

PEER REVIEW PRESSURE

Canadian Civil Society Use of the Universal Periodic Review to
Push for Change at Home.

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List of Abbreviations

CEDAW- Convention on the Elimination of all Forms of Discrimination Against Women
CRPD – Convention on the Rights of Persons with Disabilities
ECOSOC – Economic and Social Council
HRC – Human Rights Council
CSO – Civil Society Organization
LWF – Lutheran World Federation
MP- Member of Parliament
NGO – Non-Governmental Organization
SRI – Sexual Rights Initiative
SuR – State Under Review
UN – United Nations
UNCHR – United Nations Commission on Human Rights
UPR – Universal Periodic Review

Abstract

The Universal Periodic Review (UPR) was created with the goal of upholding and promoting human rights across the world. While it is a peer review process designed by and for states, civil society across the world have found ways to engage with the UPR to advance human rights not only in their domestic context, but at the global level. This paper explores how Canadian civil society viewed their experience engaging with the UPR process during Canada’s most recent review in May 2018.

Key Terms

Universal Periodic Review, Civil Society, Civil Society Engagement, Human Rights, Canada, United Nations, Human Rights Council.

1. Introduction

1.1 Human Rights, the Universal Periodic Review, and Civil Society Organizations

The upholding of human rights around the world has been a central focus of the United Nations (UN). Beginning with the Declaration of Human Rights in 1948, the UN has expanded how they watch human rights around the world. There are several ways in which human rights are monitored by the UN including the High Commissioner of Human Rights, the Human Rights Council, Human Rights Treaty Bodies, Special Procedures, and Special Advisors (United Nations, 2019). Each method is unique and plays an important role in the UN system. Some methods, such as the Human Rights Council, are very broad and cover a range of human rights. Others, however, are more specific such as the treaty monitoring bodies who focus on specific human rights concerns like racial discrimination, women, and torture (United Nations Office of the High Commissioner of Human Rights, 2019).

The Universal Periodic Review (UPR) is a state-based method to address human rights concerns around the world. It allows for the human rights record of each individual state to be reviewed by their peers. The UPR is a relatively new mechanism and it allows both states and civil society to become more involved in monitoring and promoting human rights around the world. For civil society organizations (CSO), the UPR offers a unique vessel in which the voices of organizations that work on human rights can be heard and brought to the attention of the states under review.

While the UPR has afforded civil society with opportunities to engage with the UN system on human rights, little research has been done to understand the experience of civil society during the UPR. This research seeks to explore the experience of Canadian civil society during Canada's most recent review at the UPR in 2018. In this context Canada refers to the

representation of the Canadian State by the Canadian Government's delegation to the Human Rights Council. In addition, civil society refers to the Canadian non-governmental and other organizations that made stakeholder submissions during Canada's third review in 2017/2018.

This research seeks to answer the following questions:

1. How did Canadian civil society view their experience engaging with the UPR process for Canada in 2018?
2. How can Canadian civil society maximize their participation during Canada's review?
3. How can the Canadian Government maximize civil society participation in the UPR?

1.2 The Universal Periodic Review

Prior to the development of the Human Rights Council and the Universal Periodic Review, the United National Commission on Human Rights (UNCHR) monitored human rights concerns through a selective, state-by-state basis (Salama, 2009). This resulted in a number of problems for the UNCHR, specifically surrounding accusations of politicization. Member states viewed the selective nature of these reviews as being politically motivated, resulting in a lack of constructive dialogue (Salama, 2009). These accusations of politicization quickly discredited the UNCHR, and it was replaced with the Human Rights Council in 2006 (Salama, 2009).

A unique feature of the newly formed Human Rights Council was the creation of the Universal Periodic Review (UPR). The UPR emerged in 2008 and quickly became part of a group of human rights mechanisms used to pressure states into improving their human rights records (McGaughey, 2015; UN OHCHR, 2018). The UPR allows for the human rights situation of each country to be reviewed regularly, rather than on a case-by-case basis. Salama (2009) notes that while country-specific resolutions still occur at the Human Rights Council, the fact that the human rights situations are reviewed in every member state has painted the UPR as a more equal human rights monitoring mechanism.

The UPR can be envisioned as both a mechanism to monitor human rights and a process to uphold human rights (Sen, 2009). The mechanism refers to the review itself, where states, stakeholders, and other UN bodies review the human rights records of the various member states. The UPR process refers to the activities leading up to and following the review. Sen (2009) posits that the process of preparing reports, engaging with civil society, and working with the Human Rights Council leads to the creation or re-establishment of cooperation that will ultimately improve human rights across the world. The UPR itself is unique in that it provides a forum for states themselves to review the records of their peers. It is the only human rights review conducted by other member states, rather than UN experts who may cause states to feel singled out (Sen, 2009). The review itself is a space to construct the domestic human rights situation in a specific state, while also providing an opportunity for states to represent themselves and their views on human rights (Authers, 2015).

The UPR occurs yearly during three sessions where the human rights records of forty-eight states are reviewed (Sweeny and Saito, 2009). The review is based off of three key documents: (i) a national report; (ii) a collection of expert reports; and (iii) stakeholder submissions (UN OHCHR, 2018). The national report is compiled by each state under review prior to their session. This acts as a sort of “self-audit” where states can provide information pertaining to the human rights situation within their borders (Cowan, 2015, pg. 55). The expert reports are compiled by the United Nations and consists of information from human rights experts, treaty bodies, and other UN bodies pertaining to the state under review (UN OHCHR, 2018). Finally, the stakeholder submissions contain individual and joint submissions from national and international NGOs and other civil society groups. These submissions are compiled into a twenty-page report with relevant information by UN officials (Sweeny and Saito, 2009).

Following the compilation of the three key documents, the review occurs through an interactive dialogue between the state under review and their peers where states can pose questions, make comments, and suggest recommendations for improving the human rights situation within the state under review (UN OHCHR, 2018). Once the review has occurred, states are required to accept or reject specific recommendations made during the three-hour review.

1.3 Civil Society and the United Nations

Throughout the history of the United Nations, civil society has played a unique and important, yet frequently challenged, role in the UNs day-to-day operations. Civil society engagement with the United Nations frequently operates through non-governmental organizations (NGOs). The role of civil society in the United Nations was explicitly outlined in Article 71 of the Charter. This article states,

“[t]he Economic and Social Council [ECOSOC] may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.” (United Nations, 1945, pg. 13).

This has led the Economic and Social Council (ECOSOC) to develop a roster of organizations that can consult with the UN and provide expertise on specific human rights concerns (Alger, 2002). This has been vital in adding the perspectives of human rights experts into the UN. By the early 1990s, roughly 1000 NGOs were granted this consultative status with ECOSOC, vastly exceeding expectations of the role of civil society in the UN (Otto, 1996).

CSO engagement was vital to the creation of the UN and the safeguarding of human rights around the world. Despite this important role, CSO involvement in the UN has frequently been met by opposition from member states. For example, Alger (2002) notes that “some states in Africa, Asia, and Latin America find civil society prodding and exposure of human rights

violations annoying” and that certain Western states “resent NGO pressure for economic justice, disarmament, and global democracy.” (pg. 96). While civil society engagement with the UN is certainly challenged, it has been able to increase their presence and involvement as the UN evolved. Now, several United Nation bodies, including the Human Rights Council (UNHRC), see the value in consulting with civil society to ensure up-to-date and accurate information is used to address the concerns of the United Nations (UN OHCHR, 2018).

1.4 Civil Society and the UPR

The Universal Periodic Review is heavily focused on the experiences, situations, and recommendations from member states. While civil society is encouraged to participate in the curation of shadow reports, the focus is placed on the peer-to-peer element of the review. Despite this, civil society groups have found ways to engage with the UPR and ensure their voices are heard. The most basic way in which civil society can participate in the UPR is the submission of shadow or stakeholder reports. Here, civil society has the option to work as an individual entity or in a coalition with like-minded organizations. If working as an individual organization, the submission can be no longer than 2815 words, while those working as a coalition can submit reports up to 5630 words (UNHRC, 2018). The word limit was created because all stakeholder reports to the UN are further combined into one summary report. A shadow report can be submitted by civil society with or without ECOSOC consultative status, while other elements of the review like meeting with the working group and engaging in the post-review outcome session are reserved for organizations with ECOSOC status (UNHRC, 2018). Additionally, stakeholder reports often have to be submitted well in advance of the actual review and the submission of the national report. For example, for Canada’s most recent review in May 2018, civil society had to submit their reports by October 2017 (UNHRC, 2018). This is done to provide the OHCHR

enough time to condense the reports into the stakeholder summary (Sweeny and Saito, 2009). This, however, creates two key problems. First, it prevents civil society from submitting up-to-date information or changes in the months leading up to the review (Sweeny and Saito, 2009). Second, it prevents civil society from commenting or acknowledging information provided in the national reports, which are due six weeks prior to the review (Sweeny and Saito, 2009). Page limits, ECOSOC Status, and submission deadline unfortunately limits the ways in which civil society can engage with the UPR process. While these limits do occur, there are methods that CSOs can utilize in order to expand their work with regards to the UPR.

While CSO participation is limited, Moss (2010) notes eleven ways in which civil society can engage in the UPR process effectively. This includes: consulting with the government during the development of the national report; lobbying for human rights concerns through the media; submitting stakeholder reports; submitting shadow reports; lobbying states to make specific recommendations or ask certain questions during the review; publishing information and holding events to raise awareness of human rights issues; speaking at the plenary sessions to urge the states under review to implement the recommendations; and publicizing issues raised during the UPR within the state under review to urge follow up and compliance with the recommendations (Moss, 2010). Oftentimes, civil society will combine a number of these processes together to round out their engagement with the review. This, however, is often limited based on resources, budget, government interest, and public awareness. Despite these setbacks, however, civil society continues to engage with the UPR, and many see it as a valuable method to work with the UN system, especially with regards to human rights obligations.

1.5 Canadian Civil Society

As civil society plays a well-defined role in the UPR process, it becomes important to understand the relationship between the state under review (SuR) and domestic civil society. The Canadian civil society sector is well developed and has enjoyed a long history of working directly with the Canadian government (Hall et al., 2005). Civil society in Canada has continuously maintained an important, yet complex relationship with the Canadian government. Although the relationship between the Government of Canada and civil society has always been complex, civil society has found ways to continue inserting themselves into public dialogue both domestically and in the international system. Canadian civil society has long been a fixture at the United Nations, which in turn has allowed them to gain invaluable experience of engaging with human rights mechanisms. The UPR provides a venue for civil society in Canada to engage with systems outside the domestic playing field. The UPR allows these organizations to not only bring attention to Canadian human rights concerns, but also challenge Canada's self-perceived narrative of being human rights defenders and force the Government to acknowledge the work that needs to be done to address shortcomings in upholding human rights.

2. Literature Review

Since the UPR is a relatively new human rights monitoring mechanism, literature on the subject has grown significantly in recent years. Literature regarding the UPR can be divided into four key sections: (i) research that explores the impact of the UPR; (ii) literature that tackles the relationship between states and the review; (iii) literature that investigates how civil society engage with the UPR process in a broad sense; and (iv) a group of case studies that look at how civil society can engage with the UPR to push for change in a specific state or region. There is an impressive amount of literature on the UPR and states interact (Abebe, 2009; Smith, 2011; Bulto, 2015; Vega and Yamasaki, 2015). As this study aims to address civil society engagement with

the UN, this literature review will focus on three of the four key sections: strengths and limits of the UPR; Civil Society and the UPR; and Civil Society during specific state reviews.

2.1 Impact of the UPR.

A significant amount of literature regarding the UPR assesses its strengths and limits as a human right's monitoring mechanism. As more review cycles occur at the human rights council, more information is available to truly understand the impact the UPR has made in upholding and improving human rights around the world. While the UPR has been successful in many areas, such as gaining participation from states, and upholding human rights, there has been growing concern around the true impact of the UPR.

Successes

One of the major successes coming out of the first two cycles of the UPR is the apparent universality of the review process in terms of participation. Throughout the first two cycles of the UPR, it has boasted 100% participation rate. The HRC's predecessor was plagued with issues surrounded selectivity in the review of human rights (Kalin, 2015; Rana, 2015). Critics of the Human Rights Commission argued that some states were the "constant focus of finger-pointing in the form of allegations of human rights violations" (Kalin, 2015). Having all states participate in the UPR process has helped reduce that concern, as the human rights records of all states are under scrutiny.

The UPR has also been successful in encouraging state participation with other monitoring mechanisms. As noted by Rana (2015), treaty monitoring bodies (TMB) are only able to address specific concerns, and special rapporteurs (SRs) are only able to visit states if invited. Chauville (2015) argues that the UPR has been used as a method to encourage states to participate in TMBs and SRs. During the first cycle alone, over 500 recommendations were

made encouraging states to become more involved with other monitoring bodies (Chauville, 2015).

Limits

When addressing the limits of the UPR Chauville (2015) points to limits that emerged with the creation of the HRC. Chauville argues that in order to achieve consensus among states during the negotiation process, technical aspects of the UPR were not specified in any detail (Chauville, 2015). This made it especially difficult for states during the first cycle, as there were no templates for national reports and a lack of understanding regarding consultations with civil society. One major drawback, as noted by Chauville (2015), is the lack of an independent assessment tool that could be used to measure the extent of implementation within states. Instead, it is up to states to report on how they have implemented the recommendations made to them, which can sometimes contradict stakeholder statements. In her study on Nepal's implement of UPR recommendations Roesdahl (2018) noted that the lack of UN follow-up outside of the Geneva combined with a lack of resources reduced the "change potential" of the UPR in Nepal.

The limited amount of time given to states during the formal three-hour review has caused some scholars to question its effectiveness. This means that states are given a relatively short amount of time to make their recommendations, with some states even being cut off during their speaking time. Scholars have noted that given the short amount of time for the review, it is impossible to adequately address all the human right concerns in a specific state (Rena, 2015; Kalin, 2015). This has the potential to make the review appear superficial (Rena, 2015). Additionally, politicization of the review process can be seen as a limitation. Terman and Voeten (2018) note that critics of the UPR point to a type of politicization where states like Canada are

attacked for economic policies, while “oppressive” states are praised by “ideological sympathizers” (6). This has the potential to create a disillusionment among states who feel like their being attacked by specific states/regions while member states in those regions do not receive similar critiques.

A frequent concern that is often noted in studies is the potential for the UPR to become a ritual that states participate in once every four years, without making significant progress in advancing human rights (Chauville, 2015). This can occur at two main stages: first, with states under review, and then with states making recommendations. The first occurs when states participate in the review, without any intentions to accept recommendations made. This was clear during the first cycle through states like North Korea, who accepted no recommendations, and Israel, who accepted only three recommendations (Kalin, 2015). Kalin (2015) argues that, “it [the UPR] provides states that have a weak human rights record and low commitment with an opportunity to claim they are dedicated to human rights simply by virtue of participating in the UPR and accepting recommendations.” The second emerges when states making recommendations do not adequately engage with the review process. This can exist in many ways including: failure to read documentation, making non-confrontational recommendations, or making weak recommendations that are broad in nature (Kalin, 2015). States are still participating in the review; however, the meaningfulness of their participation can be called into question.

Finally, Chauville (2015) notes that the broad nature of the review process can make it difficult for states to implement the recommendations on the ground. For example, if a state makes a recommendation to “improve the rights of a child” but do not include a specific action, it becomes difficult to interpret (Chauville, 2015). The vagueness also makes it easier for a SuR

to claim that it has been address, when in fact nothing has actually been done to address the concern (Chauville, 2015). Additionally, smaller states with limited resources may find it more difficult to implement recommendations (Roesdahl, 2018). As a result, they are unable to make the changes necessary to address a specific human rights concern. This may contribute to disengagement in the future, where smaller states feel as though they are hearing the same recommendation over and over, but at unable to address it properly. Finally, Cowan and Billaud (2015), argue that the UPR is still dominated by the global north, making it difficult to hear voices from the global south.

Overall, while the UPR has been successful in gaining full participation and advocating for states to use other mechanisms, there are several key limitations that have emerged both during the reviews as well as through studies. It is important to note these limitations as there has been growing concerns around the sustainability of the UPR. It is clear that the HRC needs to address these concerns moving forward to help address discontent with the review process while also maximizing the positive impact that review can have on human rights globally.

2.2 Civil Society and the UPR

A common area of study regarding the UPR is exploring how civil society operates within the UPR process. This literature often aims at improving engagement between civil society and the UPR. A number of authors have noted that the UPR process has provided a unique opportunity for organizations that focus on human rights (Landolt, 2013; Moss, 2010; Schokman & Lynch, 2015) Due to this unique opportunity several domestic and international NGOs and other civil society groups have utilized it, to varying success, to push for change at the state level. In his 2010 study, Lawrence Moss noted that during the second cycle of the UPR roughly 70% of recommendations made to the states under review by other UN states reflected

recommendations from NGOs and other civil society groups (Moss, 2010). In a similar study, Edward McMahon found that 1631 out of 2448 state recommendations between the first and second session reflected recommendations made by various civil society groups (McMahon, 2013). These two studies show that recommendations made by NGOs and civil society groups are taken seriously by states during the UPR process.

In their 2009 assessment of the UPR process, Sweeny and Saito (2009) noted that a majority of domestic NGOs and coalitions were satisfied with the process they had to undertake during the UPR. Despite this satisfaction a number of issues were raised by these organizations including: (i) the fact that deadline for stakeholder submissions is 5-7 months before the review, making it hard to ensure up to date information; (ii) stakeholders are unable to provide insight into final state reports; and (iii) by the time NGOs were able to actually provide input at the UPR it was often too late to influence the states under review (Sweeney and Saito, 2009).

These challenges are frequently brought up by NGOs and other scholars. As a result, Ben Schokman and Phil Lynch studied how NGOs can utilize the UPR process as effectively as possible. Schokman and Lynch (2015) found seven key ways in which NGOs can effectively engage with the UPR: (i) through coordinated and strategic coalitions; (ii) having clear and concise recommendations; (iii) working strategically with other UN human rights mechanisms; (iv) working early and often with states under review; (v) work early and often with states that are providing recommendations; (vi) work closely with national and international media outlets; and (vii) have a long term advocacy strategy to ensure implementation following the review (Schokman and Lynch, 2015). By utilizing these recommendations, NGOs can ensure that their experience during the review process is as effective as possible.

Overall, scholars that study civil society engagement with the UPR recognize that while there are significant challenges, the UPR process does provide an excellent opportunity for civil society seeking to garner international attention for domestic human rights abuses. If engaged with strategically, these groups can maximize their influence and ensure a robust process and strategic implementation.

2.3 State-Specific Case Studies

Literature in this section looks at how civil society engage with the review of a specific country or region. The majority of the literature focuses on countries in Asia or the Pacific/Oceania region, with one example of a European country (Russia) and one from the Middle East (Egypt). Additionally, majority of this literature tends to focus on low-middle-income states, with three examples from upper-middle income states, and one from upper income states. How a state is structured will influence how NGOs are able to navigate the UPR. Thus, it becomes important to look at context-specific studies to further understand how the state can help or hinder the experience of NGOs. This literature can further be grouped into two main categories: (i) focusing on a specific NGO's experience and (ii) focusing on the experience of multiple organizations.

In her study of Myanmar, Francesca Paola Traglia focused on the experience of a single NGO: the Lutheran World Federation (LWF). Paola Traglia (2017) found that the LWF successfully utilized the UPR to engage with the Myanmar government. The organization ensured they had clear, concise recommendations, engaged directly with government officials as well as Myanmar locals to develop the recommendations, and strategically lobbied countries such as Canada, Namibia, Australia, Germany, Sweden and the United States to make specific recommendations during the review (Tragila Paola, 2018). As a result, this constructive

engagement with the government allowed LWF to successfully participate in the UPR process and push for human right advancements in Myanmar without being pushed out by the government.

In Egypt, Landolt (2013) found that the UPR provided an opportunity for Egyptian NGOs to bring attention to human rights abuses at the international level. This is important because domestic NGOs frequently experienced setbacks in the diminished Egyptian NGO space. Landolt (2013) found that the UPR process allowed domestic NGOs to voice concerns at the Human Rights Council, which in turn allowed these NGOs to better contribute to the narrative of human rights in Egypt. A representative from a domestic NGO noted that the “UPR offered not only a site from which to challenge the Egyptian government, but a domestic and regional opportunity to increase popular attention to human rights issues through the media” (Landolt, 2013, 125).

The UPR thus acts as a valuable tool for organizations operating in countries that are actively hostile towards NGOs. It allows these organizations to bring attention to human rights violations at local, regional, and international levels with the hopes of placing enough pressure on domestic governments to incite change.

There are, however, contexts in which the UPR is not seen as a valuable entity by NGOs. In the case of Indonesia, domestic NGOs created a coalition that submitted two stakeholder reports, delivered workshops and diplomatic briefings, proposed questions to be asked of Indonesia, and lobbied the troika countries to ensure their voices would be heard in both Jakarta and Geneva (Wahyuningrum, 2015). Despite this strong engagement by the coalition and perceived prioritization by Indonesia, the coalition criticized the UPR process citing reluctance for genuine and constructive dialogue between the state and NGOs, failure by Indonesia to

accurately describe the domestic human rights situation, and the lack of opportunities for NGOs to comment on the national report, despite a strong willingness to do so (Ibid). The example of Indonesia shows that despite strong NGO engagement and a very active state, the UPR may not provide a valuable opportunity for civil society engagement at the UN level. In the context of Indonesia, there was a strong desire amongst the government to portray the country as open to the review process. However, this openness quickly disappeared when civil society expressed interest in being involved during the lead up to and after the review.

As mentioned previously, the second type of literature looks at multiple NGO experiences in a specific country context. In her study of the Pacific Island State's UPR experience, Natalie Baird looked at the role of international NGOs vs. domestic NGOs. Here Baird (2015) found that international NGOs tend to dominate the talking space during the various Pacific Island state reviews. Baird (2015) further notes while this can provide benefits such as filling gaps in information, expertise, and resources, it does have many drawbacks including: diluting the national voice, potential for a single-issue narrative, lack of knowledge of on the ground issues, and the potential for Western bias in human rights reporting. Overall, Baird (2015) concludes that while the involvement of international NGOs can be beneficial, these NGOs should place more emphasis on building relationships and providing support to domestic NGOs to ensure accurate and national reporting on human rights in the Pacific Islands.

Mcgaughey (2017) looks at the role and influence of NGOs in Australia's UPR. Of the two-hundred and ninety recommendations made to Australia in 2015, one-hundred and seventy-seven (61%) recommendations matched suggestions from NGOs during earlier stages of reporting (Mcgaughey, 2017). This made NGOs the second most influential source in the UPR process for Australia, behind the compilation of UN information, which had 197 matches (Ibid).

Of all the NGO submissions, a domestic coalition of NGOs led by the Human Rights Law Centre, Kingsford Legal Centre and the NACLIC was the most successful with ninety matches (Ibid). While NGOs may not have been the most influential in the context of Australia, this study still provides important insight into the role and significance of civil society engagement with the UPR, especially from domestic NGOs. Domestic NGOs foster an understanding of human rights situations on the ground, which is invaluable for states in Geneva. This shows that while NGOs were not as influential as other bodies, they still played a vital role in providing accurate information for state recommendations in Geneva.

In two separate studies, Paul Chaney compared civil society and state UPR discourse surrounding two issues in China and Russia. In Russia, Chaney, (2018b) found that civil society was much more critical of the human rights situation for LGBTQ+ people than the Russian state. Chaney further notes that “[c]ivil society organizations’ discourse describes a situation clearly at odds with the official state discourse” (Chaney, 2018b, 651). In China, Chaney (2018a) finds a similar disconnect between state and CSO discourse on freedom of religion. In the state submission, the Chinese government appears to embrace the promotion of religious freedom (Chaney, 2018a). CSOs, however, were highly critical of the Chinese government for the failure to uphold religious freedom (Ibid). These two cases show the importance of civil society engagement with the UPR. Stakeholder submissions from CSOs allow for a more nuanced perspective of the human rights situation in a specific state or region and brings attention to human rights issues that may have previously been overlooked.

Overall, the UPR provides valuable opportunities for civil society seeking change in specific states or regions. NGOs in Australia became the second most influential source for recommendations. In both Myanmar and Egypt, the UPR provided a chance for civil society to

raise awareness about human rights issues in a domestic climate often hostile to civil society. In Russia and China, the UPR allowed civil society to provide a more nuanced and critical view of human rights issues, specifically religious freedom and LGBTQ+ rights. There are, however, many challenges still facing domestic civil society groups operating in the UPR system. In the Pacific Islands, international NGOs tend to dominate the narrative, which can dilute the national voice and narrowly define issues. In Indonesia, the coalition of civil society groups felt that the UPR process was superficial, and despite an active state involvement in the process, they found themselves on the outside looking in. It is important to note that the experiences of NGOs will vary from state to state. As shown, the experiences of civil society in Indonesia for example, is vastly different from civil society in Australia. Therefore, it is important to look at context specific studies to see how influential NGOs are in the UPR process.

3. Research Design and Methodology

By conducting this research, I hope to bring nuance to the growing body of literature on the Universal Periodic Review. To do this, I will be exploring how Canadian civil society is able to utilize this complex UPR system to influence change at home. This study will combine both qualitative and quantitative data in the form of document analysis and interviews to understand the experience of Canadian civil society groups during Canada's third Universal Periodic Review at the Human Rights Council in May 2018.

The research itself has been inspired by the work of Fiona Mcgaughey (2017), which looked at the influence and experience of Australian NGOs during Australia's second review in 2015 through the use of document analysis and interviews.

There are several reasons for basing my methodology on this study. First, this study appears to be the first of its kind in regard to the study of the UPR. The quantitative data from the

document analysis provides basic insight into how seriously CSO positions are taken during the UPR, while the qualitative data from CSO interviews provides nuance and a better understanding of how civil society perceive the process themselves. Overall this study was very successful in understanding how civil society played an important role in the UPR process. As a result, this kind of study seems most appropriate for the intended outcomes of this research.

Second, this study will utilize a different case study and CSO interviewees than the study conducted by Mcgaughey (2017). This research will focus on a case study of Canada and Canadian CSOs that participated during Canada's most recent review at the United Nations. There are a number of reasons for the selection of Canada as this case study. First, I am located in Canada. This provides me with locational context regarding the relationship between the government and civil society. Second, I have experience working in Canadian civil society, which provides me with connections to CSOs that participated in the UPR process as well as an understanding of workings of civil society. Finally, it appears as though a study on Canadian NGO involvement in the UPR has not been conducted. The studies that do exist regarding Canada's involvement in the UPR tend to focus on how Canada is portrayed by other countries during their review (Authers, 2015; Harrington, 2009), rather than the role of civil society itself. This study will hopefully bring greater insight to the involvement of Canadian civil society in Canada's human rights reviews.

The final reason for replicating this study is the nature of NGOs and civil society itself. How civil society operates is often influenced by where it is located in the world, the type of government in power, and its ability to access resources. Certain countries are more open to civil society participation, while other countries are more restrictive. As a result, the success of civil society participation in the UPR will depend on how it can operate within its domestic context

and in Geneva. This study will help broaden the literature on civil society engagement with the UPR by providing nuance and understanding of how CSOs actually feel about the process.

Similar to Mcgaughey (2017), this research will combine document analysis and semi-structured interviews. Utilizing a combination of methodologies will help to provide the nuance necessary to understand how civil society engages with the UPR. Using semi-structured interviews to complement document analysis allows the researcher to “corroborate findings across data sets and thus reduce the impact of potential biases that can exist in a single study” (Bowen, 2009, pg. 28). Combining document analysis with interviews will provide the nuance necessary to truly understand how Canadian civil society engage with the UPR process.

3.1 Document Analysis

The first element of this research took form in a document analysis of stakeholder submissions, the UN stakeholder report, and the recommendations made by Canada’s peers during the UPR process. Document analysis refers to a “systematic procedure for reviewing or evaluating documents” that entails interpretation to produce meaning, understanding and knowledge (Bowen, 2009, pg. 27). The primary documents that were used include: (i) civil society stakeholder submissions, (ii) the UN Stakeholder report, based off those submissions and (iii) the various recommendations made by states during Canada’s three-hour review. For the civil society stakeholder reports, only those reports made by Canadian civil society groups were chosen. The reason for this is because the study itself focuses on the experience of Canadian civil society, therefore reports from International NGOs and non-Canadian CSOs were not included.¹ The aim of this document analysis is to compare and contrast recommendations by stakeholder submissions and recommendations made by states to understand what role civil society played in

¹ Some INGO reports were included due to the fact that they partnered with Canadian CSOs in a joint statement.

informing state recommendations. Additionally, each report was coded to determine common concerns or themes raised by civil society.

During this phase of the research, each stakeholder submission was analyzed and coded based on the type of recommendations made by civil society using the NVivo coding software. The official UN stakeholder report was reviewed and compared to the civil society submissions to determine what recommendations from civil society were included and which were left out. Finally, domestic civil society recommendations were compared to state recommendations during Canada's three-hour review to determine the influence of civil society on the suggestions made during the official review. This document analysis, however, only painted a partial portrait of civil society experience during Canada's most recent review. In order to gain a more complete picture, this analysis has been combined with civil society interviews, which will be discussed in the following section.

3.2 Interviews

The second element of this research took form in interviews with civil society groups that submitted stakeholder reports during Canada's third review. The interviews themselves were in-depth and semi-structured in nature. In this context, the civil society groups are best equipped to explain how they perceive their role in the UPR system. The interviews utilized broad, guiding questions to help civil society organizations discuss their perspective on the UPR. A topic guide is supplied in appendix two. Over fifty different stakeholders submitted stakeholder reports to the UPR. Of the fifty reports, thirty-six reports involved domestic civil society groups located in Canada. Due to the fact that some of these reports were joint statements, there was a total of fifty-nine organizations that were involved in writing these reports. Each organization was contacted by email asking them to participate in the study. A total of twelve organizations

replied, with six consenting to the interview. Organizations that were unable to participate cited lack of time, staff turnover, and minor involvement in the UPR as reasons for turning down the interviews. The interviews helped to provide nuance and a greater understanding of what CSOs did during the review and how they viewed their experience.

3.3 Limitations

While this study was designed to gain the insight of CSOs with regard to Canada's participation in the UPR, there are a few limits that have emerged. First, the main limitation of this study is the small sample size of interviews. While every organization that participated in the UPR was contacted, only six organizations consented to the interview. This creates a small sample size which makes it more difficult to draw conclusions and make generalizations about how civil society viewed their participation in the UPR process. Secondly, despite being the most frequent recommendation made to Canada during the review, no Indigenous organizations were available to complete interviews. While some of the organizations interviewed did talk about the rights of Indigenous people, it was often in passing or related to other recommendations such as health care or the rights of disabled persons. It would have been beneficial to gain the insight directly from an Indigenous organization.

4. Canada at the UPR

To date Canada has completed three periodic reviews at the Human Rights Council. The UPR has provided Canada with an opportunity to uphold its perceived global reputation as being champions of human rights. This is heavily reflected in how Canada has engaged with the review process through its national report, three-hour review, and post-review sessions. As highlighted by Authers (2015) the notion that Canada is a champion of human rights, both internationally and domestically, has circulated since the late 1950s through the work of then Secretary of State

for External Affairs Lester B. Pearson. This perception continued into the twenty-first century through Canadian involvement at the United Nations, its role in the creation of responsibility to protect, and participation in the creation of the Human Rights Council (Authers, 2015). This reputation quickly became a theme during Canada's first review.

In order to maintain the reputation of upholding human rights at home and abroad, the Canadian government has willingly engaged in its reviews at the Human Rights Council. The following subsections will outline the themes, roles of domestic CSOs, and outcomes of Canada's first two reviews at the Human Rights Council. This is done to give us a sense of what role domestic civil society had in the creation of the stakeholder report as well as to understand what type of recommendations were made.

4.1 Canada at the UPR: 2009

Canada's first review took place on February 3rd, 2009 during the fourth session of the Universal Periodic Review. In accordance to the UPR's suggested outline, civil society groups both from Canada and abroad submitted stakeholder reports prior to the formal review. In total, roughly fifty submissions were made by civil society and national human rights institutions for Canada's first review. Out of the fifty submissions, forty-two came from CSOs located in Canada; seven from CSOs outside Canada; and one came from Canada's National Human Rights Institution [the CHRC] (United Nations General Assembly, 2009). Overall, domestic civil society played the largest role in the creation of Canada's 2009 stakeholder summary. In total, 157 recommendations were made in the 2009 report. Roughly 76% of these recommendations came from submissions from domestic civil society, 20% came from international civil society, and 4% came from Canada's National Human Rights Institution. Amnesty International and Christian Action for the Abolition of Torture Canada were the most cited organizations in the

2008 report with 8 recommendations attributed to the organizations respectively (United Nations General Assembly, 2008)

Due to the fact that the UPR explores the entire human rights landscape of a country, there is a great variation in the types of recommendations made. Overall, the themes of the stakeholder summary report centered mostly around the rights of Indigenous persons, upholding and ratifying international agreements, the rights of immigrants/migrants/refugees, Corrections/Policing/CBSA/the Justice System, and alleviating poverty (United Nations General Assembly, 2008).

4.2 Canada at the UPR: 2013

Canada's second review took place on April 26th, 2013 during the sixteenth session of the Universal Periodic Review. A total of 48 shadow reports were submitted to the United Nations for the creation of the stakeholder summary report. Out of the 48 shadow reports, 39 came from domestic civil society groups, 9 came from international civil society, and 1 from the NHRI (United Nations General Assembly, 2013). Similar to 2008, domestic civil society contributed the most recommendations to the summary. A total of 179 recommendations were made in the summary, with 64% coming from domestic civil society, 27% from international civil society, and 9% from the NHRI. While domestic civil society had the most recommendations connected to them, both international civil society organizations like Amnesty International (26) and IMMA-VIDES (9), as well as the Canadian Human Rights Commission (17) were cited the most. The Office of the Provincial Advocate for Children and Youth (Ontario) was the most cited domestic organization for the 2013 review.

Once again, the rights of Indigenous people topped the list of recommendations found in the summary. The most prevalent concerns surrounded the conditions of reserves, land claims,

and MMIW. The rights of the child, especially Indigenous children, was the second most popular recommendation, followed by ratifying international treaties, rights of migrants, and finally addressing recommendations made during the 2008 review. New recommendations regarding civil society engagement in Canada, the underfunding of civil society, food insecurity, drug use/addictions, and rights of racialized persons emerged during the 2013 review.

4.3 Canada at the UPR: The 2018 Review

Canada's third official review at the Human Rights Council occurred on May 11th, 2018 during the thirtieth session of the Universal Periodic Review. Canada was represented by the Minister of Justice, Jody Wilson-Raybould. Canada's national report created a narrative that focused on Canada's history of human rights promotion both domestically and abroad, while also highlighting improvements made since past reviews (United Nations General Assembly, 2018b). A significant portion of the report focused on the rights of Indigenous people. These sections focused on the ratification of UNDRIP and changes since the Truth and Reconciliation Commission (United Nations General Assembly, 2018b). Other areas of focus included the rights of women, equality and diversity, public security, economic rights, and international human rights. Similar to past reports, both domestic and international civil society contributed stakeholder reports that were compiled into the UN Stakeholder Summary report.

4.4 Themes in 2018

Several themes emerged in both the stakeholder reports submitted to the human rights council and the three-hour review. In the shadow reports, recommendations relating to Indigenous rights, immigration/migration/refugees, corrections/policing/CBSA/the justice system, access the health care, and the rights of women were the most prevalent. Majority of these top themes also had subthemes or specific areas that called for immediate improvement. For the rights of Indigenous people, the focus was on Canada's history of MMIW and the recent

government inquiry. Immigrant detention was the most common concern regarding immigration. The rights of female prisoners in Canada, especially those of Indigenous or racialized backgrounds, topped recommendations made by CSOs for Corrections, Policing, CBSA and the Justice System. Finally, mental health, especially for prisoners and Indigenous people, was the top health concern flagged by civil society.

Often times there was overlap in the themes. For example, organizations would talk about access to health care for Indigenous children, meaning it fit the themes of Indigenous rights, health care, and children. Compared to past reviews there appears to be a trend in the top human rights concerns brought forward by domestic civil society during Canada's reviews.

During all three reviews, concerns regarding Canada's treatment of Indigenous persons was the most common recommendation made by civil society (United Nations General Assembly, 2008; United Nations General Assembly, 2013; and United Nations General Assembly, 2018a). Additionally, concerns around migrant rights, corrections, access to health care, women's rights, and ratifying international agreements all appeared frequently across all three years. In 2013 and 2018 civil society also frequently mention Canada's failure in addressing past recommendations made in 2008 and 2013 respectively. In addition to the common themes highlighted above, there were some unique recommendations made in 2018. For example, issues regarding sexual assault, the legacy of colonialism, trade relations, and crisis pregnancy centres were brought up at least once in the shadow reports submitted by domestic civil society (BSCC, 2017; CASWLR & SRI, 2017; CAEFS & CFAIA, 2017; CFUW, 2017; CHC-CCS, 2017; Egale, 2017; FNCFCSC, 2017; NACAFV, 2017; NWAC, 2017; CTC, 2017; ACSHR & SRI, 2017). Many of these concerns, however, were not translated into the stakeholder summary.

4.5 Domestic Civil Society in 2018 and the Creation of UN Documents

Overall, a total of forty-four stakeholder reports were submitted during the lead up to Canada's third review. Of these forty-four shadow reports, thirty-five were written or co-written by domestic civil society, eight were written by international civil society organizations, and one was written by Canada's National Human Rights Institution. Domestic civil society played the greatest role in the creation of the UN Stakeholder summary. The UN Stakeholder summary consisted of 203 recommendations. Out of the 203 recommendations, 82% came from domestic civil society, 13% from international civil society, 3% from the Canadian Human Rights Commission, and 2% came from regional organizations such as the Inter-American Commission on Human Rights-Organization of American States (United Nations General Assembly, 2018a). Each organization that submitted a shadow report received a minimum of one recommendation in the stakeholder summary, however there were a few organizations that received more mentions in the summary. JS 15, a coalition of Canadian organizations that focused on poverty and immigration was cited the most in the summary, with fifteen recommendations (United Nations General Assembly, 2018a). Amnesty International was the most frequently cited International CSO, with 13 recommendations being linked to the organization.

4.6 Domestic Civil Society in 2018 and the Three-Hour Review

Canada's official three-hour review took place on May 11th, 2018. In total there were 107 countries in attendance who made a total of 302 recommendations to Canada. Out of the 302 recommendations Canada elected to review 275 and accepted 208 recommendations (United Nations General Assembly, 2018c). For the review itself, countries were able to make recommendations using information found in the stakeholder summary report and the compilation of UN information. Majority of the countries made recommendations using the

information found in at least one of these documents, although some states made recommendations without using the sources provided by the Human Rights Council. The document analysis showed that civil society (both domestic and international) was the most influential source, with the UN information report being a close second. Of the total 302 suggestions made to Canada, 254 recommendations had either a specific or general match to civil society (both domestic and international); 251 recommendations had either a specific or general match to the UN Information; 28 recommendations had either a specific or general match to information provided by the NHRI; and 20 recommendations were not influenced by the stakeholder summary, NHRI or the UN information.

Source	Number of Recommendations
UN Information	259
<i>UN Information Only</i>	29
Civil Society	254
Domestic Civil Society	230
<i>Domestic Civil Society Only</i>	16
International Civil Society	141
<i>International Civil Society Only</i>	15
National Human Rights Institution	28
<i>National Human Rights Institution Only</i>	1
Not found in the UN Documents	20

Table 1- Potential State Recommendation Sources: Matches with UN Information and Stakeholder Reports.

Breaking down civil society into domestic and international showed that domestic civil society was more influential than international civil society. Out of the 254 recommendations that could be linked to civil society, 230 either matched or partially matched suggestions put forward by domestic civil society; while 141 matched or partially matched recommendations from international civil society groups. Similar to findings from Mcgaughey (2015) there was overlap between the three main sources, meaning UN Information, Stakeholder reports, and the NHRI all made recommendations using similar language on broad topics. This was especially prominent in recommendations that urged Canada to ratify specific treaties or broad

recommendations like improving the overall wellbeing of Indigenous people (United Nations General Assembly, 2018a).

5. Interviews

A total of six interviews were conducted with Canadian civil society across the country. Majority of the organizations were located in Ottawa and Toronto (4) while the others were from Montreal (1) and Vancouver (1). The organizations varied in terms of focus areas and the amount of work done leading up to, during, and after Canada's most recent review. The organizations interviewed ranged from larger, cross-Canada coalitions, to individual organizations consisting of two staff members. All six of the organizations interviewed submitted joint statements to the United Nations, half of the organizations submitted with international civil society groups, while the other half submitted with other Canadian organizations. For half of the organizations, this was their first time submitting to the review, while the other three organizations have submitted to all three of Canada's reviews at the Human Rights Council. Recommendations made by these civil society groups included: sexual health, education, sex work, poverty, immigration, international treaty obligations, corporate social responsibility, and disabilities. All of these recommendations were reflecting both in shadow reports as well as secondary activity undertaken by civil society. Recommendations were often made based on legislative gaps (Action Canada Sexual Health and Rights, phone interview, Jan 23, 2019; Interview 3, phone interview, Jan. 28, 2019; Canadian Alliance for Sex Work Law Reform, phone interview, Feb. 21, 2019). Other recommendations were continuations of recommendations made in past reports or during other engagements with the UN (Canada Without Poverty, phone interview, Jan. 22, 2019).

5.1 What Organizations Did For the UPR

As mentioned throughout the paper, the ways in which civil society can engage with the UPR can range quite significantly. Based on resources, especially time and money, some civil society find that they are able to submit shadow reports and nothing else, while others are able to engage in more activities such as lobbying states or travelling to Geneva to attend meetings. All six organizations submitted shadow reports, which is the minimum civil society can do to be taken into consideration during the curation of UN documents and during the review itself. For organizations who submitted for the first time, a lot of time was spent educating themselves on the process itself and what the UPR offers to civil society. Those who were unable to do more beyond submitting shadow reports often cited a lack of resources as the main reason. Lack of funding also played a significant role in the ability of an organization to do more (Interview 3, phone interview, Jan. 28, 2019; CCRW, phone interview, Feb. 15, 2019). Organizations that were able to engage more with the UPR were often those organizations that had submitted multiple times or worked with other organizations familiar with the process.

Engagement Activity	Number of Organizations that took part
Writing a Shadow Report	6/6
Attended Pre-Session	2/6
Lobbied States	2/6
Worked with the Government of Canada (prior to the creation of the national report)	1/6*
Attended the three-hour review	2/6
Worked with the Government of Canada (following the three-hour review)	3/6*
Attended the Outcome Session where the Government of Canada accepts recommendations	2/6

Gave a statement at the Outcome Session	3/6**
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Table 2- Activities carried out by CSOs before, during, and after the UPR.

*CCRW was not specifically consulted by the Government of Canada, however other members of their submission were.

**Action Canada & SRI provided a statement on behalf of the Canadian Alliance for Sex Work Law Reform.

Pre-Session Meetings

Out of the six organizations interviewed, 2 attended pre-session meetings. During the pre-sessions at the UPR, civil society take part in informal panels where they are able to present on a specific human rights issue concerning the state under review (UPR Info, 2019). Both Canada Without Poverty and the Canadian Council on Rehabilitation and Work attended the pre-session for Canada. At the pre-sessions, organizations were able to provide a statement on their specific focus area. The Canadian Council on Rehabilitation and Work provided a short statement on employment for disabled persons in Canada (Canadian Council on Rehabilitation and Work, Phone Interview, February 15, 2019). In the case of Canada Without Poverty, their executive director provided a speech on her lived experience with poverty in Canada while also drawing attention to the recommendations made by the organization in their shadow report (Canada Without Poverty, Phone Interview, Jan. 22, 2019). The benefit of attending the pre-session meeting is that it provides civil society with a space to discuss their concerns with the states that will be reviewing Canada, while also gaining a better understanding of the UPR process. Additionally, Canada Without Poverty took the opportunity to speak informally with states regarding the recommendations made in their shadow report.

Lobbying States

In terms of lobbying states, two of the six organizations exercised this ability with one engaging with states in Geneva and the other contacting embassies in Ottawa. While attending the pre-sessions in Geneva, CWP also talked to states both formally and informally to discuss

lapses in Canada's human rights record relating to housing and poverty. CWP met formally with Portugal, South Africa, Ireland and Finland, and informally with Switzerland (CWP, Phone Interview, Jan. 22, 2019). For CSOs looking to lobby individual states, there often is a lot of strategy in selecting what states the organization should meet with. For Canada Without Poverty, they focused on states who either 1) have made recommendations pertaining to poverty and homelessness (e.g. Portugal) or 2) were very progressive when it came to economic and social rights (e.g. South Africa and Finland) (Canada Without Poverty, Phone Interview, Jan. 22, 2019). A similar strategy was employed by Action Canada for Sexual Health and Rights during their lead up to the review.

Instead of attending pre-sessions in Geneva, Action Canada contacted embassies in Ottawa, where the Organization is headquartered. The group met with Norway, Switzerland, Australia, Slovenia, France, and the UK and reached out to countries like South Africa, Ghana, Zambia, Mexico and the Philippines. (Action Canada for Sexual Health and Rights, Phone Interview, Jan. 23, 2019). Action Canada had created a shortlist with roughly 20 countries that had spoken out about issues reflected in their shadow report, most specifically abortion and comprehensive sexuality education. They also had to ensure that the country had positive views on issues pertaining to the decriminalization of sex work and sex work in general as it made up a crucial part of their report.

“We relied heavily on the UPR database developed by the SRI [Sexual Rights Initiative], to see what specific recommendations certain countries have made on these issues [abortion, sex work, and sexual health education]. So, using that tool helped to inform the types of recommendations we could be asking those countries to make.” (Action Canada for Sexual Health and Rights, Phone Interview, Jan. 23, 2019).

The use of a UPR database proved to be highly beneficial for Action Canada. The database developed by the SRI is specific to sexual health recommendations. There are, however, other

databases that focus on other issues, such as sustainable development, as well as a general database developed by the Human Rights Council that provides access to all recommendations made to a state over all their reviews. Use of these databases can be extremely beneficial for organizations looking to meet with states as it allows them to understand what type of recommendations states are willing to make, as well as their position on human rights issues

Consultations with the Government of Canada

Out of the organizations interviewed, it appears as though Action Canada for Sexual Health and Rights was the only organization consulted by the Government of Canada prior to the creation of the national report. There were two organizations who worked with the Government following the review itself to help Canada prioritize what recommendations it was willing to accept. Canada Without Poverty hosted several events in coordination with Social Rights Advocacy Centre and Heritage Canada in Ottawa, Halifax, Toronto, Winnipeg and Vancouver where organizations were able to come together, review the recommendations made to Canada during the review, and submit a report to help the Government of Canada determine what recommendations should be accepted (Canada Without Poverty, phone interview, Jan. 22, 2019). The Canadian Alliance for Sex Work Law Reform encouraged its member groups to attend post-review sessions with the government, and those with capacity attended some of those events (Canadian Alliance for Sex Work Law Reform, phone interview, Feb. 21, 2019). Of the remaining organizations, two were never consulted with by the Government and one was represented by another group in their joint statement.

Attending the Review

Two out of the six organizations attended the review itself, and two made statements on behalf of three organizations during the outcome session held after Canada determined what

recommendations it would accept or reject. Canada Without Poverty attended the actual review as well as Action Canada for Sexual Health and Rights (as represented by the SRI). Canada Without Poverty took along board members with lived experiences, engaged in brief sessions, and met with the Canadian delegation as represented by former Justice Minister Jody Wilson-Raybould (Canada Without Poverty, phone interview, Jan 22, 2019). Both Action Canada for Sexual Health and Rights as well as Lawyer's Rights Watch Canada attended the outcome session and provided statements on the recommendations that were accepted, rejected, or absent from Canada's review. As a member group of the SRI, Action Canada provided statements on behalf of both their own organization, as well as the Canadian Alliance for Sex Work Law Reform. This coalition noted that they worked directly with the SRI to develop their elements of the statement that was then delivered on their behalf by Action Canada.

Unique Activities

There were some unique activities undertaken by civil society that did not fit into the ways in which civil society can engage with the UPR, as recommended by the United Nations. Leading up to the three-hour review in Geneva, Action Canada for Sexual Health and Rights met with Members of Parliament (MPs) to get the issues in their report raised in the House of Commons prior to Canada's review. They met with opposition members including Michelle Rempel (Conservatives), Murray Rankin (NDP), Randall Garrison (NDP), Sheri Benson (NDP), and Irene Mathyssen (NDP). This was done to try and raise awareness not only of the issues themselves, but also the UPR process. The members were selected based on their views and policy records. On May 9th, 2018 Irene Mathyssen and Anne Minh Thu Quach (NDP) delivered statements during Question Period that drew attention to the UPR, Canada's upcoming review, and access to abortion (Mathyssen, May 10, 2018). This was a unique advocacy action in terms

of the UPR because it sought to increase awareness to the review itself. Lack of public understanding, even at the political level, is often cited as a setback for the UPR, and by engaging directly with MPs, Action Canada sought to overcome this challenge.

A second unique engagement activity was carried out by the Canadian Council on Rehabilitation and Work. Following their participation in the UPR, CCRW organized a conference with participants from academia, stakeholders, big businesses, small business leaders, injured workers, members of government at all levels, unions, and those with lived experiences (Canadian Council on Rehabilitation and Work, phone interview, Feb. 15, 2019).

“We did this conference to talk about where we had come from as a country for employment for persons with disabilities, where we’re at, and where we think we’re going. What came from [this] conference and the conclusion [of the review] was that we need a policy [for employment and persons with disabilities] but we also need a national strategy. We’re continuing to work on creating a first draft on a pan-Canadian strategy for the employment of persons with disabilities...We’re doing this under the umbrella of the CRPD.” (Maureen Hann, CCRW, phone interview, Feb. 15, 2019).

Engaging with the UPR allowed them to use information and recommendations received by Canada to further their advocacy work through the creation of this conference and subsequent national action plan policy.

Each organization felt like they were able to do as much as they could providing their resources and knowledge of the process. Interview 3 noted that as a smaller organization with no funding and limited time, it was unable to do anything beyond submitting the shadow report (Interview 3, phone interview, Jan. 28, 2019). Other organizations also highlighted funding and resources as barriers to engaging more with the UPR. Canadian Council on Rehabilitation and Work noted that funding plays a major role in an organization's ability to engage with the UPR. “CCRW has money so they were able to send me, but we’ve had some very trying times in the past, so what would happen if that had occurred during one of those times?” (Canadian Council

on Rehabilitation and Work, Feb. 15, 2019). The Canadian Alliance for Sex Work Reform noted that their lack of resources combined with how the international community views sex work made it difficult to engage with the UPR.

“For an organization like ours with people who are directly impacted by things that we are struggling for, the capacities of our member groups are sometimes divided between responding to on the ground urgencies or doing more proactive things that promote our mandate around sex work law reforms. The UPR is part of our mandate, but beyond the submission we did not have the capacity nor was it identified as a priority. We’ve been very excited to participate in things like the UPR, CERD, CEDAW, going to Geneva. We’re happy to do this because it’s a chance for us to put sex workers’ realities and needs on different global agendas, but it’s not our top priority. Our top priority is engaging with the people closer to where we are located regionally, and that would be the Canadian government, because they’re our primary target. The UPR would be a secondary target because we know that what we say is just going to be a drop in a very big pond, so we don’t necessarily have the resources to do the kind of lobbying other organizations can do.” (Canadian Alliance for Sex Work and Law Reform, phone interview, Feb. 21, 2019).

While organizations are able to effectively engage with the UPR, there are some setbacks of the process, such as the amount of time, money and other resources are necessary to effectively advocate for an organization's recommendations. These, along with the strengths of the UPR in the eyes of CSOs will be explored in the following section.

5.2 Canadian Civil Society Opinions on the UPR

Each civil society organization interviewed saw at least some value in engaging in the UPR process, with many considering it an important element of their human rights activism work. Majority of the organizations would recommend the UPR specifically to other organizations as a method of 1) promoting Canadian human rights, and 2) engaging with the international human rights system. The remaining organization would still recommend the UPR to other organizations, but rather as a set of tools in which human rights can be promoted at the international level. In other words, the UPR would not be their first recommendation, but if asked about it they would say it can be beneficial.

The ways in which civil society can participate in the UPR has allowed Canadian civil society to bring Canada's human rights record to the attention of the world. As noted earlier, Canada is a country that, at least within its international rhetoric, takes human rights and human rights work seriously. Action Canada for Sexual Health and Rights noted that,

“There's something to be said about Canada being shamed globally. It's a country that doesn't like to be shamed and is sensitive to those things. If you can push the right buttons it can really result in change.” (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019).

The UPR provides an opportunity to CSOs to call into question Canada's dedication to human rights not only abroad, but within its borders as well. As with any human rights monitoring mechanism, there are benefits and limits when it comes to engaging meaningfully with the process. The following sections will address these pros and cons of the UPR specifically.

5.3 Benefits of the UPR

Accessibility

The first benefit noted by civil society was the overall accessibility of the UPR. CSOs are able to tailor their participation to the time and resources they have available. At the most minimal level states are able to submit shadow reports, which in turn become a part of official documentation that has to be reviewed by the committee (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019). If organizations already have a list of recommendations, they make to other monitoring bodies or to the government itself it can make writing the shadow report easier (Canadian Alliance for Sex Work Law Reform, phone interview, Feb. 21, 2019).

Working with Other Civil Society Groups

A second benefit noted by civil society is related to the accessibility element brought forward by other organizations. The ability to work with other organizations in a joint statement

allows smaller organizations to become involved with the UPR and international human rights work in general. Interview 3 noted,

“It [the UPR] is a great opportunity for organizations to have a voice. A joint submission is excellent because it does allow people/organizations with more resources to assist a smaller organization without resources like mine.” (Interview 3, phone interview, Jan. 28, 2019).

Similar sentiments were expressed by Canada Without Poverty. They noted that part of their role as a national organization was to act as the international voice for grassroots or community organizations that focused on poverty issues in Canada (Canada Without Poverty, phone interview, Jan. 22, 2019). The joint statement provided them with the opportunity to express the concerns of these grassroots organizations as one unified vocal group.

Relatedly, the UPR provides an opportunity for CSOs to network with other organizations and states making recommendations at the review. Several organizations noted the ability to work with and talk to other organizations was extremely beneficial. The Canadian Coalition of Rehabilitation and Work stated,

“It [the UPR] brought civil society much closer, so now I have incredible strong links to Indigenous disability communities. I have stronger links around intersectionality with women, disabilities and employment.” (Canadian Council on Rehabilitation and Work, phone interview, Feb. 15, 2019).

These links have, in turn, allowed the CCRW to work with these organizations on other human rights advocacy work.

Networking with States

The UPR also provides an opportunity to network with states providing recommendations. This can help organizations understand what different countries are doing in the field of human rights. Canada Without Poverty noted that the UPR helped her organization build relationships with states and determine what states are doing in terms of economic and

social rights, such as homelessness, poverty, and other areas (Canada Without Poverty, phone interview, Jan. 22, 2019).

Accountability

According to a number of organizations, the accountability of the UPR is a huge pro. The fact that Canada's human rights record is documented at the international level and that the country itself has to respond to questions and recommendations put forward at the UPR provides organizations with documentation to hold Canada accountable for its actions on human rights (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019; Canada Without Poverty, phone interview, Jan. 22, 2019). As it is a peer-review where every state has participated, the review itself also appears to be received well by states under review (Lawyer's Rights Watch Canada, email interview, Feb. 4, 2019). This means that states like Canada appear to take the review seriously, which adds to its overall accountability and legitimacy. Additionally, as noted by Lawyer's Rights Watch Canada, the fact that the review itself is not limited to treaties that have been ratified by the country means there is not a limit on what types of human rights concerns can be brought forward by the reviewing states (Lawyers Rights Watch Canada, email interview, February 4, 2019).

Increased CSO Visibility

Finally, organizations noted that the UPR provides a method for CSOs themselves to be more visible on the international stage, while also increasing awareness of certain human rights concerns. The Canadian Alliance for Sex Work Law Reform noted that

“[o]ne of the positive things about this [the UPR] is that it provides visibility, which is important as a part of our social movement building...Every time there is a possibility that someone will see us it feels good.” (Canadian Alliance for Sex Work Law Reform, phone interview, Feb. 21, 2019).

Action Canada for Sexual Health and Rights expressed similar sentiments noting that “there is legitimacy and visibility when it comes to engaging with a UN mechanism” (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019).

Overall, civil society views the UPR as a mechanism to (1) promote human rights; (2) gain legitimacy, visibility, and connections with other states and organizations; (3) hold the Government accountable on their dedication to upholding human rights. They are able to do this through working with other organizations or individually in a relatively accessible way and are not limited to treaties that have been signed and ratified by the Government of Canada. While there are several benefits of working with the UPR, the organizations interviewed did point out several key limits of engaging with the UPR.

5.4 Limits of the UPR

Time, Resources and Money

One of the biggest concerns brought forward by the organizations was the amount of time, resources, and money it takes to engage with not just the UPR but human rights monitoring bodies in general. Almost every organization noted that the UPR requires a lot of resources, whether it be time or money. This can be difficult for CSOs as funding and resources are not always stable in the non-profit sector. This can also severely limit the participation of smaller civil society organizations in the UPR. As noted by Interview 3, this lack of resources limited what they were able to do for the review, as they were only able to submit a shadow report (Interview 3, phone interview, Jan. 28, 2019). The Canadian Alliance for Sex Work Law Reform noted that because they work on such a “controversial” issue, they do not have the resources necessary to even get that issue on the table (Canadian Alliance for Sex Work Law Reform, phone interview, Feb. 21, 2019). Some organizations thought that more funding should be available for CSOs to engage in international human rights forums. The Canadian Council on

Rehabilitation and Work stated that “more involvement [with the UPR] would happen then...putting together some type of funding that can talk to unique perspectives is important.” (Canadian Council on Rehabilitation and Work, phone interview, Feb. 15, 2019).

Vague Recommendations

Connected to the above-mentioned concern was the general vagueness of the review. While not being limited by treaties signed and ratified by Canada, it does become difficult to create a balance between what human rights concerns are addressed during the 3-hour review. Canada Without Poverty noted that

“[w]ith it [the UPR] being a review of all human rights in Canada and because of the stratification between political and social rights, economic and social rights get pushed aside. In many of the conversations we had with states where we asked them to prioritize economic and social rights, they were getting pushback from their governments to focus on something else.” (Canada Without Poverty, phone interview, Jan. 22, 2019).

Often times less controversial human rights issues, as well as issues that the Government of Canada itself has openly discussed, can be easier for states to make recommendations on. If a human rights issue is more controversial, or it means that Canada, civil society, and Canadians have to self-reflect, it not only becomes more difficult for the committee to make recommendations on those issues but also for the Government of Canada to accept those recommendations (Canadian Council on Rehabilitation and Work, phone interview, Feb. 15, 2019). This can be challenging, as well as demoralizing, for civil society. This was a concern reflected by the Canadian Alliance for Sex Work Law Reform.

“it can be alienating for the members of our community [sex workers] who never get to see themselves mirrored in those processes [international human rights mechanisms]. So, we submit something on sex work and they never see that [submission] reflected into recommendations. We do this knowing we won’t be reflected in recommendations.” (Canadian Alliance on Sex Work Law Reform, phone interview, Feb. 21, 2019).

While the broadness of the UPR can be beneficial in some instances, it does make it difficult for organizations to know what human rights issues to bring up as well as how to go about that effectively.

Politicization

The peer review nature of the review may cause the states under review to take the review seriously, however it can create a lot of issues for CSOs trying to draw attention to their human rights concerns. Lawyer's Rights Watch Canada noted that there is a

“Tendency for [the] UPR process to become politically-based exercises whereby states congratulate their political and economic allies but fail to adequately scrutinize their allies' human rights practices.” (Lawyer's Rights Watch Canada, email interview, Feb. 4, 2019).

This concern has been flagged by academics (Authers, 2015; Carraro, 2017), and can make it very difficult for CSOs to engage with the UPR, especially if they work on more controversial issues.

Lobbying States

Lobbying states can be a valuable resource for CSOs wishing to have their voices heard more during the UPR. This activity, however, requires a lot of time and resources, which sometimes limits the ability of smaller organizations to participate. Interview 3 noted that “having to lobby states as a necessary process is irritating” and expressed concern over why recommendations were often linked to geopolitics (Interview 3, phone interview, Jan. 28, 2019). For smaller organizations, being able to play a geopolitical game often is not a viable option.

Organizations who are able lobby states have to invest a lot of time in researching the past made by states to determine what states would be the most beneficial to target with lobbying. While databases do exist, it is unclear how well known they are to organizations

looking to lobby states. The main UPR database is not mentioned in any advocacy tools for CSOs, despite it being an extremely valuable resources for CSOs looking to lobby states.

Opportunities at the Review

Some organizations also noted the lack of opportunities for civil society during earlier stages of the review to be a major drawback. Lawyer’s Rights Watch Canada suggested that “there be opportunities for NGOs with ECOSOC consultative status to make oral submission during the review itself” (Lawyer’s Rights Watch Canada, email interview, Feb. 4, 2019).

Interview 3 also shared similar feelings, stating

“a way that it [the UPR] could be changed for the better is if the NGOs could somehow speak directly with the country being reviewed and the reviewing countries. If my organization is considered an expert on [a specific human rights issue] then my organization should be at the table” (Interview 3, phone interview, Jan. 28, 2019).

Currently, CSOs are only provided with an opportunity to make statements follow the SuR’s decisions on what recommendations they seek to accept or reject, which for many CSOs is too late to make meaningful contributions.

How the Government of Canada engages Civil Society

Finally, how the Government of Canada interacts with civil society and the review itself came up in almost every interview as a limit of the UPR. As noted earlier, only three organizations were consulted by the Government of Canada at any stage during the review, despite CSO consultation being one of the key recommendations made by the UN in its UPR process. Of those organizations that participated, only one was consulted prior to the creation of the national report, while the other two were consulted following the three-hour review. Those consulted prior to the review called into question the effectiveness of those consultations, stating

“of all the review and human rights accountability mechanisms, I would say Heritage Canada has a plan in place to technically consult before, during, and after. I would raise concerns around the meaningfulness of those consultations. Outside of Heritage Canada

there is no consultation with other department. Heritage Canada does not take consultation seriously from a meaningful perspective” (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019).

Lawyer’s Rights Watch Canada also noted that they

“would like to see consultation with civil society organizations during the process by which Canada reviews, accepts, or rejects UPR recommendations. Consultations with CSOs should be set up to maximize opportunities for participation by CSOs with scant resources” (Lawyer’s Rights Watch Canada, email interview, Feb. 4, 2019).

Other organizations also expressed interest in more meaningful consultations with the Government of Canada during earlier stages of the review process (Canada Without Poverty, phone interview, Jan. 22, 2019).

Why Heritage Canada?

Organizations also raised concerns about the UPR file being housed in Heritage Canada, noting “there’s also question of why Heritage [Canada] does the consultations when they send Justice to the actual review” (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019). Compared to similar countries, Canada appears to be the only one that houses its UPR portfolio under Heritage or similar departments. Countries like the United Kingdom, Australia, the United States New Zealand house it in their Justice/State departments, while places like Norway and India house it in their Foreign Affairs/External Affairs portfolios (United Kingdom Government, 2019, Government of Australia, 2019; Government of the United States, 2019; Government of New Zealand, 2019; Government of Norway, 2019; Government of India, 2019).

The Jurisdiction Excuse

Finally, organizations found that the Government of Canada often pointed to jurisdictional issues and ongoing legislative debates as reasons for rejecting certain recommendations. For example, Canada Without Poverty noted that the Government of Canada rejected a “recommendation around committing itself to the right to housing through a National

Housing Strategy” saying it has “done so by launching a national strategy with a vague reference to housing, but we’re still waiting for the right to housing legislation to come out” (Canada Without Poverty , phone interview, Jan 22 2019).

Action Canada for Sexual Health and Rights also expressed concerns around the Government of Canada using provincial/territorial jurisdiction as an excuse to reject certain recommendations (Action Canada for Sexual Health and Rights, phone interview, Jan. 23, 2019). By rejecting specific recommendations, it does not allow CSOs to hold the Government as accountable compared to if they accept a recommendation (Canada Without Poverty, phone interview, Jan. 22, 2019).

While CSOs that engaged during Canada’s most recent review expressed many concerns with the process, they all still felt that their engagement was beneficial and important in the promotion of human rights in Canada. The concerns reflected by civil society show that the process itself is not perfect and there is plenty of room for improvement. When compared to other monitoring bodies CSOs felt that the UPR was more accessible and more accountable than other human rights mechanisms. Overall, civil society felt that their experience with the UPR was beneficial and would recommend it, along with other human rights mechanisms, to other organizations seeking to become more involved in human rights advocacy at the international level.

5.5 Other Human Rights Mechanisms

As mentioned earlier, the UPR represents just one of many mechanisms available to civil society aiming at drawing attention to Canadian human rights. Both Treaty Monitoring Bodies (TMBs) and Special Procedures (SPs) work closely with civil society in reviewing human rights concerns across the world. One area where both TMBs and SPs differentiate from the UPR is their use of on the experts throughout the review process (Piccone, 2011; Morjin, 2011).

Additionally, these mechanisms often focus on a specific issue, rather than existing as a broad overview of a country’s human rights scene.

Human Rights Monitoring Mechanisms	Number Organizations that Identified Using Them
Treaty Monitoring Bodies	4/6
Special Procedures	3/6
Minority Rights Forum	1/6
UPR	6/6

Table 3- Human Rights Monitoring Mechanisms used by Organizations Interviewed

Civil society is encouraged to engage with these mechanisms (OHCHR, 2008). Many civil society organizations will use a combination of human rights monitoring mechanisms in their human rights work. Of the six organizations interviewed, all but one utilized other human rights monitoring mechanisms in addition to their work with the UPR, with TMBs and SPs being the most common ones used. Majority of the organizations that utilize these mechanisms noted that they all serve unique and important purposes to their human rights work. One of the organizations (Interview 3) participated in the Minority Rights Forum but did not feel as though it was a beneficial use of their time. This was due to a lack of country engagement and limited opportunities for civil society to speak (Interview 3, phone interview, January 28, 2019). The following sections will outline how both TMBs and SPs work, as well as how Canadian civil society engages with these mechanisms and their opinions.

Treaty Monitoring Bodies

Treaty monitoring bodies have been utilized since the mid-to-late 1960s (Morjin, 2011). Currently there are nine monitoring bodies. These include: the human rights committee; the committee on economic, social and cultural rights; the committee on the elimination of racial discrimination; the committee on the elimination of discrimination against women; committee

against torture; committee on the rights of the child; committee on migrant workers; committee on enforced disappearances; and the committee on the rights of persons with disabilities (OHCHR, 2008). The purpose of TMBs is to ensure states are complying with international treaty standards. When a state becomes a state party to a UN treaty through ratification, it has the legal obligation to implement and uphold the human rights present in the treaty (OHCHR, 2008). In order to ensure this is complied with, states undergo periodic reviews with TMBs. State parties are monitored by members of each committee, who are considered to be experts in their field (Mechlem, 2008; OHCHR, 2008).

States who are party to these human right treaties are required to submit reports to the committees detailing measures taken to implement the provisions of each treaty (OHCHR, 2008; Morjin, 2011). Similar to the UPR, civil society is invited to participate directly with TMBs. This can be achieved through monitoring on the ground situations, submitting shadow reports to various committees, attending committee sessions, and presenting concerns to committee members (OHCHR, 2008).

One of the key benefits of TMBs is the fact that they are issue specific, making it easier for organizations that focus on a single issue to have their recommendations received. The Canadian Alliance for Sex Work Law Reform noted that submitting to CEDAW made the most sense for their organization because it directly focuses on sex work and human trafficking. For that organization, CEDAW is the only monitoring mechanisms where they “know for sure the issues [faced] by sex workers is on the table” (Canadian Alliance for Sex Work Law Reform, phone interview, February 19, 2019). Both Action Canada for Sexual Health and Rights and Canada without Poverty felt that TMBs gain more media attention and there is more public awareness regarding these processes, especially because they focus on a specific issue (Action

Canada for Sexual Health and Rights, phone interview, January 23, 2019; Canada without Poverty, phone interview, January 22, 2019). As a result, Canada without Poverty felt that because there was this public knowledge, especially within government and the human rights landscape in Canada, the TMBs can be seen as more accessible to human rights organizations (Canada without Poverty, phone interview, January 22, 2019). One limitation of the TMBs is the fact that the state has to be party to a convention before they can be reviewed by the TMB. Therefore, if a state has not yet ratified a treaty, it removes the TMB as being a beneficial mechanism to monitor human rights.

Special Procedures

Special procedures were designed to “respond rapidly to allegations of human rights violations occurring anywhere in the world at any time” (OHCHR, 2008, pg. 109). Similar to TMBs, special procedures are carried out by experts in a specific field. Experts are nominated by the Human Rights Council from a number of sources including: governments, NGOs/INGOs, human rights bodies, and other UN regional groups, and carry out their mandates on a volunteer basis (OHCHR, 2008; Piccone, 2011). Completing the mandate of special procedures occurs in several ways. This includes: making country visits, report writing, maintaining communication with countries and civil society, press releases, and conducting studies (OHCHR, 2008). As noted by Piccone (2011), special procedures often rely on both hard and soft laws; with hard law coming from the treaties themselves and soft law emerging from UN declarations, resolutions, and principles.

Civil society is able to engage with special procedures through a number of different methods. There are five key ways in which civil society is encouraged to engage with SPs: (i) identifying cases of human rights violations and submitting them to the SP; (ii) providing support leading up to, during, and after country visits; (iii) providing on the ground human rights

information to special procedures; (iv) meeting with special procedure mandate holders; and (v) working with other human rights organizations to monitor and help implement the work of SPs (OHCHR, 2008).

Three of the organizations interviewed identified themselves as having worked with special procedures. Using an SP, Action Canada for Sexual Health and Rights brought forward a human rights complaint against the Ontario Government following the repeal of the 2015 sexual health education curriculum (Action Canada for Sexual Health and Rights, phone interview, January 23, 2019). While they noted the value and importance of being able to utilize SPs, they stated, “You have to know these [special procedures] exist and have relationships with staff at the OHCHR” and that they “didn’t think Action Canada would have been able to engage with the SP without the SRI [sexual rights initiative]”, who worked on the ground in Geneva to create those relationships (Action Canada for Sexual Health and Rights, phone interview, January 23, 2019).

Based off the interviews, it is not clear if one monitoring mechanism is more beneficial to civil society than another. Each mechanism used by the organizations served a different purpose for their human rights work. Those organizations that utilized other mechanisms in tandem with the UPR felt that by utilizing the multitude of options available, it ensured that their concerns were consistently brought to the attention of the Canadian Government as well as the UN.

5.6 Discussion

Canadian civil society takes the UPR very seriously, and it appears that Canadian civil society is taken seriously by the UPR. Domestic civil society played a vital role in the curation of the stakeholder summary report and the recommendations made to the Canadian government during Canada’s most recent review. The document analysis showed that stakeholder submissions that included domestic civil society dominated the recommendations and concerns

highlighted in the stakeholder summary and three-hour review. The prominence of Canadian civil society during Canada's 2018 review at the United Nations can likely be attributed to the relationship between civil society and the Canadian government. Although Canada's civil society sector is not as strong as it could be, and there is room for improvement, civil society in Canada is still able to operate as a somewhat separate entity from the Canadian government. This allows for domestic civil society to not only provide important information pertaining to Canada's human rights situation, but also hold the Government accountable for its actions/inaction.

Interviews with civil society showed that Canadian CSOs find engagement with the UPR process to be valuable to their organization and their broader goals of protecting human rights in Canada. Each organization interviewed engaged at different levels with the review. They felt that while the UPR was a beneficial way to raise awareness and push for change regarding human rights, there were several concerns around the politicization of the process, how the Government of Canada engages with the UPR, as well as the amount of resources it requires. Both the interviews and document analysis revealed ways in which the Government of Canada can maximize the participation of civil society as stakeholders during the review process for Canada. The following sections will highlight some of the ways in which civil society can maximize their participation, with the help of the Government of Canada.

How the Government of Canada Can Maximize Participation from Civil Society

- Create a fund to help encourage smaller organizations to learn about and engage with the UPR.
- Conduct more robust and meaningful consultations with all CSOs that submitted shadow reports to the UPR at all stages of the review.
- Open up consultations with departments outside of Heritage Canada to ensure relevant departments are aware of the UPR and concerns from CSOs.
- Increase understanding and awareness of the UPR not only within the House of Commons but within media, the non-profit sector and broader Canadian population.
- Move the UPR portfolio from Heritage Canada to either the Department of Justice or Global Affairs Canada.

How Civil Society Can Maximize Their Participation:

- Work together as coalitions to create a more coordinated and impactful shadow report.
- If you do not have ECOSOC consultative status, consider working with organizations that do or work on obtaining ECOSOC status as it opens up more opportunities to engage with the UPR.
- Utilize UPR databases to gain an understanding of the recommendations made to states and use that information to lobby states.
- Larger Organizations should work on bringing in smaller organizations to educate them on the process to help provide a greater voice from CSOs in Canada.
- Focus on 1-3 recommendations with “clearer” fixes, such as legislative gaps -- avoid being vague in shadow report recommendations.
- Work closely with MPs to deliver statements in the House of Commons prior to the review to increase political and public awareness of the UPR.
- Use the information from the 3-hour review for future advocacy work such as holding conferences and submitting reports to other monitoring bodies.

6. Conclusion

The Universal Periodic Review, despite being in its infancy, has afforded civil society a new way to engage with states and promote human rights at the international level. It has become a vital tool for civil society who wish to bring attention to human rights in countries around the world in a manner that appears to be accepted by states themselves. Despite having a smaller role in the UPR, Canadian CSOs have created ways in which they can insert themselves into the process beyond submitting stakeholder reports. CSOs have engaged in activities ranging from submitting that shadow report, to lobbying states to make specific recommendations, creating awareness campaigns within the House of Commons, to holding conferences to advance advocacy work.

Both the document analysis and interviews showed that civil society takes the UPR very seriously, and in the context of Canada, the UPR returns that view. During the creation of the stakeholder summary and the 3-hour review in May 2018, domestic civil society contributed the most to recommendations made by the UN and member states. Themes of Indigenous rights, immigration, policing, health care, and women’s rights topped the list of recommendations made in 2018.

Organizations themselves found the UPR to be one of several international tools that can be used by Canadian CSOs to promote and uphold the human rights of Canadians. Majority of the organizations also participated in TMBs and SPs. Each of these mechanisms provided opportunities to engage with the international human rights system, yet it is not clear if one is more beneficial than the other. However, the organizations interviewed applauded the accessibility and range of options available to engage with the UPR, while also noting that the level of accountability built into the UPR was high, making it easier for them to hold the Canadian Government accountable for its actions. Organizations did note, however, that the UPR does consume a large amount of resources, especially time and money, if organizations want to engage beyond submitting shadow reports. This can make it particularly difficult for smaller CSOs. Additionally, the broad nature of the UPR makes it difficult to ensure all human rights concerns are reflected adequately. Finally, the organizations raised issues with how the Government of Canada engages with stakeholders during all stages of the review. Despite these concerns, Canadian civil society groups still believe the UPR is a valuable and important method to hold the Government of Canada accountable for their record and actions relating to human rights.

Conversations with Canadian CSOs led to some key observations around how Government of Canada can maximize the participation of CSOs in the UPR, as well as how organizations themselves can maximize their participation. These include things like utilizing the UN UPR databases, allowing CSOs to speak during the three-hour review, provide funding to encourage participation from smaller CSOs, engaging in more effective consultations with all CSOs that participated in the review, working in coalitions, and using the outcome of the UPR in future advocacy work.

Overall, while the UPR process does have its limits, the ways in which civil society can engage with the process is a valuable tool for the promotion of human rights. It is by no means a perfect process, and there are areas that need improvement; however, it currently acts as an accountable human rights mechanism that is not only taken seriously by civil society and the UN, but also by the member states who participate in the process. Participation in the UPR affords civil society with yet another opportunity to advocate for human rights, while also increasing their visibility and legitimacy at the international level.

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9. Appendix 2: List of Interviews

Clamenn, J. (2019, Feb. 21). Phone interview with Canadian Alliance for Sex Work Law Reform

Haan, M. (2019, Feb. 15). Phone interview with Canadian Council on Rehabilitation and Work

Interview 3. (2019, Jan. 28). Phone interview.

Kennel, S. and Teitel D. (2019, Jan. 23). Phone interview with Action Canada for Sexual Health and Rights.

Neidhart, L. (2019, Jan. 22). Phone interview with Canada Without Poverty.

Morris, C. (2019, Feb. 7). Email interview with Lawyer's Rights Watch Canada

10. Appendix 3: Topic Guide

Main Question	Additional Question(s)	Clarifying Question(s)
What is the focus of your NGO?	What recommendations did you emphasize? Why?	
What did your organization do during the UPR?	Did you focus on producing a report, or did you also lobby individual states? Which states? Why did you pick those states? Did you consider doing more? Why/why not? Did you submit a joint statement or a single statement?	Have you submitted to other reviews? For Canada? For other countries? Why did you choose (Joint/Single) statement?
Did you consult with the Canadian Government at any time before/during/after the review?	If yes, what did you do? Did you find it valuable? If no, would you have liked to be consulted by the Government of Canada?	
Did you find the UPR to be a good use of time?	What were the pros/cons of the UPR process?	
What would you change about how organizations can engage with the UPR?	Would you recommend other NGOs/Organizations/Coalitions use this method to promote Human Rights?	
The UPR is one of many human rights mechanisms at the United Nations to bring attention to the Human Rights situation in Canada, does your organization use the other mechanisms at all?	What other mechanisms do you use? Which do you find to be more valuable?	Why/Why not?
Are there certain human rights issues that are easier to bring forward to the UPR?		Why do you think this area is easier to discuss?

Modified from the Whiterose University Consortium (<https://www.whiterose.ac.uk/>).