

# **Australia's Universal Periodic Review 2015**

## **Background Paper for Australian Non-Government Organisations (NGOs)**

The Universal Periodic Review (UPR) is a mechanism of the United Nations Human Rights Council (HRC) that involves a review of the human rights records of all UN Member States. The review is intended to be a cooperative mechanism, based on interactive dialogue with the full involvement of the country concerned, together with other States, NGOs and national human rights institutions.

Australia's first UPR occurred in 2011. Australia's second UPR is scheduled for November 2015. The UPR provides a significant opportunity for Australian NGOs to encourage and influence the Australian Government to improve the protection and promotion of human rights and to fulfil its international legal obligations.

### **Australia's 2015 UPR Process**

Each State is reviewed by the HRC once every four years. The reviews are carried out by the UPR Working Group composed of the 47 HRC members. Each review is facilitated by groups of three States, or 'troikas', who act as rapporteurs.

### **Basis of Review**

Three reports serve as a basis for the review of each State:

1. National Report: Information prepared by the State under review (maximum 20 pages). The 'National Report' should include information on achievements and best practices, as well as challenges and constraints, in protecting and promoting human rights.
2. Office of the High Commissioner for Human Rights (OHCHR) Information: This information is based on reports of the treaty bodies, special procedures and other relevant official UN documents (maximum 10 pages).
3. Other Stakeholder Information/Reports: Additional credible, reliable information provided by other relevant stakeholders (maximum 10 pages), including from the National Human Rights Institution, the Australian Human Rights Commission and NGOs.

### **Working Group**

- The interactive dialogue between Australia and the HRC takes place in what is called the Working Group, at the UN in Geneva. Any of the 193 UN Member States may participate in the Working Group. The 'troikas' compile questions submitted in advance by other States to be shared with Australia.
- The duration of the review of Australia by the Working Group is 3.5 hours, after which the Working Group adopts an 'Outcomes Report'.

## Outcomes Report

- Time is allocated during the next regular session of the HRC to consider the Outcomes Report. One hour will be allocated to consider the Outcomes Report for Australia. States, as well as NGOs and other stakeholders, may participate in these plenary meetings.
- The final outcome of the review is adopted by the entire membership of the HRC at this plenary session.

## Follow up to the Review

- The outcome of the UPR should be implemented primarily by the Australian Government and, as appropriate, by other stakeholders.

## Key Dates

|                              |   |
|------------------------------|---|
| <b>23 March 2015</b>         | NGO Report(s) Due                           |
| <b>20 July 2015</b>          | Australian Government 'National Report' Due |
| <b>November 2015</b>         | Working Group                               |
| <b>January/February 2016</b> | Outcomes Report                             |
| <b>2016-2018</b>             | Implementation and Follow Up                |

## General Role of NGOs

The UPR mechanism allows for active engagement of NGOs throughout the process. The opportunities for NGO participation include:

(a) NGO Report(s)

NGOs wishing to submit information for consideration in the UPR process may send a report to the OHCHR, which then produces a summary of all information received by relevant stakeholders of no more than 10 pages in length.

NGOs must limit joint submissions to a **5630 word (approximately 10-11 page) document** only. Submissions by individual NGOs have a shorter word limit (2815 words). Experience has shown that the most effective way for NGOs to influence the final document is to co-ordinate their efforts and provide the OHCHR with a single report. However, it is obviously up to NGOs themselves to decide whether they wish to be part of the NGO coalition and/or wish to make a separate submission, either jointly or individually, to the UPR process. The deadline for NGO submissions is 23 March 2015.

(b) Australian Government's preparation of the National Report

States are required to prepare the information they submit 'through a broad consultation process at the national level with all relevant stakeholders'. The Australian Government has indicated it will hold a NGO Forum in December 2014, in

part to discuss the draft National Report, and are likely to undertake further consultation on the draft Report. Australia's National Report is due on 20 July 2015.

In addition to participating in these consultations, NGOs may also lobby the Australian Government to make 'voluntary commitments', or concrete pledges to take certain action to promote human rights, prior to appearing before the UPR.

(c) UPR Working Group and Outcomes Report

NGOs can play a crucial role in lobbying other States to ask questions of the Australian Government during the Working Group. NGOs may attend the review in the Working Group.

(d) Adoption of UPR Outcomes Report by Human Rights Council

Before the adoption of the Outcome Report by the plenary of the HRC, NGOs have the opportunity to make very brief oral submissions to the HRC.

(e) Follow up and Implementation

Like all other UN processes, NGOs can and should play a substantial role in ensuring that the Australian Government implements the recommendations that are made by the UPR.

### **Preparing an Australian Joint NGO Report**

Given the usefulness of NGOs coordinating to prepare a joint report, a number of NGOs have established a Coordinating Committee to coordinate a Joint NGO Report for Australia's 2015 UPR. The Coordinating Committee will work with and be guided by an Advisory Committee. It is proposed that the Advisory Committee will be made up from representatives that work in different communities and areas of expertise, who will be responsible for co-ordinating input for various thematic areas of focus for the Joint Report.

Ideally as many NGOs as possible will be involved in contributing in some way to the Joint Report, and ultimately endorse the Joint NGO Report. NGOs can participate through:

- Joining the mailing list and visiting the UPR website once it is developed;
- Joining the Advisory Committee;
- Participating in teleconferences of NGOs involved in the process;
- Participating in planned roundtables in late 2014 to learn more about the process and insights from the last UPR and discuss key issues of concern and the strategy for this UPR;
- Providing input to the Advisory Committee on the key issues for your sector for inclusion in the Joint NGO Report as well as thematic factsheets;
- Endorsing the Final Joint NGO Report; and
- Promoting NGO views and the HRC's assessment of Australia.

Contributing to a Joint NGO Report and being part of a broad NGO coalition does not preclude particular sectors or individuals NGOs from engaging in their own advocacy during the UPR. However, we are likely to have the most impact if our messages are consistent. This means it is important for NGOs to work together throughout the UPR process.

If you are interested in being involved in this process, particularly in the development of a Joint NGO Report, please contact one of the Coordinating Committee members below. Further information will be available on the Australian NGO UPR Website once it is developed.

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