)
7. Irish Congress of Trade Unions (ICTU)
8. Irish Council for Civil Liberties (ICCL)
9. Irish Family Planning Association (IFPA)
10. Irish Penal Reform Trust (IPRT)
11. Irish Senior Citizen’s Parliament (ISCP)
12. Irish Traveller Movement (ITM)
13. National Women’s Council of Ireland (NWCI)
14. Simon Communities of Ireland
15. The Integration Centre
16. Transgender Equality Network Ireland (TENI)
17. Union of Students in Ireland (USI)
Resources and Contacts

**Amnesty International (Irish Section) (2009)**

**Anderson (2008)**
Using quantitative methods to monitor government obligations in terms of the rights to health and education. [www.cesr.org](http://www.cesr.org)


**International Service for Human Rights (ISHR) (2010)**

**Minority Rights Group International (2001)**


**UPR Info**
An NGO based in Geneva that is dedicated to promoting awareness of the UPR process. [www.upr-info.org](http://www.upr-info.org)

**Amnesty International (Irish Section) (2009)**
First Floor
Ballast House
18-21 Westmoreland Street
Dublin 2
Tel: (01) 863 8300
[www.amnesty.ie](http://www.amnesty.ie)

**Children’s Rights Alliance (CRA)**
4 Upper Mount Street
Dublin 2
Tel: (01) 662 9400
[www.childrensrights.ie](http://www.childrensrights.ie)

**Equality Authority**
2 Clonmel Street
Dublin 2
Tel: (01) 417 3336
[www.equality.ie](http://www.equality.ie)

**Garda Síochána Ombudsman Commission**
150 Abbey Street Upper
Dublin 1
Tel: (01) 871 6727
[www.gardaombudsman.ie](http://www.gardaombudsman.ie)

**Irish Human Rights Commission (IHRC)**
Fourth Floor
Jervis House
Jervis Street
Dublin 1
Tel: (01) 858 9601
[www.ihrc.ie](http://www.ihrc.ie)

**NGO Alliance Against Racism**
c/o Dominican Justice Office
All Hallows College
Drumcondra
Dublin 9
Tel: (01) 857 4654
[www.dominicansisters.com](http://www.dominicansisters.com)

**Office of the United Nations High Commissioner for Human Rights (OHCHR)**
Civil Society Unit
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva
Switzerland
Tel: ++ 41 22 917 9656
Email: civilsocietyunit@ohchr.org
[www.ohchr.org](http://www.ohchr.org)

**Ombudsman for Children (OCO)**
Millennium House
52-56 Great Strand Street
Dublin 1
Tel: (01) 865 6800
[www.oco.ie](http://www.oco.ie)

**Women’s Human Rights Alliance (WHRA)**
c/o National Women’s Council of Ireland
9 Marlborough Court
Marlborough Street
Dublin 1
Tel: (01) 878 7248
[www.nwci.ie](http://www.nwci.ie)
Short Courses

**Advanced Course on the International Protection of Human Rights**
The Institute for Human Rights
Åbo Akademi University
Turku / Åbo
Finland
web.abo.fi/instut/imr/

**Annual Summer School on Protecting Human Rights through United Nations Mechanisms**
School of Law, Law & Social Sciences Building
University of Nottingham
University Park
Nottingham
NG7 RD
United Kingdom
www.nottingham.ac.uk/law

**Geneva Training Course on Treaty Bodies and the Universal Periodic Review**
International Service for Human Rights
Rue de Varembe 1
P.O. Box 16
CH-1211 Geneva 20 CIC
Switzerland
www.ishr.ch

**Minority Rights Summer School**
Irish Centre for Human Rights
National University of Ireland
Galway
www.nuigalway.ie/human_rights/summer_schools.html