

UNIVERSAL PERIODIC REVIEW (UPR) Handbook for Civil Society Organisations (CSO) in Bosnia and Herzegovina (BiH)

BiH Civil Society Initiative for UPR

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 **SARAJEVSKI
OTVORENI
CENTAR**

Sarajevo,
January,
2021

ISSN:
2303-6079

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 **SARAJEVSKI
OTVORENI
CENTAR**

Human Rights Papers for Sarajevo Open Centre
Paper 56

Title: Univerzalni periodični pregled (UPP) – priručnik za organizacije civilnog društva (ocd) u bosni i hercegovini (BiH)
Author: Dajana Čelebić
Editor: Dajana Bakić
Proofreading: Sandra Žlotrg
Design/Layout: Nađa Čengiđ
Translation to English: Prevodilačke usluge Context
Publisher: Sarajevski otvoreni centar (www.soc.ba) u ime BiH Civil Society Initiative for UPR
On behalf of the Publisher: Emina Bošnjak

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This publication is the result of the work of civil society organisations within the informal coalition BiH Civil Society Initiative for UPR. This publication is supported by the Government of the Kingdom of the Netherlands.

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ABBREVIATIONS

BiH

Bosnia and Herzegovina

ECOSOC

The United Nations Economic and Social Council

OCD

Organizacije civilnog društva

OHCHR

Office of the High Commissioner for Human Rights

UN

United Nations

UNDAF

United Nations Development Assistance Framework

UNDP

United Nations Development Program

UNOG

United Nations Office at Geneva

UPR

Univesal Periodic Review

INTRODUCTION

Following the creation of the Universal Declaration of Human Rights in 1948, the United Nations (UN) developed international human rights protection mechanisms, assigning a significant role to the states. Since the UN bodies cannot directly monitor the human rights situation in all member states, **civil society organizations (CSOs) have an important role to play in monitoring and reporting on the protection of human rights and advocating for their better protection with the institutions and international organizations. Efficient protection of human rights requires a strong involvement of the civil sector at national and international levels**, as CSOs are the only entities that continuously monitor the situation on the ground, work on awareness raising of existing rights, and hold decision makers accountable in case of violation of those rights.

The UN human rights monitoring and reporting process has been revised and a new instrument has been established since 2006: the Universal Periodic Review (UPR) by UN General Assembly Resolution 60/251. The UN has defined the UPR as a new international instrument in the fight for human rights that the UN Human Rights Council applies in the process of monitoring the human rights situation in UN member states. Every 4.5 years, all 193 UN member states are subject to a UPR, which assesses in a universal and uniform manner the compliance with international obligations and commitments regarding human rights. One of the goals is to create a democratic pressure on national institutions to improve the human rights situation in their country, and to fight inequality and all forms of discrimination. The UPR is implemented within an interactive dialogue process through which the state presents its report for review, answers questions and receives recommendations from other member states. Thereafter, a report incorporating all the recommendations given to the country under review is first adopted informally, and then formally adopted at the next regular session of the UN Human Rights Council. Within each session of the Council, about 16 UN member states are subject to a review, while 48 member states are reviewed every year.

In addition to the states, the UPR provides an opportunity for inclusion of CSOs in the human rights review process. Namely, activities before and after the review of the report are crucial for the implementation of specific recommendations from the report. During this period, CSOs can exert significant influence through monitoring, analyses and advocacy. **CSOs can participate in the UPR process through: engaging in consultations with the BiH government/institutions; submission of stakeholder reports to the UN Human Rights Council (shadow report); advocacy directed at other states to make specific recommendations; attending the sessions of the UPR**

Working Group, as well as attending and participating in the sessions of the UN Human Rights Council; and follow-up activities involving advocacy for the implementation of recommendations.

Purpose of the Handbook

The purpose of the Handbook is to serve as a comprehensive guide for civil society stakeholders wishing to participate in the fourth UPR cycle. The first two chapters of the Handbook provide the main information about the UPR cycle and steps in the cycle. The third chapter describes in details the role of CSOs in the UPR cycle, and provides instructions for the development of shadow reports and UPR recommendations. Chapters four and five explain the UPR cycle during the human rights situation review, adoption of the report and implementation of recommendations, focusing on the role, activities and influence of CSOs. The final chapter provides more information about functioning of CSO coalitions in the UPR cycle.

1. WHAT IS THE UNIVERSAL PERIODIC REVIEW (UPR)?

The Universal Periodic Review (UPR) is a **unique process that involves a periodic review of the respect for human rights in all 193 UN member states by the UN Human Rights Council**. As a mechanism, the UPR was established in 2006 by the UN General Assembly resolution 60/251 as a new international instrument for the protection and promotion of human rights. Through the UPR process, member states present the measures/activities they have implemented in order to improve the protection of human rights in their countries. In addition, through the UPR process, member states have the opportunity to exchange best practices in human rights protection in countries around the world.

1.1. What is the UN Human Rights Council?

The Human Rights Council is the United Nations intergovernmental body composed of 47 Member States. Its role includes the protection and promotion of respect for human rights around the world, and proposing recommendations to deal with human rights violations. The Council holds sessions at the UN Office in Geneva. The Office of the UN High Commissioner for Human Rights (OHCHR) is the secretariat for the Human Rights Council.

Elected for three-year terms, Member States of the Council discuss, propose action and pass resolutions related to various items of a standing agenda, such as:

- Organisational and procedural matters;
- Annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the UN Secretary-General;
- Promotion and protection of all human rights: civil, political, economic, social and cultural rights, including the right to development;
- Current human rights situations that require the Council's attention;
- Human rights bodies and mechanisms;
- The Universal Periodic Review (UPR);
- Human rights situation in Palestine and other occupied Arab territories;
- Follow-up and implementation of the Vienna Declaration and Programme of Action;
- Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action;
- Technical assistance and capacity-building.¹

The Council considers the activities of its subsidiary human rights procedures and mechanisms, and may organize panel discussions and special events to enhance dialogue and mutual understanding on specific issues. Outside its normal sessions, the Council may also hold special sessions related to country-specific issues. In addition to Member States of the Council, Observers, which include inter-governmental organizations, national human rights institutions, and CSOs, may also participate in a session.

The Council's sessions are broadcast live via webcast², whereas past sessions are archived.

1.2. What does the UPR process look like?

The human rights review process (UPR) is a **cyclical process that takes place every 4.5 years and follows the same format**. During the first cycle, all UN Member States have been reviewed – with 48 States reviewed each year. The second cycle, which officially started in May 2012 with the 13th session of the UPR Working Group, will see 42 States reviewed each year.³ The human rights reviews are conducted by the UPR Working Group,⁴ which lasts for 3.5 hours. Thereafter, the state under review has 70 minutes to address the Working Group. In its address, the state under review focuses on the introductory remarks, summarizing the national report, and the closing remarks, after which the chair of the Working Group officially closes the interactive dialogue. During the interactive dialogue, the representative of the state under review answers questions, which can be submitted in advance or during the review. In this way, the Working Group members obtain additional information about human rights protection in the state under review. The interactive dialogue of the Working Group lasts 140 minutes. States participating in the review have the opportunity to ask questions, make comments and give recommendations to the country under review.

1.3 What is "Troika" and what role does it play?

Each State review is assisted by groups of three UN Member States that are voting members of the Human Rights Council, known as "troikas". The Troika has two main responsibilities:

- to receive all advance questions,
- to relay the questions to the state under review and assist in the preparation of the Working Group's report with the support of the Human Rights Council Secretariat and the state under review.

States that are part of the Troika may refuse membership, while the state under review has the right to refuse one of the chosen countries and has the option for their regional group to be represented as one of the Troika members. Troika members can make recommendations to the country under review and participate in the Working Group, like any other UN Member State.

1.4. What is the review of human rights situation in the UPR based on?

The review of human rights situation in the Member States is based on the following documents:

- information submitted by the state under review (mostly in the form of a “national report”);
- information available in the reports of independent experts and human rights groups, known as special procedures, human rights treaty bodies, and other UN entities;^{5 6};
- information from other stakeholders, including national human rights institutions and CSOs.

2. STEPS OF THE UNIVERSAL PERIODIC REVIEW (UPR)

Information for the UPR is collected from various sources, including civil society stakeholders. The collected information is analysed, consistency, credibility and accuracy are checked. The UPR begins with a dialogue in writing or in person with the state under review to clarify in details all gathered information.

The human rights review is based on three documents:

- national report prepared by the state under review⁷;
- a compilation of UN information about the state under review, prepared by the Office of the UN High Commissioner for Human Rights;
- a summary of the information in the form of a report provided by other stakeholders (including civil society), prepared by the OHCHR.

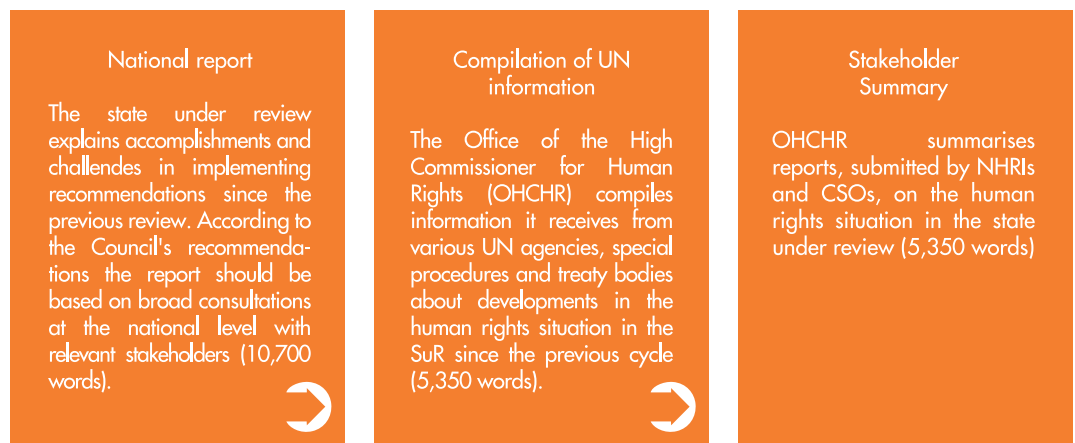


Table 1: Collection of information in the UPR cycle⁸

The aforementioned process takes place in Geneva at a session of the UPR Working Group, which consists of 47 Member States of the Human Rights Council. The review of the current human rights situation takes **the form of an interactive dialogue** between the state under review, the Member States and the Council's Observer States. The state under review presents its human rights achievements and challenges since the last UPR cycle to the members of the Working Group, after which the Member States ask questions to the state under review. **During the interactive dialogue, the Member States will propose recommendations.** The time each state has varies depending on the total number of states wishing to comment on the human rights situation of the state under review. According to the rules, **members of the Human Rights Council have 3 minutes, while non-member states have 2 minutes to make comments.** However, if a large number of

countries ask to speak, the presentation time is reduced to 2 minutes per country or less (sometimes to only 50 seconds).

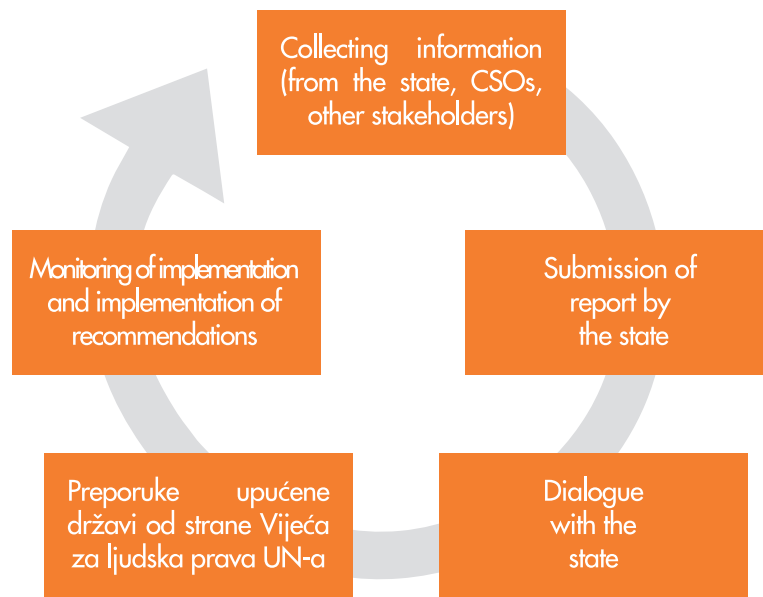
CSOs and other stakeholders cannot directly participate in the human rights review. Therefore, the provision of information through a shadow report to be included in the summary of OHCHR stakeholder information is the key element of CSO's engagement in the UPR process.

According to Resolution 5/1, **the state under review may accept or take note of a recommendation. States may not reject recommendations, but they can make comments to the recommendations they "have taken note of" and explain why they do not accept them.**

Upon completion of the human rights review, the **OHCHR, with the support of Troika, develops a list of recommendations and announces it within 48 hours** so that Member States can confirm that the recommendations have been properly recorded. A few days later, **the list of recommendations is submitted to the Working Group, and Troika then adopts them. After that, the recommendations cannot be changed.** The state under review may comment on the recommendations or decide to consider the recommendations in the coming months. **The final report, including the responses of the state under review and notes from the interactive dialogue, is published one week after the end of the UPR Working Group session.** Meanwhile, the state under review considers which recommendations to "accept", and which to "take note of".

In the period between the publication of the Working Group's report and the adoption of the report in plenary, the state under review submits its response in an addendum which is adopted during the plenary session of the Human Rights Council, 3-4 months following the review. States are to implement only the recommendations they have "accepted." However, the Council advises all UN Member States to take all possible measures and implement the recommendations they have "taken note of" whenever possible.

CSOs and other stakeholders in the UPR cycle in BiH can engage in a dialogue with representatives of institutions in BiH, in order to advocate for the adoption of recommendations.⁹ In the next human rights review, the state will have to report on all measures taken since the last UPR. In addition, the state under review may also report on recommendations it has "taken note of".



Scheme 1: Overview of UPR cycle

Additionally, civil society can seek the support of the diplomatic community in BiH (support from embassies in BiH) and advocate for the implementation of recommendations. Also, civil society can seek support in the dialogue with the institutions in BiH for more efficient and effective protection of human rights in BiH.

CSOs and other stakeholders may base their UPR recommendations on the reports of treaty bodies of the agreements/treaties ratified by BiH, or make new recommendations. The UPR can therefore also be used to strengthen the implementation of previously ratified agreements/treaties. By checking the reporting deadlines to different treaty bodies, CSOs will have an insight in the latest recommendations and/or concluding observations addressed to BiH, and will be able to submit proposals while the UPR is ongoing through their shadow reports.

2.1. Who participates in UPR?

During the UPR cycle, UN Member States, UN Agencies and other stakeholders participate in the human rights review of UN Member States.

UN MEMBER STATES

The peer-to-peer nature of the review ensures that whilst the SuR is the focal point, the work of the RS is crucial. The SuR must submit its National Report, upon which the review is based. The MS scrutinise this report and offer recommendations for the progress of human rights in the SuR.

UN
AGENCIES

The OHCHR compiles UN information on the SuR, gathering information from UN Agencies.

This information forms the second document upon which the UPR is based.

OTHER
STAKEHOLDERS

The OHCHR recognises “civil society actors, national human rights institutions, human rights defenders, academic institutions, ombudspersons and regional organisations” as ‘Other Stakeholders’.

Their submissions are collated by the OHCHR to make up the third document for the review, the “Summary of other stakeholders’ information”.

Table 2: Overview of UPR participants¹⁰

2.2. Participation of civil society in the UPR

The participation of civil society in the UPR process has proved to be crucial to the success of the implementation of recommendations in states under review around the world. Without the voice and work of CSOs and human rights defenders, the UPR would have less influence on the ground.

100% participation by UN Member States

Over the course of the first two cycles of the UPR the mechanism has had participation by all UN Member States, regardless of political or economic situations. A survey conducted by UPR Info showed that 48% of UPR recommendations in the first cycle were either fully or partially implemented by midterm.¹¹

Civil society and national governments cooperate more on the improvement of human rights protection

A comprehensive approach to the implementation of UPR recommendations is not only recommended to Member States, but has repeatedly proven to be the most sustainable method for improving the human rights situation. Considering that civil society faces various limitations of its activities, the UPR is a process that legitimizes the human rights discourse and offers an opportunity (the only opportunity in some cases/states) for dialogue with the government about respect for human rights.

Building capacity of CSOs through the UPR

CSOs, together with national and international CSOs, can cooperate in the development of shadow reports, and through this process, as well as through the establishment/participation in the activities of CSO coalitions, can strengthen their capacities for work on the promotion and protection of human rights in BiH. CSOs working on various issues/challenges in BiH cooperated for the first time on drafting of shadow reports.

Raising awareness of the institutions and public about human rights issues

All UPR sessions are broadcast live via webcast, whereas past sessions are archived.¹² In this way, UPR sessions are accessible to a large number of stakeholders. In addition, the UPR is a process which is covered by the media more than other human rights protection mechanisms. In some cases, parliament representatives are also included. Civil society actors can use the UPR to increase awareness of current human rights situation in BiH, and to exert more influence on the institutions that should implement recommendations in BiH and contribute to respect of citizens' human rights in BiH.¹³

3. WHEN AND HOW CAN THE CIVIL SOCIETY PARTICIPATE IN THE UPR?

The UPR is a cyclical process which repeats every 4.5 years. Civil society can participate in different UPR phases:

Phase 1: preparation for the human rights review:

- Participation in events organized by BiH institutions on the topic of implementation of UPR recommendations;
- Encourage BiH institutions to organize events on the topic of UPR recommendations (emphasize the UN Human Rights Council Resolution 5/1);
- Submission of shadow reports (individually or within a CSO coalition) to the UN Human Rights Council;
- Advocating and raising awareness of the public and stakeholders of the UPR process and the importance of implementing UPR recommendations;
- Organizing events where stakeholders would discuss the current state of human rights in BiH, focusing on UPR recommendations (mandatory);
- Participation in workshops/trainings to strengthen the capacity of civil society related to the UPR process.



Phase 2. Implementation of recommendations:

- Cooperation with other stakeholders in the process of monitoring the implementation and implementation of UPR recommendations;
- Monitoring and reporting on the progress of the implementation of UPR recommendations addressed to the diplomatic community in BiH;
- Raising awareness of the public and other stakeholders of UPR recommendations (especially the stakeholders who have not yet participated in reporting and monitoring of the implementation of UPR recommendations);
- Reporting to the UN Human Rights Council (midterm report);
- Participation in workshops/trainings to strengthen the capacity of civil society related to the UPR process.



Phase 3: Human rights review and adoption of recommendations

- Following live streaming of sessions at the UN webcast (available at <http://webtv.un.org/>);
- Participation in the UPR Working Group session;
- Organizing and/or participating in press conferences;

- Organizing and/or participating in UPR events;
- Give an address at a session of the UN Human Rights Council (more information on how to ask for permission and what to mention in the oral address provided in Chapter IV, title 4.4);
- Participation in workshops/trainings to strengthen the capacity of civil society related to the UPR process.

One year before the Geneva review, all stakeholders focus their activities on the processes of reporting on UPR recommendations and the human rights situation in the country, advocacy and preparation of shadow reports.



Scheme 2: Participation of civil society in BiH in the UPR cycle

3.1. Participation in consultations

The UN Human Rights Council Resolution 5/1 advises the states under review to supplement the report, in addition to the information they receive from the institutions, “through a broad process of consultation at the state level with all relevant stakeholders.”¹⁴

Consultation in the state under review is one of the key UPR elements, and it is crucial that a wide range of stakeholders, including civil society representatives, is involved in the process from the outset. In this way, the human rights review will be focused on the most important issues and challenges, and can encourage partnerships within civil society, and contacts and work with key state actors/institutions.

Civil society can influence the content of the national report by:

- Encouraging BiH institutions to organize timely and effective national consultations before preparing a national report. The participants in the consultations should be representatives of the ministry, different levels of government (e.g. state, entity, cantonal), parliamentarians and civil society representatives. Consultations can also be conducted through questionnaires, online consultations or by publishing a draft national report and gathering comments from stakeholders.
- Participating in consultations on UPR organized by BiH institutions, e.g. attending meetings organized by the institutions or participating in online consultations.
- Involve other interested stakeholders and encourage their involvement in national consultations. For example, hold meetings, conferences bringing together civil society and representatives of the institutions, but also parliamentarians and representatives of the diplomatic community in BiH and CSOs that have not been included in the UPR cycle so far.
- Submit comments on the BiH national report for the UPR (if the draft report is publicly available).¹⁵
- Holding regular meetings with the institutions that should work on the implementation of UPR recommendations.
- National human rights institutions (e.g. the BiH Human Rights Ombudsman Institution) can be a link between the institutions and civil society. Owing to its unique mandate, the BiH Human Rights Ombudsman Institution can support a dialogue between the institutions and civil society.

3.2. Submission of UPR reports

The stakeholder summary report is one of the three main documents the UPR is based on. The summary is compiled by the OHCHR based on information provided by CSOs, national human rights institutions and all other stakeholders. Submission of reports in order to make the information a part of the stakeholder summary reports is one of the most direct ways for CSOs to participate in the UPR. The OHCHR also encourages submissions of groups and organisations that usually do not cooperate with the UN.

All reports (BiH's national report, reports of other stakeholders, recommendations, questions addressed to BiH) from the last three UPR cycles are available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BAIndex.aspx>

3.3. Why should civil society participate in the development of shadow reports?

By submitting shadow reports, civil society can:

- Influence the outcome of the review in the UPR Working Group by submitting information and recommendations that other states can refer to in establishing the current human rights situation in BiH;
- Direct advocacy towards member states before an interactive dialogue, as well as advocacy towards the diplomatic community in BiH (embassies);
- Complete the national report of BiH and present the real picture of the human rights situation in BiH.

3.4. What should a shadow report include?

The report must follow the guidelines¹⁶ published by the OHCHR. The guidelines provide very clear instructions on how to successfully contact the UPR mechanism, as well as the rules:

- Wordcount restriction: 2,815 words per organisation and 5,630 words for a report submitted by a coalition of organisations (two or more CSOs);
- Deadlines: 6-8 months before the review;
- Language: the report must be written in English, French or Spanish;
- The report is submitted via the online system available at <https://uprdoc.ohchr.org>.

The guidelines also contain practical suggestions related to the relevant content, for example: clearly defining the recommendations (SMART recommendations, more detailed explanation in the subtitle “Development of recommendations for UPR”) that Member States will use in the UPR, as well as focusing on the implementation of the recommendations from the previous UPR.

Contents of the report may include any number of topics. Ideally, the report should address the issues that your organization (CSO coalition) has the most experience with. There is no limitation of the number of issues you can raise in the report.

Reports of CSOs cannot be anonymous or confidential. Name of the CSO (or CSO coalition) submitting the report is publicly available (online). Therefore, CSOs should be careful if they want to mention individual cases, and pay special attention to the safety and wellbeing of persons mentioned in the report. If national CSOs believe that they would be sanctioned in some way by the state for their submission, they can send the submission through international organizations.

In order to improve the efficiency of shadow reporting, the OHCHR developed new Guidelines for other stakeholders¹⁷ and the “**Matrices of recommendations of countries to be reviewed during the 3rd cycle of the UPR.**”¹⁸ The purpose of the matrix is to gather precise and specific information on the level of implementation, both for accepted recommendations and for noted recommendations. The OHCHR will use the matrices to draft the document on the summary of other stakeholders’ information. The OHCHR encourages all “other stakeholders” to download their country matrix, complete the final column in the table, and submit it in addition to their written submission. The wordcount of the submission is not affected by the matrix or comments added to the matrices.¹⁹ The matrices also encourage stakeholders to identify “challenges or needs of technical cooperation” where recommendations have not been implemented.

3.4.1. Submission writing style

Avoid using subjective language in the submission. It is also **not recommended to include pictures, maps, annual reports of the organization(s) or reports of other organizations as attachments** to the submission. When writing a submission, using of too many footnotes is not recommended.

3.4.2. Structure of the submission

As the first page of the report, it is necessary to have a **cover page** listing all the stakeholders who made the submission (header, name of the CSO/coalition, logo, contact information, website, etc.). In addition, it is necessary to **describe the activities of the CSO/coalition, as well as the date of its establishment**, especially if the CSO is participating in the reporting for the first time. It is necessary to write an **introductory summary** summarizing the recommendations and/or indicate the **key words** referring to the topics in the report (e.g. minority rights). Additionally, **chapters and pages of the report should be numbered.**²⁰

3.4.3. Sending of the submission

The submission must be sent as a Word document (not PDF). Before you send a submission, you need to **register at the “Online UPR Submissions System”** of the OHCHR at <http://uprdoc.ohchr.org>.²¹ You can register your profile at any time. You do not have to wait for the submission deadline. When you create a profile, log in to the “Online UPR Submissions System” and upload a submission to the website.

3.5. Development of recommendations for the UPR

The S.M.A.R.T. method for the development of recommendations contains useful criteria for writing of precise recommendations.²² **Recommendations should be specific, measurable, attainable, relevant and time-limited (S.M.A.R.T.).**

Recommendations are the most important result of the review in Geneva. If recommendations are created by the S.M.A.R.T. method, implementation or a lack thereof can be measured and reported in the next review.

S.M.A.R.T recommendations should be a part of the CSO submission because they are more precise and:

- **Simpler to apply:** Unclear recommendations are hard to interpret, and therefore hard to implement. A precise recommendation will explain clearly what is expected from the state under review.
- **Simpler to monitor the implementation:** A precise recommendation will facilitate the evaluation of the implementation level.

Recommendations directed at countries conducting the review or BiH (example of verbs: call on, seek, share)

Recommendations emphasizing continuity (example of verbs: continue, maintain, persevere, persist, pursue)

Recommendations to consider a change of the current situation (example of verbs: analyse, consider, envisage, envision, examine, explore, reflect upon, revise, review, study)

Recommendations for general improvement of human rights situation in the state (example of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures)

Recommendations for specific improvement of human rights situation in the state (example of verbs: conduct, develop, eliminate, establish, investigate, undertake, abolish, adopt, amend, implement, enforce, ratify)

Scheme 3: Proposed text/verbs to be used in recommendations for the UPR by types of recommendations²³

3.6. What does an OHCHR Summary include?

For the shadow report to be a part of the OHCHR's summary of stakeholders' information, it must contain credible and reliable information. The OHCHR does not verify the accuracy and credibility of the submitted information. However, organizations (international and national organizations of the country under review) that have previously collaborated with the UN or OHCHR are more likely to have parts of their submissions included in the summary. Additionally, information that is a part of the shadow report submitted by a CSO coalition also has better chances to be included in the summary.

A joint report (CSO coalition's submission) leaves the impression of credibility and greater visibility of CSO's information, which increases the likelihood that the submission will be included in the OHCHR's summary of stakeholders' information. CSOs that did not cooperate with the UN or OHCHR before have better chances to have their information included in the summary if they join a CSO coalition.

In order to increase the chances to have parts of their submission included in the OHCHR summary, CSOs should submit:

- Information on the implementation of recommendations from previous UPR cycles;
- Update on the implementation of recommendations from the last UPR cycle, including positive and negative sides of the implementation and best practices;
- Create recommendations using the S.M.A.R.T method.

In their reports, CSOs should use **technical language and concrete examples**, as such a submission indicates that it is based on field information and data (information collected directly from the target groups of the organization).

The process of development and submission of reports can be lengthy and demanding. However, it is important to stress that the development of an individual or joint shadow report has both advantages and disadvantages. **Submission of reports to the OHCHR at this stage of the UPR cycle is crucial**, as it contributes to the efficiency of the UPR cycle and shows the real state of human rights in BiH.

Individual shadow report:

- The Report is developed faster, because there are no negotiations on the text with other CSOs.
- The topics of the report are determined by one CSO, which speeds up the reporting process.
- The focus of the report may be on one or more specific issues,

making it easier for the OHCHR to see the priorities.

CSOs do not have to choose between submitting an individual or joint report, as each CSO can prepare an individual report and participate in as many joint reports as it wants. It is up to the CSOs to decide what will be the most efficient reporting method. Besides, a CSO may submit only one individual report, but it can be a part of an unlimited number of joint reports.

- It increases the impression of visibility and credibility of information in the report, as well as the likelihood that parts of the report will be included in the summary of stakeholders' information prepared by the OHCHR.
- It allows CSOs to pool resources and be part of the UPR regardless of their individual capacities.

Data from a joint submission by a coalition of civil society organizations is more likely to be reflected in the OHCHR's summary. Joint submissions leave the impression of credibility, and Member States do not need to verify the credibility of each organization, as is the case with individual submissions.

When you submit a shadow report, the OHCHR will check whether it complies with the technical guidelines. If it does, the OHCHR will then select information from all reports received from CSOs and other stakeholders, to create a summary of stakeholders' information. CSO reports are then available on the OHCHR's website for each UN Member State.²⁴

3.7. Advocating and raising awareness of the public and institutions of the UPR recommendations

Advocacy and awareness raising of the submitted recommendations and the current state of human rights constitute an extremely important part of the UPR cycle. **Organizing pre-sessions in BiH (interactive meetings)** between domestic CSOs and embassies in BiH is one of the ways to inform the diplomatic community in BiH about the recommendations you have submitted to the OHCHR. Holding of pre-sessions can provide an opportunity for more CSOs to participate in the advocacy process and enable consultations/discussions with more UPR stakeholders in BiH. Moreover, holding of pre-sessions can contribute to strengthening of sustainable links between domestic CSOs and embassies before the review in Geneva.

Embassies are strong allies in the UPR cycle and can provide support and also support recommendations you have already submitted to the OHCHR, and in some cases they can even provide funding for CSO activities (e.g. obtaining funding for travel to Geneva to attend the review). **When holding pre-sessions and/or individual meetings with representatives of embassies in BiH, emphasize the recommendations given by their country to BiH** (especially highlight information/evidence on the implementation of recommendations given by their country to BiH). It is extremely important that civil society actors apply **targeted advocacy towards Member States**, because such an approach can lead to the inclusion of their recommendations in the final report of the Working Group. **Ongoing advocacy during and between the UPR cycles is crucial** for the institutions to be constantly reminded of the implementation of recommendations, as well as for raising awareness of human rights issues in BiH.

Given the large number of CSO submissions, not all of these issues can be included in the OHCHR's summary of stakeholders' information or presented to members of the Working Group. Advocacy is therefore a crucial part of the process in order to have the issues of interest to your organization mentioned during an interactive dialogue.

Advocacy towards Member States should be the most active approximately 3 to 4 months before the review date, as the information you provide to them must be forwarded to the Member State's capital and the Permanent Mission in Geneva before the Member State creates its recommendations. In addition, advocacy targeted at Member States can also take place in Geneva approximately one month before the review date.

Contact details of representatives of Permanent Missions in Geneva are available at: [https://www.unog.ch/80256EE600582E34/\(h](https://www.unog.ch/80256EE600582E34/(h)

Recommendations to BiH from all previous cycles (classified by topics) can be found in the UPR Info database, available at: <https://www.upr-info.org/database/>. Also, the Universal Human Rights Index is an online database containing the recommendations of treaty bodies, special procedures and the UPR. The Index allows users to access and search treaty bodies, special procedures and UPR recommendations through several categories: by name of the country, right, name of treaty body, timeframe and, for the UPR, by country(s) that gave recommendations, position of the country under review, and by the Council session. The database available at: <https://uhri.ohchr.org/>.

3.8. UPR Infographics (Factsheet)

Each report received by the OHCHR is an information summary, each focusing on a specific human rights topic. Together, these reports provide a comprehensive overview of human rights situation in the country, including previous UPR cycles. **When creating infographics (factsheets), it is very important that you focus on priority issues and have about 4 or 5 recommendations for each issue, all listed in a one- or two-page document.** The recommendations mentioned in the infographic are **issues that civil society wants to highlight** during the UPR cycle, making it easier for Member States' representatives to easily incorporate them in their recommendations.²⁵

4. REVIEW AND ADOPTION OF REPORTS

The UPR review and adoption of the report takes approximately four months. During this period, civil society actors and UN Member States have numerous opportunities to cooperate and exchange information on UPR recommendations.

4.1. During the human rights review

During the Working Group session, only UN Member States have the right to speak, while CSOs with the ECOSOC status can be present at the session. For this reason, many civil society actors consider participating in the UPR cycle as an unreasonable investment of time and resources. However, **there are many ways in which CSOs can have an effective impact on the UPR during all phases of the cycle.**

4.2. Between the review and adoption of reports

After the review and before the adoption of the Draft Report of the Working Group, BiH submits responses to the recommendations, and indicates which recommendations the state supports, which it has taken note of, and which recommendations it will respond to later. BiH must submit final responses to the recommendations a few months later. During this period, civil society actors can connect with BiH institutions, but also with the BiH Human Rights Ombudsman Institution and embassies in order to influence and advocate for the adoption of recommendations.

4.3. After the human rights review and adoption of the report

Following the review, it is recommended that CSOs hold **joint meetings** to discuss the recommendations adopted in Geneva, taking advantage of the previously established cooperation during the preparatory phase of the UPR. In this phase, BiH will probably respond to many recommendations at a later time. **This is an ideal time for CSOs to advocate for the acceptance of recommendations regarding the issues they mentioned in the shadow reports.** During the aforementioned meetings, CSOs should divide the discussion according to topics: the advocacy strategy before the adoption of the recommendations and the plan for the implementation of the recommendations following the adoption. **The advocacy strategy and implementation plan should identify the key actors and their roles in the UPR.** It is advisable that CSOs develop a **common matrix and**

plan for the implementation of recommendations, which will describe in details the obligations of institutions in BiH during the implementation of recommendations, the responsible institutions, as well as indicators of successfully implemented recommendations. CSOs can share the plan and matrix with BiH institutions (for example, with the BiH Ministry of Human Rights and Refugees) and the Human Rights Ombudsman Institution in order to encourage sustainable implementation of recommendations until the next UPR cycle.

In addition to strengthening of cooperation between civil society actors in BiH through strategic workshops/meetings, CSOs should also consider the following before the adoption of the report in Geneva: Address the institutions in BiH, ask for their support for the recommendations you consider important, and explain why. Additionally, offer your help and expertise for specific UPR recommendations, as well as suggestions on how you can work together to implement them as quickly and efficiently as possible. In addition, you can advocate for a change of position of BiH institutions regarding the implementation of certain recommendations, especially those that are in line with international obligations.

Do not waste your time on creating new ways of communication with the institutions. Use all the methods you have used so far that have proven to be the most effective, e.g. sending letters, media statements, promotional campaigns or personal meetings with representatives of BiH institutions

Contact the states (i.e. their embassies in BiH) that provided recommendations directly. Encourage them to engage in a dialogue with BiH institutions on the acceptance and implementation of UPR recommendations

Work with the media is also important in this phase of the UPR cycle. CSOs could translate recommendations into local languages, publish them and propose an approach to monitoring of the implementation of recommendations

The adoption of the report of the UPR Working Group by the Human Rights Council is the final phase of the human rights review in Geneva. One hour is set for the adoption of each report under item 6 of the Council session.

4.4. Oral, written and video statements of CSOs

Each one-hour Council session is divided to **three 20-minute parts**. In the **first part**, BiH presents its comments on the review, as well as its position on the recommendations. National human rights institutions with status A (according to the Paris Principles) may also take the floor during the first

part of the session. During the **second part** of the session, Member States, UN Agencies and regional organizations have a total of 20 minutes to present their views on the recommendations to BiH. **The third part** of the session allows CSOs to present their views on the recommendations in a two-minute oral statement. Usually, 10 CSOs address the Council, but if 20 minutes have not been fully utilized, additional CSOs can get the floor. This is the only UPR phase where civil society gets to address the Council.

If you want to present your position on the recommendations orally in a two-minute presentation at the Council session, your CSO should have the consultative status of ECOSOC. Similar to attending a Working Group session, some accredited organizations may sponsor other organizations that do not have the ECOSOC status to attend the session.

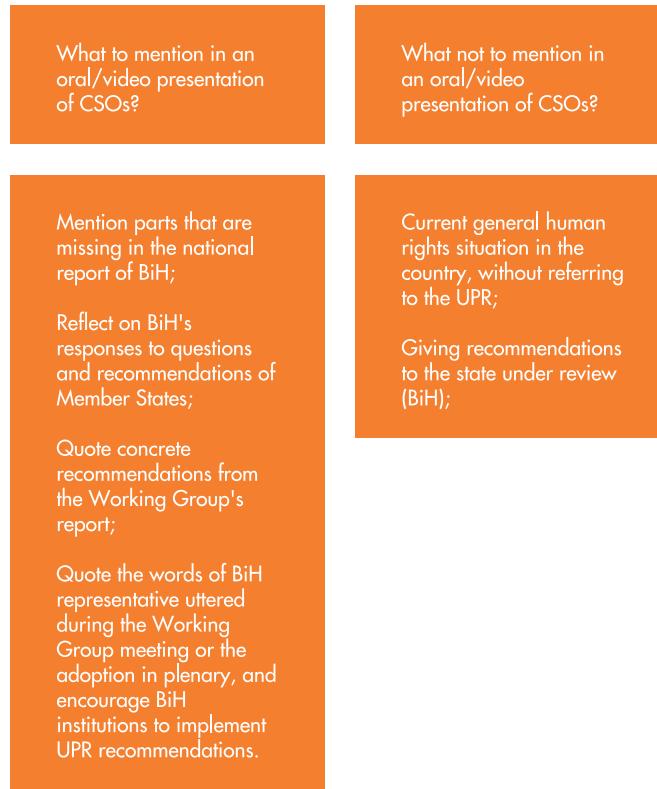
If you are prevented and cannot travel to Geneva to make an oral statement, you can also address the Council via your **video statement**. This new option was introduced in 2012 in order to motivate and improve the participation of civil society in the UPR. When selecting statements, **priority will be given to organizations that have submitted a shadow report. The video statement option is limited to organizations with the ECOSOC status that do not have a representative or an office in Geneva or accredited representatives at the Council session.** Statements submitted via video message are subject to the same rules as oral statements, as set out in ECOSOC Resolution 1996/31.²⁶ Video messages have the same time limit and should be as similar as possible to oral statements.²⁷

The importance of presenting the views of civil society on the current human rights situation

If you want to submit a video statement, you must follow these rules: A video statement must consist of one recording. The recording may include one person giving a statement in front of a neutral background; The camera should be focused on the face of the person making the statement and should not be moved while recording; No symbols, flags, banners or other images are allowed on the recording, either in the background or on the clothes of the person making the statement. It is advisable that the video include subtitles and, if possible, sign language, in order to improve the participation of people with disabilities. To facilitate translation, the CSO must provide a transcript of the video statement;

in BiH during the UPR cycle should not be underestimated. States may often omit important issues. **Therefore, civil society has a decisive role in**

stressing the problems that CSOs consider to be constantly present and that BiH institutions should put more effort in addressing the problems. With a maximum of two minutes available, it is crucial to pay special attention to making of an oral or video statement.



Scheme 4: Creation of an oral/video statement of CSOs²⁸

Two minutes is not enough time to allow you to explain in details all the challenges and problems facing BiH citizens. If you write the statement in English, a two-minute statement contains approximately 300 words. The Council Chair will interrupt the oral presentation if it lasts longer than two minutes.

Oral statements submitted to the Council are broadcast online and archived after the session. **It is important to note that by the time when CSOs get to interact directly with the Council, all recommendations will already be either accepted or noted.** However, presenting an oral statement is the key opportunity to emphasize deviations from the actual human rights situation in BiH. CSOs can use the time allotted during the discussion under item 6 of the session agenda to raise issues related to e.g. the lack of consultations organized by BiH institutions.

CSOs may also submit **written statements** under any item of the Council session agenda, including item 6, which is dedicated to the UPR. Written

statements must be in English, French or Spanish. Also, the statement should include the name of your organization and contact information. However, written statements have less impact than oral ones.

4.5. Press conference

Forward your oral, video or written statement to the media, so that the public is also informed about current challenges and problems you want to highlight.

It is important to note that the state under review or the Council Chair may suspend an oral presentation which is not related to the UPR cycle.

Following the Council session, most states under review will give media statements or hold press conferences on the completed UPR. **Holding a press conference in BiH after the adoption of the report can be an effective way to draw media attention to the recommendations that BiH has accepted, as well as to topics where civil society can and wants to help in the process of implementing the recommendations.** Additionally, emphasize the work of your organization on the implementation of recommendations that BiH has taken note of, i.e. the recommendations that it has not fully supported.

4.6. How to apply for the ECOSOC status?

In order for a CSO to receive ECOSOC consultative status and gain the right to attend the UPR Working Group and/or Council session, the CSO must submit an application for accreditation.²⁹

The organization must have a registered profile before applying for the consultative status.³⁰ It is important to note that the organization's name must be the same as the name on the decision on registration of the organization.

The profile registration takes around 10 minutes. When you complete the registration, the organizational profile will be reviewed by the DESA NGO Branch chief officer. Once the registration is accepted, you will receive a notification via email.

Once you receive the notification that your profile registration has been accepted, you must complete an **online application form containing 21 questions**.³¹ You can complete the form in one of the two working languages

of the UN Secretariat: English or French. **All required documents must be submitted in the original language and translated into either of the two languages.**

In order for the Secretariat to grant the ECOSOC status, you need to submit the following:

- A photocopy of the statute or other by-laws (see ECOSOC Resolution 1996/31, paragraph 10).
- A photocopy of the registration certificate. According to resolution 1996/31, the organization “should confirm that it has existed for at least two years from the date on which the Secretariat received the application”.
- A photocopy of the most recent financial statements (the organization’s most recent audit report or the most recent balance sheet and income statement.)

In addition to the aforementioned documents, the following requirements should be met:

- Activities of the organization must be relevant for ECOSOC’s work;
- CSOs must have existed (officially registered) for at least two years from the date of receipt of the application for registration;
- CSO must have a democratic decision-making mechanism;
- Most of the organization’s funds should come from contributions of domestic organizations, individual members or other non-governmental components.

A complete application (which includes full answers to all 21 questions and submission of all required documents) **must be submitted by June 1st of the year before the CSO wants the Committee to consider them.** For example, applications submitted by 1 June 2020 will be considered by the NGO Committee in 2021. Applications received between 2 June 2020 and 1 June 2021 will be considered in 2022.

CSOs that were granted general or special consultative status **must submit a brief report on their activities to the NGO Committee every four years**, in particular on topics closely related to the UN’s work (Quadrennial Report).

5. IMPLEMENTATION OF UPR RECOMMENDATIONS

Following the adoption of the UPR Working Group's report by the UN Human Rights Council, the phase of implementation of UPR recommendations begins. Ensuring the efficient implementation of recommendations is at the heart of the UPR. Implementation of recommendations depends on the engagement of all stakeholders in the UPR cycle.

Once the review is complete, some states want to leave the whole process behind until the next reporting deadline. It is therefore essential that CSOs continue to advocate for the implementation of recommendations between the reviews. In addition, CSOs should take this opportunity to actively work on strategies and to actively cooperate and provide support to BiH institutions during the phase of implementation of the recommendations.

Civil society actors must cooperate with:

- civil society actors at different levels and in different thematic areas - from organizations operating at the local level to those operating at the national level, as well as international organizations/civil society actors;
- donors and the diplomatic community;
- media;
- unions and professional associations;
- thematic networks of civil society organizations and actors;
- state structures, including parliaments and relevant parliamentary committees;
- human rights institutions in BiH;
- international and regional organizations, including the UN offices in BiH;
- academic institutions in BiH.

At this phase, CSOs can get effectively involved in following of the UPR recommendations in three ways: raising awareness of the public and BiH institutions of UPR recommendations and the importance of implementation, cooperating with CSOs and BiH institutions, and promoting the importance of reporting of all stakeholders in the UPR process. During the phase of implementation of recommendations, CSOs have many allies with whom they can work on the implementation.

5.1. Awareness raising

In order to improve the current human rights situation in BiH, civil society actors must systematically monitor the progress achieved by the state in the

implementation of the recommendations. Through proactive engagement with the media, parliamentarians, representatives of embassies in BiH and UN Agencies, CSOs can raise awareness of the importance of implementing the UPR recommendations.

5.1.1. Media

Engagement of the media in the UPR cycle provides another level of monitoring of the work of BiH institutions and of their activities in the implementation of recommendations. CSOs could hold trainings on human rights and the UPR cycle in order to ensure objective and accurate reporting.

CSOs could propose and/or establish a media network for human rights reporting in BiH in order to encourage/motivate human rights reporting and strengthen media capacities. Also, CSOs should provide trainings on the UPR process and its mechanisms to the media. If a media network were established, CSOs would have strong allies in raising awareness of UPR recommendations, and could ensure continuous reporting on the implementation of recommendations in BiH.

5.1.2. Parliamentarians

Parliamentarians can be extremely important allies in the process of including UPR recommendations on the agenda. In many cases, parliamentarians are relatively unaware of the commitments made by BiH during the review process in Geneva.

CSOs should classify UPR recommendations by topics, and provide targeted recommendations and implementation plan to parliamentarians, taking into account their previous work. E.g. if you know that a parliament member has previously supported initiatives/amendments to laws related to the improvement of the position of minorities in BiH, in that case, submit recommendations focusing on minority rights.

5.1.3. Embassies

Advocacy towards Member States that gave recommendations is crucial when encouraging inter-state dialogue and peer-to-peer human rights review beyond the limits of the review itself. Encouraging representatives

of Member States to engage in the interstate dialogue about the UPR recommendations, the BiH institutions will keep in mind that the civil society and the diplomatic community monitor the progress and lack of progress in the implementation of recommendations.

Advocacy towards Member States can take place throughout the UPR process, and CSOs should encourage embassy staff to continue the bilateral dialogue with BiH in order to ensure effective, inclusive and sustainable implementation of recommendations.

5.1.4. UN Agencies

UN Agencies in BiH, such as the United National Development Program, (UNDP) are also important allies of CSOs. Agencies are widely known as partners in the implementation of recommendations and can offer resources to support the implementation.

It would be ideal if you would regularly inform UN Agencies about your work on UPR recommendations (monitoring the implementation of recommendations, advocacy, holding events with stakeholders, etc.) through a coalition of CSOs. Advocate for the inclusion of UPR recommendations in the United Nations Development Assistance Framework (UNDAF).

5.2. Submission of midterm reports

Halfway through the cycle, BiH will submit a midterm report on the UPR implementation. "Other stakeholders" also can submit their midterm reports to the OHCHR.

In the midterm, mention the current rate of implementation of the recommendations, assess the effectiveness of undertaken activities and suggest solutions to current challenges and problems in the implementation. **Unlike shadow reports, the midterm report has very few restrictions. There is no wordcount restriction or a specific format.** Many OCDs submit tables. For each recommendation, these tables describe in detail the measures taken by the state and whether the recommendation has been implemented or not (based on their assessments and monitoring of state's activities and the situation on the ground). Usually, the implementation is categorized to three levels: fully implemented, partially implemented and not implemented. Some CSOs submit midterm reports using the "traffic light" system to effectively demonstrate the implementation of recommendations

and thematic assessment of the implementation.



Figure 1: "Traffic light" system in midterm reporting

Midterm reporting is an opportunity for additional cooperation between BiH institutions and CSOs in the implementation of UPR recommendations. The preparation of a joint midterm report of BiH institutions and CSOs can further build trust between all UPR actors and stakeholders.

6. CIVIL SOCIETY COALITIONS AND UPR

Experience to date has shown that CSOs that achieve maximum impact during the UPR cycle are those that work in domestic and/or international CSO coalitions. Building of CSO coalitions should be a priority to ensure a stronger influence of civil society on the UPR process in BiH.

Given that the UPR process is lengthy and covers a wide range of topics, one can conclude with certainty that there is enough room for more civil society actors. Coalition members generally share common goals (work in the same field of human rights protection/promotion; e.g. work with rural communities) or share the location of their work and activities (e.g. work in the same province, region or state), or all of the above.

6.1. Advantages of work in a coalition

CSOs working on human rights issues are often members of civil society networks dealing with different national and international mechanisms in order to achieve their goals. Due to the wide range of human rights examined during the UPR, the thematic and inter-thematic building of CSO coalitions has been popularised. CSOs working on the same human rights issues or on common bases, such as the geographical position, have in many contexts joined coalitions in order to exchange knowledge and resources for a wider cause of improving respect for and protection of human rights.

ANNEX I – PROPOSED FORMAT OF A SHADOW REPORT

When you access the “Online UPR Submissions System”, you should divide the shadow report to separate Word documents: Annex I – Contents of the report, Annex II – Abbreviations, Cover page and main submission.

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Example of Annex II

Annex II

Abbreviations

DB – District Brčko

BiH – Bosnia and Herzegovina

CoM – Council of Ministers

CS – Canton Sarajevo

DB – District Brčko

FBiH – Federation of Bosnia and Herzegovina

FIGAP – Financial mechanism for the implementation of GAP of Bosnia and Herzegovina

GAP – Gender action plan

GIM – Gender institutional mechanisms

LGBTI – lesbian, gay, bisexual, transgender, intergender persons

LoGE – Law on Gender Equality

MHRR BiH – Ministry of Human Rights and Refugees BiH

MJBiH – Ministry of Justice BiH

MoI – Ministry of Interior

NARS – National Assembly of Republika Srpska

NGO – Non-governmental organization

OP3 CRC – Optional Protocol to the Convention on the Rights of the Child

RS – Republika Srpska

UN – United Nations

UPR – Universal Periodic Review

Cover page example

BiH Civil Society Initiative for UPR

March, 2019

Joint Submission of the *BiH Civil Society Initiative for UPR* for the 3rd Universal Periodic Review on the State of Human Rights Situation in Bosnia and Herzegovina

- (1) The *BiH Civil Society Initiative for UPR* is an informal coalition of twelve civil society organizations from across Bosnia and Herzegovina which act in various fields of promotion and protection of human rights.³² In December 2018, Sarajevo Open Centre gathered potential members of the Initiative by targeting expert human rights organizations in different fields. The Initiative was established in December 2018, and started the work on reporting in January 2019. The methodology included choosing the recommendations from the previous 2nd cycle of the Universal Periodic Review (UPR), desk research of the recommendation status, researching the measures and activities necessary for the realization of the recommendation, measure realization status and the activities of the recommendation in Bosnia and Herzegovina, as well as the recommendations for the relevant institutions. Considering that the members of the coalition have been acting in the field of human rights protection and promotion in BiH for a number of years, apart from desk research, they have also used the information gathered during their work with the target groups.
- (2) In the period 2015-2019, Bosnia and Herzegovina faced many challenges which had an effect on the protection of human rights of the BiH citizens. Numerous irregularities and complaints on the election process occurred during the previous general and local elections, as well as during the last elections. Failure to comply with the verdicts of the European Court of Human Rights is a clear indicator that the governing structures in BiH are not ready for the constitutional amendments and the amendments to the Election Law in order to implement these rulings. Additionally, freedom of assembly is still seen as a security threat, instead of as a human right, at all levels of BiH government. Also, the greatest issues for media freedom are threats and attacks on the journalists and media, and the political pressures which are manifested in different ways. The legal framework which guarantees women's human rights in Bosnia and Herzegovina is fragmented, which does not contribute to the safety of women and girls in the society, and it also signifies the lack of harmonization with the international documents. The conclusion of this report is that the state and its institutions achieved very little progress (or no progress at all) regarding the implementation of the recommendations of the Universal Periodic Review. With this report, we encourage the UN Human Rights Council and all the member states to apply democratic pressure on the local decision makers, using their recommendations and activities in their embassies in BiH, and to support the efforts of the citizens and the civil society to ensure the respect for the human rights of all BiH citizens.
- (3) Within the content of this submission, the referenced number of the recommendation for Bosnia and Herzegovina from the 2nd UPR cycle on which the paragraph is referring to is indicated and bolded at the beginning of each paragraph.

Main submission example

1.3. PROTECTION OF CHILDREN FROM VIOLENCE AND SEXUAL ABUSE**(recommendation 107.74 – partially implemented, 107.75, 107.78, 107.79 – not implemented)**

- (1) **107.74, 107.75** The RS legislation prohibits corporal punishment of children, while there are no laws in Federation of BiH and District Brčko prohibiting corporal punishment of children within family.³³ FBiH Family Law³⁴ does not state the explicit prohibition neither of corporal punishment nor of other humiliating forms of treatment as a part of children's upbringing. RS made some improvements: Protocol on procedure in case of violence, abuse and neglecting of child was signed, programs on prevention of violence against children are implemented in school curricula, new Criminal Law was adopted, register of pedophiles was established etc.
- (2) **107.78** Unlike RS, FBiH and DB made no progress regarding the harmonization of the criminal legislation with the international standards for children's protection from sexual abuse which is the reason why the victims of such criminal acts do not receive the same protection throughout the entire state. The criminal legislature in Federation of BiH and DB needs to be harmonized with the international standards for protection of children from sexual violence.
- (3) **107.79** BiH government made no effort regarding raising the public awareness about the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Recent research shows that knowledge of Convention is at very low levels; apart from the experts in the judiciary, the representatives of other institutions, parents and students are not familiar with it. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse needs to be promoted among children and professionals working with children.

Divide the main submission according to the topics/rights for which you give recommendations, e.g. children's rights, women's rights, minority rights, the rights of persons with disabilities, etc. In the text, clearly state the number of the recommendation, and briefly explain the current situation, progress and lack of progress, and your recommendation for improvement, i.e. how the BiH institutions could fully implement the recommendation.

ANNEX II – PROPOSAL FOR A TABLE FOR MONITORING OF THE IMPLEMENTATION OF UPR RECOMMENDATIONS

Base The Universal Human Rights Index (UHRI) can help you find recommendations of other UN treaty bodies more easily
<https://uhri.ohchr.org/>

Measures such as: amending the budget, legislative measure, changing public policies, changing the mechanism for monitoring the implementation of recommendations

| Recommendation number | Recommendation text | Did the other mechanisms give the same recommendation? | | Potential indicators/information for monitoring of the implementation | Current status: Type of measure undertaken by the state | Current status: Type of measure undertaken by independent institutions | Institutions responsible for implementation |
|-----------------------|---------------------|--|---------------|---|---|--|---|
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ANNEX III – PROPOSAL FOR INFOGRAPHICS

Infographics title page

Choose the topics you want to focus your advocacy activities on in the next 4,5 years and for each topic describe your general conclusion about the current state of the chosen right/problem



BIH CIVIL SOCIETY INITIATIVE FOR UPR – ADVOCACY FACTSHEETS

3rd Cycle of the Universal Periodic Review (UPR) on the State of Human Rights in Bosnia and Herzegovina

BIH Civil Society Initiative for UPR is an informal coalition of twelve civil society organizations¹ from across Bosnia and Herzegovina which act in various fields of promotion and protection of human rights. The factsheets raise human rights concerns present in Bosnia and Herzegovina, and provide a clear overview of human rights situation to Recommending States prior to the country's 3rd UPR. Furthermore, the factsheets are following the best practice established by the *Initiative*, and have been prepared on the basis of the CSO submissions submitted to the UN Human Rights Council in March 2019, and contain all necessary information diplomats would require for their review of Bosnia and Herzegovina's human rights situation.

¹ Members of the BIH Civil Society Initiative for UPR are: Sarajevo Open Centre, BIH Journalists, Civil Rights Defenders, CURS Foundation, Transparency International in BiH, Association Zenica Bijela, CA Wily Net, Civil Society Promotion Center, Association Vaša prava BiH, TRAI International, My rights – Empowers People with Disabilities, and CA for Protection of Roma Education "Okabrat".

² The country report is due on July 2019, and will be presented at the 34th session (October – November 2019).

WOMEN'S RIGHTS

Women still face obstacles to achieving full political, economic, and social participation, economic status of women remains low, and are facing gender-based violence well above the global average of 35%.

RECOMMENDATIONS

- The funds have to be provided from the public budgets on all levels of governance, since the implementation of GAP BiH must not depend on donor funds.
- Ministry of Justice of BiH, Ministry of Labor, Social Policy, Displaced Persons and Refugees of Federation of BiH, Ministry of Labor, Employment, Veterans' Affairs and Social Affairs of Republika Srpska together with civil society needs to harmonize entry laws on protection against domestic violence with the Istanbul Convention.
- Ministry of Labor, Social Policy, Displaced Persons and Refugees of Federation of BiH together with the competent central ministries, and Ministry of Labor, Employment, Veterans' Affairs and Social Affairs of Republika Srpska together with local communities from which survivors of domestic violence are coming need to harmonize the current legislation on domestic violence in BiH, adopt the rule books on the manner funds allocation for the financing of the safe houses in FBiH, provide funds for financing without delays in RS, adopt the rule book and standards for safe houses in FBiH.
- House of Representatives of the Parliamentary Assembly of BiH, House of Peoples of the Parliamentary Assembly of BiH, Parliament of the Federation of BiH, National Assembly of Republika Srpska and Cantonal Assemblies need to amend all laws on governments in BiH with the double guarantee of the eventual representation of the less represented gender at 40%, as well as the amendments to the BiH Election Law which would introduce a gender quota of 50% for the election lists, with the obligation to list the male and female candidates in turn.

ACCESS TO JUSTICE

The lack of free legal aid most heavily impacts refugees, single mothers, the Roma population, people with disabilities, victims of conflict-related violence, victims of domestic and gender-based violence, victims of human trafficking and other vulnerable groups.

RECOMMENDATIONS

- Council of Ministers (CoM) OF BiH has to adopt, without further delays, the Revised National War Crimes Processing Strategy and its amendments completed in 2016.
- BiH needs to pass measures which will exempt the victims from paying the court costs to the entities in cases when their demand for the indemnity has been denied.
- Centers for Education of Judges and Prosecutors of Federation of BiH and Republika Srpska need to conduct continuous sensibilization and education on stigma for the judicial professionals working on cases of wartime sexual violence.
- Centers for Education of Judges and Prosecutors of FBiH and RS need to conduct trainings on correct and harmonized application of criminal laws regarding the determination of the length of sentence in the cases of wartime sexual violence, and the conduct trainings on the negative trends which allow the perpetrators to receive amnesty and reduced sentences.
- BiH has to abandon the use of statute of limitations in cases of war crimes as soon as possible.

Name of the coalition or organisation

Describe the organization/coalition

Focus on a few priority issues/rights and write about 4 or 5 recommendations for each issue, all listed in a one- or two-page document.

List the recommendations for each topic/right

ANNEX IV - USEFUL LINKS

Written, video and oral statements

- OHCHR's guidelines to submitting NGO written statements to the Human Rights Council are available here.
- OHCHR's guidelines to submitting NGO video statements to the Human Rights Council are available here.
- OHCHR's guidelines to oral statement registration is available at the website under "Quick links", number 4.

Links to websites for free development of promotional material

- Creating and designing infographics and graphics for social networks can help you during your advocacy campaign. The following links allow you to create promotional material easily and free of charge:
- <https://www.easel.ly/> - free tool for simple design and creation of infographics
- <https://www.canva.com/> - free tool for creation of infographics, graphics and videos for social networks, presentations, posters etc.
- <https://www.visme.co/> - free tool for creating and designing infographics, presentations, graphs and graphics for social networks
- <https://www.fotor.com/> - free photo editing tool
- <https://getstencil.com/> - free tool for creation of graphics for social networks

OHCHR publications

- A Handbook for Civil Society: https://www.ohchr.org/en/AboutUs/CivilSociety/Documents/Handbook_en.pdf
- Civil Society Space and the United Nations Human Rights System: https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSysystem_Guide.pdf
- United Nations Human Rights Council: http://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf
- Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>
- How to Follow Up On United Nations Human Rights Recommendations: <http://www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRRecommendations.pdf>
- Human Rights Funds, Grants and Fellowships: http://www.ohchr.org/Documents/AboutUs/CivilSociety/OHCHRFundsGuide_en.pdf

ABOUT THE AUTHOR

Dajana Čelebić holds a BA degree in Law, concentration: Comparative and International Law and MA in Democracy and Human Rights from University of Sarajevo and University of Bologna (ERMA Programme). In July 2016, Dajana joined the Association for Democratic Initiatives (ADI) team as a researcher and project assistant. Since July 2017, she started working as project manager on projects dealing with corruption, discrimination, access to justice and hate crime and hate speech. Since June 2019, she has been part of the Mentoring Programme coordinated by Global Campus of Human Rights (GCA) as a mentor to young professionals in the field of promotion and protection of human rights. As part of her professional development, she attends different trainings organized by different institutions and organizations regarding the protection of human rights, project and financial management of non-profit organizations. Dajana is the author, co-author and contributor to different publications and reports on the topics of promotion and protection of human rights.

ABOUT THE COALITION

BiH Civil Society Initiative for UPR is an informal coalition of twelve civil society organisations from across Bosnia and Herzegovina which act in various fields of promotion and protection of human rights. Members of the BiH Civil Society Initiative for UPR are: Sarajevo Open Centre, BH Journalists, Civil Rights Defenders, CURE Foundation, Transparency International in BiH, Association „Zemlja Djece u BiH“, CA Why Not, Civil Society Promotion Center, Association „Vaša prava BiH“, TRIAL International, My Right – Empowers People with Dissabilities, and CA for Promotion of Roma Education “Otaharin”.

Sarajevo Open Centre (SOC) is an independent feminist civil society organization that strives to empower lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women through community empowerment and activist movement building. SOC also promotes the human rights of LGBTI people and women publicly and advocates on national, European and international level for improved legislation and policies in Bosnia and Herzegovina. By working on European integration issues, SOC is improving human rights in general and encouraging further the development of civil society.

Association BH Journalists is an apolitical, nonprofit organisation whose members are journalists, students of journalism and other media employees. Association BH Journalists was established in 2004 as umbrella association of journalist in Bosnia and Herzegovina with activities which cover the territory of the whole country. Basic goals of the Association BH Journalists are: (a) protect and improve freedoms, rights and responsibilities of journalists, as well as protect reputation and dignity of journalism as a profession, and (b) improve the right of public to be informed about events in society, as well as the right of every person to freedom of thoughts, expression and access to media.

Civil Rights Defenders is an international human rights organisation based in Sweden that defends people’s civil and political rights and works to empower human rights defenders at risk.

CURE Foundation is a feminist-activist organization that promotes gender and sex equality and works for positive social change through educational, cultural and research programs. By organizing affirmative collective actions, CURE celebrates the strength and power of women, and helps to empower individuals to become initiators of social change in Bosnia and Herzegovina and the world.

Transparency International in Bosnia and Herzegovina is an accredited branch of Transparency International, a global coalition for fight against corruption. Main goals of Transparency International in BiH are suppression of corruption, support to development of good governance, accountability and transparency of public institutions, broader democratic values and fair market.

Association „Zemlja djece u BiH“ works with children and for children, by constantly warning on the position of children in BiH, and advocating for changes in the community.

CA Why Not is an organization that works on the creation of a safe, secure, healthy, active, efficient and accountable BiH society through increasing civic participation, influencing government accountability, use of new technology tools and promotion of socially engaged culture on the whole territory of BiH together with other interested groups, organizations, institutions and individuals.

Civil Society Promotion Center (CPCD) was established in 1996, and works in BiH, as well as in countries of the Western Balkans. CPCD's mission is contributing to strengthening civil society in BiH through supporting development of civil society organisations in their mutual cooperation and networking, establishing framework for efficient relations with governmental and profit sector and development of civic activism, as well as through promotion of the non-profit sector as a qualitative and unavoidable actor in socio-economic development of the country. CPCD developed SMART center for education of adults.

Association „Vaša prava BiH“ with its headquarters in Sarajevo is the leading non-governmental and non-profit organisation providing free legal aid to beneficiaries across Bosnia and Herzegovina in all issues regarding civil rights and human freedoms. Association „Vaša prava BiH“ is committed to freedom and human dignity. This commitment is reflected in providing free legal aid and representation of interests of beneficiaries.

TRIAL International is a nongovernmental organization based in Geneva, and their office in Bosnia and Herzegovina deals with providing free legal aid to victims of war crimes in front domestic and international bodies and human rights protection mechanisms. TRIAL International puts pressure on authorities to improve the rights of survivors, advocates for legal activities in order to enforce justice, and contributes to raising awareness of the public about problems which victims of war crimes and their families are facing.

MyRight – Empowers people with disabilities is a Swedish umbrella organisation for persons with disabilities providing support in development and work of organisations of persons with disabilities across the world. MyRight branch office in Bosnia and Herzegovina works since 2009, and implements programme of empowering persons with disabilities and their organisations in rights guaranteed by the UN Convention of the Rights of Persons with Disabilities aiming to independently and successfully advocate for implementation of their rights. Capacity building programme covers five coalitions with more than 60 organisations of persons with various disabilities in Bosnia and Herzegovina.

CA for promotion of education of Roma “Otaharin” from Bijeljina was established in 2005. Since its establishment, the association deals with the problems of educational needs of Roma people, and facilitation of access to education of Roma people. Through a decade and a half, the association realized that, beside education, it is important to develop different complementary programmes aiming to social inclusion of Roma. The association currently works in these program directions: education; youth and volunteerism; prevention of human trafficking; economical and psychosocial empowerment of women; social entrepreneurship; work with children of preschool and school age.

REFERENCES

- 1 OHCHR. A Practical Guide for NGO Participants, United Nations Human Rights Council. Geneva. 2013, p. 2
- 2 Available at <http://webtv.un.org/>
- 3 More information available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>
- 4 The UPR Working Group is a body which implements the human rights situation review in member states. In practice, all 193 UN Member States, as well as the Holy See and the State of Palestine are included in the group. The Working Group meets in Geneva three times a year, with the total of 14 countries for each session. Working group sessions mostly take place in January, May and November.
- 5 More information available at: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>
- 6 Ibid.
- 7 Civil society stakeholders should be involved in the consultation process at the national level leading to the preparation of the national report.
- 8 UPR Info. The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review. Geneva. 2017, p. 9
- 9 More advice/suggestions for CSOs on how to directly cooperate with the BiH institutions is provided in chapters III, IV and V.
- 10 UPR Info. The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review. Geneva. 2017, p. 11.
- 11 UPR Info. Beyond promises, The impact of the UPR on the ground. 2014. Geneva. p. 10.
- 12 Available at <http://webtv.un.org/>
- 13 UPR Info. The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review. Geneva. 2017, p. 13-14.
- 14 The Resolution text as available at: https://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/RES/5/1 Check at the website of the Ministry of Human Rights and Refugees of BiH, <http://www.mhrr.gov.ba/ljudska-prava/default.aspx?id=8830&langTag=bs-BA>
- 15 Guidelines are available at: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_technicalguidelines3rdcycle_submissions.pdf
- 16 More information available at: <https://www.upr-info.org/en/news/new-guidelines-and-matrices-for-third-cycle-ngo-submissions>
- 17 The matrix of recommendations for Bosnia and Herzegovina 3rd cycle is available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BAIndex.aspx>, entitled "Matrix of recommendations"
- 18 Guidelines for completion of the matrix are available at: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_technicalguidelines3rdcycle_submissions.pdf
- 19 An example of the structure of a submission in English can be found in Annex I.
- 20 Detailed instructions for registration are available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideSubmissionNGO_ws.pdf
- 21 More information about development of recommendations applying the S.M.A.R.T. method can be found in the Guide for Member States, available at: https://www.upr-info.org/sites/default/files/generaldocument/pdf/upr_info_guide_for_recommending_states_2015.pdf
- 22 UPR Info. The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review. Geneva. 2017, p. 22.
- 23 Reports for BiH for all cycles are available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BAIndex.aspx>
- 24 Infographics for the 3rd cycle of the UPR of the Coalition BiH Civil Society Initiative for UPR is available at: <https://soc.ba/infografike-s-preporukama-za-poboljsanje-stanja-ljudskih-prava-u-bih/>
- 25 Available at: https://www.unov.org/documents/NGO/NGO_Resolution_1996_31.pdf
- 26 Detailed instructions for video statements are available at: <https://ohchr.org/Documents/HRBodies/HRCouncil/GuidelinesNGOVideoStatements.pdf>
- 27 UPR Info. The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review. Geneva. 2017, p. 33.
- 28 For clear instructions on completion of the application, see: <https://www.youtube.com/watch?v=BZCv-TeKxVw>
- 29 You can create the organization's profile by visiting the website <http://esango.un.org/> and selecting the "Add organizational profile" option on the righthand side.
- 30 Questions with additional explanations are available at: <http://csonet.org/content/documents/Application%20Questionnaire%20-%20Reference%20Only%20-%20English%2031Mar2020.pdf>
- 31 Members of the BiH Civil Society Initiative for UPR are: Sarajevo Open Centre, BH Journalists, Civil Rights Defenders, CURE Foundation, Transparency International in BiH, Association Zemlja Djece, CA Why Not, Civil Society Promotion Center, Association Vaša prava BiH, TRIAL International, My Right – Empowers People with Dissabilities, and CA for Promotion of Roma Education "Otaharin".
- 32 UNICEF research shows that 50% of parents in BiH use corporal punishment.
- 33 FBiH Family Law ("Official Gazette of Federation of BiH", no. 35/05, 41/05 and 31/14).31 UNICEF research shows that 50% of parents in BiH use corporal punishment.
- 34 FBiH Family Law ("Official Gazette of Federation of BiH", no. 35/05, 41/05 and 31/14).



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