

**Strengthening Human Rights through Parliamentary Engagement in the Universal Periodic Review**



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# Strengthening Human Rights through Parliamentary Engagement in the Universal Periodic Review

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## EXECUTIVE SUMMARY

This report is a collaboration between UPR Info and the Geneva Graduate Institute (IHEID) on the research project “Strengthening Human Rights through Parliamentary Engagement in the Universal Periodic Review”. The aim of the research was to answer the following question: "How can the role of Parliamentarians in the UPR be enhanced to improve the implementation of UPR recommendations at the domestic level?". The report is based on an analysis of the recommendations that need parliamentary action to be implemented made to the 193 UN countries during the third cycle of the Universal Periodic Review (UPR), accompanied by the in depth examination of two case study countries – Côte d’Ivoire and Nepal – using literature review, desk review, as well as interviews with the relevant stakeholders – the Conseil National des Droits de l’Homme, the Comité de Suivi EPU, INSEC, and the Inter-Parliamentary Union. This research project presents the human rights and parliamentary context, an analysis of the recommendations requiring parliamentary action of the third cycle, their implementation, and the best practices of the case study countries. Finally, it presents country-specific recommendations, followed by a set of general recommendations for the 193 UN countries. Included in our Appendices are the keywords identified to select the recommendations requiring parliamentary actions, with all those for Côte d’Ivoire and Nepal.

Based on our findings, we make the following general recommendations for the 193 countries<sup>1</sup>:

1. Leveraging the different entry points – including parliamentary human rights committees, UPR Info, and the IPU – policy research should capture parliamentary attention by adopting an approach targeting the parliamentary agendas and legislative priorities, to demonstrate the relevance of UPR-related issues to their initiatives. Accordingly, a dedicated channel for policy research findings sharing with Parliaments should be established.
2. Establish a plan to ensure that Parliamentarians remain engaged throughout a full cycle of the UPR despite the parliamentary turnover.
3. UPR Info and the IPU should organize workshops for parliamentary staff.
4. Set up a parliamentary human rights committee, equipped with the necessary functions to address human rights issues, and which is consulted for the National Report, maintains contacts with NHRIs, CSOs, and NMRFs, and applies the Belgrade principles.
5. Continuous and qualitative collaboration between MPs, CSOs, and NHRIs.
6. Inclusion of Parliamentarians in the UPR process through: their consultation and participation in the drafting of the National Report - with a paragraph dedicated to

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<sup>1</sup> Find more detailed information in section 6.

Parliamentarians in the National report that the government cannot modify -, the review of the recommendations involving Parliamentarians, the discussion of the outcomes with the leader of the national delegation and the government, parliamentary debates, and the use of their oversight role in the implementation of the UPR recommendations.

7. Parliamentarians should push their State to develop a national action plan specifying, among other things, the modalities for implementing the UPR recommendations.
8. States and UPR stakeholders should cluster the UPR recommendations according to the type of actor necessary for their implementation when drafting their recommendations for other States and focus on the writing of SMART recommendations.
9. Parliamentarians should initiate bills to ensure and facilitate the implementation of the recommendations and ensure the compliance of national legislation with regional and international human rights standards.
10. Parliamentarians should participate in training concerning the UPR.
11. Ensure the participation of Parliamentarians from both ruling and opposition parties within the National Delegation, ideally with parliamentary representation leading the delegation and a MP presenting the report, and at minimum, as observers during the Working Group sessions.
12. Parliament should organize a transcription and online recording of the country's review, so that Parliamentarians who cannot travel to Geneva can follow it remotely.
13. Parliamentarians should actively seek to get involved in the UPR process by; encouraging the Government to include a separate section in the report for parliamentary perspective, seeking updates from the different stakeholders on the implementation of recommendations, using their budgetary, monitoring, and legislative roles through a human rights lens.
14. The Human Rights Council should continue to produce studies or resolutions on parliamentary engagement in the UPR.
15. Parliamentarians should create strong contacts with other stakeholders, including academia, civil society, and public at large.
16. Through the vulgarization of the recommendations each Parliamentary role should be advanced, including budgetary, oversight, and legislative.
17. CSOs and NHRIs should maintain a strong dialogue with Parliamentarians by; conducting regular advocacy initiatives aimed at Parliamentarians on the UPR process and their role, linking it to SDGs in parallel, popularizing recommendations to the Parliament at the end of each cycle, including them in their reports, and sharing their assessment of the implementation of recommendations.
18. CSOs and NHRIs should share their good practices. To facilitate that, UPR Info should create a platform dedicated to this voluntary sharing of best practices.
19. The IPU should organize regular meetings and informative sessions specifically concerning the UPR with Parliamentarians from all countries.

20. Every country should seek to examine the good practices of other countries to enhance their national practices.
21. A national network inclusive of all Parliament members engaged in the UPR mechanism should be created and Parliamentarians should use regional networks to exchange best practices.

Moreover, we make the following country-specific recommendations to Côte d'Ivoire<sup>2</sup>:

1. A Parliamentarian, representing the people, should be present in the state delegation, ideally heading the delegation, for each cycle to participate in the National Report and in the decision of the adoption of the different recommendations. At the minimum, Parliamentarians should be consulted at the draft of the report and before the adoption.
2. A National Plan specific to the UPR for the follow-up on the implementation of the recommendations, inclusive of all the relevant stakeholders – Government, Parliament, CSOs, CNDH – should be established, to complete the comité interministériel, namely the National Mechanism for Reporting and Follow-up (NMRF).
3. Civil society should be incorporated into the Parliamentary decision making processes concerning the implementation of recommendations through organized debates and discussion sessions.
4. CSOs should seek insights from Parliamentarians in the production of their reports regarding the UPR mechanism.
5. The Parliament should be authorized to scrutinize the bills and Executive's policies for their compatibility with human rights standards, and conduct hearings with the Executive about the planned strategy for the recommendations' implementation.
6. Parliamentarians should be encouraged to initiate draft laws alongside those proposed by the government.
7. Parliamentarians should be regularly and consistently sent to workshops organized by the IPU on strengthening the capacities of Parliamentarians.
8. A Code of Conduct for the Parliament should be implemented.
9. The parliamentary network for the protection, prevention and defense of human rights should be reactivated.
10. The Comité de Suivi EPU and the CNDH should jointly implement a structured framework for consistent and systematic advocacy efforts to maintain Parliamentarians through every mandate (five years) informed.
11. Establish a formal coordination mechanism, through the Ministry of Relations with the Institutions of the Republic, for the coordinations between government ministries and Parliament.
12. A permanent secretariat should be implemented in the comité interministériel.

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<sup>2</sup> Find more detailed information in section 5.1.6.

13. A budgetary plan should be initiated by the Ministry of Justice and Human Rights for a dedicated follow-up plan targeting the UPR and encompassing the CNDH, CSOs, parliamentary bodies, and the Government.
14. An inclusive national consultation should be held for every cycle before the submission of the National Report.
15. A bipartisan working group composed of representatives of the two houses of Parliament and the CNDH should be created to regularly meet throughout the year.
16. CSOs and NGOs should identify the repeated recommendations and conduct awareness initiatives and training targeted at Parliamentarians on those issues.
17. Parliamentarians should equally address the supported and the noted recommendations.
18. Awareness activities and advocacy initiatives should also generally encompass every recommendation, while equally directed towards both deputies and senators.
19. The CNDH and the Comité de Suivi EPU should collaborate in the vulgarization of the recommendations to Parliamentarians.
20. UPR Info should technically and financially support the Comité de Suivi independently from the CNDH to launch their own desired consultations.
21. The IPU should reestablish contact with the Comité de Suivi EPU.
22. UPR Info should support the CNDH to share its best practices with other NHRIs concerning advocacy actions towards Parliamentarians.

And finally, we make the following country-specific recommendations to Nepal<sup>3</sup>:

1. Have a minimum of one Parliamentarian representing the state delegation for each UPR cycle.
2. Actively include Parliamentarians in the production of the National Report, in addition to the simple consultation, by implicating a Parliamentarian in the National report Committee.
3. Include Parliamentarians in the UPR process by conducting workshops, sessions, and discussions on the monitoring and implementation of recommendations.
4. Inclusion of civil society in Parliamentary decision making is encouraged.
5. The role of Parliament and judiciary should be clearly defined and distinct. An impartial organization, like the Judicial Council, should supervise judicial appointments, promotions, and transfers in order to maintain judicial independence and guard against political meddling from the government or legislature.
6. Establishing a liaison office within the Ministry of Law, Justice, and Parliamentary Affairs to facilitate smooth legislative backing for human rights initiatives and to ensure that every decision made by the Government of Nepal complies with human rights norms would be the best course of action.

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<sup>3</sup> Find more detailed information in section 5.2.6.



7. Establish a National Mechanism for Reporting and Follow-up (NMRF), complementing Nepal's National Action Plan, to monitor and implement the UPR recommendations.
8. The National Human Rights Commission (NHRC) should improve its current state by; the establishment of fairness and transparency in their human rights monitoring activities, and the effective exercise of their functions in the aid to legislators.
9. Parliaments and parliamentary human rights committees should collaborate with regional bodies to effectively monitor the implementation of regional human rights court decisions.
10. A document outlining the operating procedures to combat violence against women – a persistent and recurring issue in Nepal – as well as training and awareness initiatives for relevant stakeholders, including Parliamentarians, should be conducted.
11. Fulfilling the national mechanism for reporting and follow-up, a system for monitoring international human rights recommendations with target-specific processes should be established.
12. Collaborative work between Parliamentarians and stakeholders are necessary to take joint action on addressing human rights issues.
13. INSEC should not just engage with Parliamentarians but also work together through each cycle to ensure that the recurrent issues are addressed and necessary changes are made.

## **LIST OF ACRONYMS AND ABBREVIATIONS**

AU.....African Union

CNDH(CI).....Commission Nationale des Droits de l'Homme de Côte d'Ivoire (National Human Rights Commission of Côte d'Ivoire)

CSOs.....Civil Society Organisations

EEG.....Eastern European Group

GANHRI.....Global Alliance of National Human Rights Institutions

GoN.....Government of Nepal

GRULAC.....Group of Latin American & Caribbean States

HoR.....House of Representatives

HRC.....	Human Rights Council
ICC.....	International Coordinating Committee
ICP.....	In-country Programme
IPU.....	Inter-Parliamentary Union
MP(s).....	Member(s) of Parliament(s)
NCHR.....	National Council for human Rights
NGOs.....	Non-governmental Organizations
NHRC.....	National Human Rights Commission (of Nepal)
NHRIs.....	National Human Rights Institutions
NMRF.....	National Mechanism for Reporting and Follow-up
OHCHR.....	Office of the High Commissioner for Human Rights
OIC.....	Organization of the Islamic Conference
OIF.....	Organisation Internationale de la Francophonie
PNDH.....	Plan National de Développement Humain
SDGs.....	Sustainable Development Goals
SMART.....	Specific, Measurable, Achievable, Relevant, and Time-bound
SuR.....	State under Review
UNDP.....	United Nations Development Programme
UNHRC.....	United Nations High Commissioner for Human Rights
UPR.....	Universal Periodic Review
USAID.....	U.S. Agency for International Development
WEOG.....	Western European & Other States Group

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## 1. Introduction

### 1.1. Background and Context

The Universal Periodic Review was established on 15th March 2006 by the United Nations General Assembly when the Human Rights Council was created<sup>4</sup>. It is a unique monitoring mechanism created to solve the deficiencies of the Council's predecessor, the Commission on Human Rights, and is based on the values of universality, equality, and transparency. It established a system for periodic peer evaluation of all 193 UN member states' human rights duties, supplementing treaty body monitoring structures. It provides equal treatment for all states and allows them to disclose what efforts they have made to enhance human rights situations in their nations and reduce barriers to human rights enjoyment. The UPR also offers a global exchange of best human rights practices. There is currently no other mechanism that has a similar function<sup>5</sup>.

The review's initial frequency was set at four years. This was extended to four and a half years in the second cycle, with a hiatus inserted between cycles two and three, resulting in a most recent periodicity of five years. Forty-Eight states are reviewed each year in a batch of 3 each with 16 states that are determined based on random selection. The focal point of this mechanism is the three-hour long interactive dialogue in which the State under Review (SuR) with the guidance and support of the Troika (three other states, randomly selected) speaks to issues raised in the documents and in which any questions previously put to states can also be addressed<sup>6</sup>. These sessions take place in the Human Rights Council (HRC) situated at Geneva.

The ultimate objective of UPR is to enhance every nation's human rights conditions, which will have a significant impact on people globally<sup>7</sup>. The UPR is intended to prompt, promote, and enhance human rights promotion and protection on the ground. To that end, the UPR examines states' human rights records and addresses human rights breaches wherever

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<sup>4</sup> General Assembly A/RES/60/251, 'Resolution adopted by the General Assembly on 15 March 2006', 3 April 2006. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement> (accessed on 20/10/2023)

<sup>5</sup> United Nations Human Rights Council, 'Basic facts about UPR', OHCHR.org, URL: <https://www.ohchr.org/en/hr-bodies/upr/basic-facts> (accessed on 20/10/2023)

<sup>6</sup> P. Sen, *Universal Periodic Review: Lessons, Hopes and expectations*, Commonwealth Secretariat, 2011, p.7

<sup>7</sup> Ibid.



they occur. The UPR also seeks to give technical assistance to states in order to strengthen their ability to deal effectively with human rights concerns, as well as to share best practices in the field of human rights among governments and other stakeholders such as Civil Society Organisations (CSOs) and National Human Rights Institutions (NHRIs).

## **1.2. Research Question and Objectives**

Parliamentarians are essential for the efficiency of the UPR because they are in charge of acting on numerous recommendations thanks to their legislative power. Although the power of Parliamentarians differs in different countries, their role in the UPR remains very poorly documented, which makes this research interesting.

Thus, this research will mainly focus on the following research question :

**“How can the role of Parliamentarians in the UPR be enhanced to improve the implementation of UPR recommendations at the domestic level?”**

In order to answer this question, the research project identifies the recommendations made to UN member countries in the third UPR cycle requiring parliamentary action, analyze the engagement in the UPR of the Parliaments of case study countries, and describe good practices and challenges of parliamentary engagement in the UPR. This report is expected to be explanatory in nature and shed light on the crucial role Parliaments can play in the UPR process.

In addition to analyzing the overall trends during the third cycle, it is necessary to delve into their role in implementing recommendations, including issues like adopting legislations and allocating the budget.

Understanding the challenges and barriers that Parliamentarians experience when participating in the UPR process is also critical. Factors such as the delegation's independence from executive power, as represented in its composition at the UPR, should be examined in order to find chances for improving legislative influence in promoting and preserving human rights at the national level.

Finally, we aim at producing a study useful for UPR Info and other UPR stakeholders interested in getting more involved in the UPR process.

## 2. Literature Review

In this part we propose to review the existing literature in relation to our research object, which concerns the strengthening of the role of Parliamentarians in the UPR. To this end, we will first discuss the role of Parliaments. In particular, we will look at their role at national level and then at their role in relation to human rights, and in the UPR. Finally, we'll look at the links between Parliaments and other UPR stakeholders such as Civil Society Organisations (CSOs), governments and National Human Rights Institutions (NHRIs). Our literature review will cover both academic literature and non-academic literature including reports and publications from Non-governmental Organizations (NGOs) such as UPR Info and from other organizations that have worked on the topic of Parliaments and human rights. In particular, it will show that there is a gap in the literature on the concrete role that Parliamentarians can play.

### 2.1. The Role of Parliaments

Parliaments play an important role in the political systems of many countries and are often associated with the separation of powers<sup>8</sup>. The separation of powers advocates a separation of executive, legislative, and judicial powers in order to avoid abuse of power<sup>9</sup>. Parliaments therefore exercise legislative power. We will now discuss their role at the national level and regarding human rights, before talking more particularly about their role and engagement in the UPR.

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<sup>8</sup> M. Tushnet, 'The political constitution of emergency powers: parliamentary and separation-of-powers regulation', *International Journal of Law in Context*, vol. 3, no. 4, 2007.

<sup>9</sup> Ibid.

### 2.1.1. The Role of Parliaments at the National Level

Several definitions of Parliament can be found in the literature. For example, according to Norton, Parliaments ‘are constitutionally designated institutions for giving assent to binding measures of public policy, that assent being given on behalf of a political community that extends beyond the government elite responsible for formulating those measures’<sup>10</sup>. This definition echoes that of Nemțoi who highlights that Parliaments, when they offer transparency and honesty, are an important instrument of democracy because they allow citizens to be represented and have a possibility to express themselves in the political life<sup>11</sup>. As for Fasone, she prefers to give a definition which questions the weight that the legislative function has in the role of Parliaments today<sup>12</sup>. Indeed, according to this author, it is necessary to qualify the assertion that Parliaments exclusively make laws because we are increasingly observing a 'systematic delegation of legislative powers to the executive'<sup>13</sup>.

However, these Parliaments differ in their structure. The most common structures are bicameral (two chambers) and unicameral (a single chamber) Parliaments<sup>14</sup>. They also differ in their political weight because they do not all have the same freedoms and independence from the executive power, and some have no powers<sup>15</sup>. Indeed, according to Liang, three elements influence the power of Parliaments, namely ‘political institutions, political parties, and incentive structures’<sup>16</sup> with political parties explaining the most variations in Parliament's power from one country to another. According to Franchino and Høyland, it is even possible that the executive uses different strategies to prevent Parliament from exercising its powers<sup>17</sup>. For example, some governments use the institutional tools at their disposal to introduce amendments or to prevent Parliament from choosing the legislative agenda it wants<sup>18</sup>.

<sup>10</sup> P. Norton, *Legislatures*, Oxford, Oxford University Press, 1990, p.1.

<sup>11</sup> G. Nemțoi, ‘The Decisive Role of Parliaments in Democracy of Social-political Life’, *Procedia - Social and Behavioral Sciences*, vol. 149, no. 5, September 2014.

<sup>12</sup> C. Fasone, ‘Parliaments in comparative legal and political analyses’. In: Benoît, C and Rozenberg, O (eds), *Handbook of Parliamentary Studies: Interdisciplinary Approaches to Legislatures*, UK, Edward Elgar Publishing, 2020.

<sup>13</sup> Ibid.

<sup>14</sup> D.M. Olson, *The Legislative Process: A Comparative Approach*, New York, Harper & Row, 1980.

<sup>15</sup> H. Liang, ‘Variation in Parliamentary Power: Measurement and Explanation’, *Chinese Journal of International Review*, vol. 3, no. 01, June 2021.

<sup>16</sup> Ibid., p. 12.

<sup>17</sup> F. Franchino & B. Høyland, ‘Legislative Involvement in Parliamentary Systems: Opportunities, Conflict, and Institutional Constraints’, *American Political Science Review*, vol. 103, no. 4, 2009.

<sup>18</sup> Ibid.

Furthermore, according to an Inter-Parliamentary Union (IPU) report, many national Parliaments are unable to hold the government accountable and are being neglected by citizens who use other alternatives such as new forms of democratic participation to be represented and make their demands heard<sup>19</sup>.

Although the activities carried out by Parliament differ from country to country and depend on the degree of independence of Parliament given by the country's constitution<sup>20</sup>, certain activities are carried out by most Parliaments and need to be discussed in order to understand the concrete role of national Parliaments. First, Parliamentarians, who represent the people, legislate, that is to say they debate, vote on laws, adopt and amend them<sup>21</sup>. Then, they can generally question members of the government in order to hold it accountable to Parliament and obtain information about its actions<sup>22</sup>. This allows Parliamentarians to oversee and monitor government action<sup>23</sup>. For example, some European Union Member States have Committees of Inquiry in their Parliament to investigate cases of corruption, maladministration, etc<sup>24</sup>. Finally, an important role of national Parliaments is to vote on the budget proposed by the government 'to ensure that the Budget best matches the nation's needs with available resources'<sup>25</sup>.

National Parliaments therefore play in general an important role in political systems but their political weight differs from one country to another.

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<sup>19</sup> Inter-Parliamentary Union and United Nations Development Programme, 'Global Parliamentary Report, The changing nature of parliamentary representation', 2012. URL : [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKFwjyu6T0652DAxU-57sIHQIiCOo4ChAWegQIBRAB&url=https%3A%2F%2Fwww.ipu.org%2Ffile%2F659%2Fdownload&usg=AOvVaw3Mkjp\\_j584tAFslsQvt8Xm&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKFwjyu6T0652DAxU-57sIHQIiCOo4ChAWegQIBRAB&url=https%3A%2F%2Fwww.ipu.org%2Ffile%2F659%2Fdownload&usg=AOvVaw3Mkjp_j584tAFslsQvt8Xm&opi=89978449) (accessed 12/20/2023).

<sup>20</sup> P. Carcelle and G. Mas, 'Les pouvoirs du Parlement en matière financière', *La Revue Administrative*, vol. 12, no. 68, 1959.

<sup>21</sup> P. Avril, 'Le parlement législateur', *Revue Française de Science Politique*, vol. 31, no. 1, 1981.

<sup>22</sup> S. Martin, 'Parliamentary Questions, the Behaviour of Legislators, and the Function of Legislatures: An Introduction', *The Journal of Legislative Studies*, vol.17, no.3, 2011.

<sup>23</sup> T. SAALFELD, 'Members of parliament and governments in western Europe: Agency relations and problems of oversight', *European Journal of Political Research*, vol. 37, 2003.

<sup>24</sup> European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, 'Committees of Inquiry in National Parliaments Comparative Survey', 2020. URL : [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/649524/IPOL\\_STU\(2020\)649524\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/649524/IPOL_STU(2020)649524_EN.pdf)

<sup>25</sup> W. Krafchik and J. Wehner, 'The role of parliament in the budget process', *South African Journal of Economics*, vol. 66, no. 4, 1998, p. 512.

### 2.1.2. Parliaments and their Role as Guardian of Human Rights

It is generally accepted that 'The promotion and protection of human rights is central to the raison d'etre and work of Parliaments'<sup>26</sup>. Indeed, thanks to their legislative power and the previously stated activities that they exercise, functioning national Parliaments are able to protect the human rights of the citizens they represent by ensuring, for example, the implementation of existing legal instruments aimed at protecting human rights, by verifying that a sufficient part of the budget they approved will be used for human rights implementation, by controlling that the government respect its human rights obligations, and by exercising their influence on the public opinion to create a human rights culture in the country<sup>27</sup>. A report written by the Westminster Foundation for Democracy particularly shows the good practices of Parliaments regarding the protection and promotion of human rights in different countries such as that of South Africa which must review and discuss the National report to the UPR before it is submitted<sup>28</sup>. However, this level of efforts for the protection and promotion of human rights is not observable or effective in all countries. For instance, a 2023 Inter-Parliamentary Union study showed that 762 MPs in 47 countries suffered violations of their human rights, including their freedom of expression<sup>29</sup>. As these figures are increasing, this impacts the ability of Parliaments to protect the human rights of the citizens they represent.

Besides, according to Lyer, national Parliaments can play the role of guardian of human rights and this is why the United Nations encouraged the creation of human rights

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<sup>26</sup> The Commonwealth, 'THE GLOBAL HUMAN RIGHTS IMPLEMENTATION AGENDA: The Role of National Parliaments', Policy brief, London, Marlborough House, November 2018, p.7. URL : [https://www.cpahq.org/media/p0ea2tuk/global-hr-implementation-agenda\\_role-of-national-parliaments.pdf](https://www.cpahq.org/media/p0ea2tuk/global-hr-implementation-agenda_role-of-national-parliaments.pdf) (accessed 11/10/2023).

<sup>27</sup> The National Democratic Institute for International Affairs (NDI), 'Parliamentary human rights Committees', Rule of Law Series Paper, 2005, p.8. URL : [https://www.ndi.org/sites/default/files/parlhrccommittees\\_080105.pdf](https://www.ndi.org/sites/default/files/parlhrccommittees_080105.pdf) (accessed 11/10/2023).

<sup>28</sup> B. Chang and G. Ramshaw, Westminster Foundation for Democracy, 'Strengthening parliamentary capacity for the protection and realisation of human rights', 2017. URL : <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 31/01/2023).

<sup>29</sup> Inter-Parliamentary Union, 'Violations of the human rights of MPs - 2023', 2023. URL : <https://www.ipu.org/resources/publications/infographics/2023-12/violations-human-rights-mps-2023> (accessed 12/20/2023).

committees in each national Parliament<sup>30</sup>. Human rights committees provide Parliaments with the knowledge necessary to deal with human rights issues and they are usually the ones to ‘consider the merits of ratifying a human rights treaty, receive and consider accepted UPR recommendations and/or other UN human rights recommendations requiring legislative amendment, hold government departments accountable vis-à-vis the overall implementation of the State’s obligations and commitments, and consider and debate government progress reports on implementation as well as ‘shadow reports’ from NGOs and NHRIs’<sup>31</sup>. However, not all countries have such a committee or a functioning committee that actually prevents human rights violations<sup>32</sup>. In addition, according to Krommendijk, national Parliaments can be of great help to international human rights bodies when they agree to invest in the implementation of the recommendations they have produced<sup>33</sup>. However, they can also present an obstacle to these bodies when they refuse to commit to implementing them<sup>34</sup>.

Then, several resolutions of the HRC, including resolution 35/29 of 2017, recognized the important role that national Parliaments could play regarding human rights and encouraged them to actively contribute to the work of the HRC and the UPR<sup>35</sup>. In addition, an OHCHR report published in 2018 recalls that national Parliaments have the necessary powers to ensure that the voices of people in vulnerable situations are heard and that their human rights are protected by ‘ensuring a well-functioning national human rights protection system’<sup>36</sup>. Parliamentarians can also engage in the promotion of human rights through

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<sup>30</sup> K. Lyer, ‘Parliaments as Human Rights Actors: The Potential for International Principles on Parliamentary Human Rights Committees’. In: S. Lagoutte (eds.), *The domestic institutionalisation of human rights*, Routledge, 2021.

<sup>31</sup> The Commonwealth, ‘THE GLOBAL HUMAN RIGHTS IMPLEMENTATION AGENDA: The Role of National Parliaments’, Policy brief, London, Marlborough House, November 2018, p.29. URL : [https://www.cpahq.org/media/p0ea2tuk/global-hr-implementation-agenda\\_role-of-national-parliaments.pdf](https://www.cpahq.org/media/p0ea2tuk/global-hr-implementation-agenda_role-of-national-parliaments.pdf) (accessed 11/10/2023).

<sup>32</sup> K. Lyer, ‘Parliaments as Human Rights Actors: The Potential for International Principles on Parliamentary Human Rights Committees’. In: S. Lagoutte (eds.), *The domestic institutionalisation of human rights*, Routledge, 2021.

<sup>33</sup> J. Krommendijk, ‘National Parliaments: Obstacles or Aid to the Impact of International Human Rights Bodies?’. In: M. Wind (eds.), *International Courts and Domestic Politics*, Cambridge: Cambridge University Press, 2018.

<sup>34</sup> Ibid.

<sup>35</sup> Human Rights Council resolution A/HRC/RES/35/29, ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review’, 23 June 2017. URL : [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV\\_UPR\\_Parliaments\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV_UPR_Parliaments_EN.pdf) (accessed 11/10/2023).

<sup>36</sup> Human Rights Council A/HRC/38/25, ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights’, 17 May 2018, para. 56. URL :

‘parliamentary diplomacy’, that is to say by joining national delegations which negotiate on the subject of human rights at the international level<sup>37</sup>.

Besides, according to Johnsson, International Parliamentary Institutions like the Inter-Parliamentary Union (IPU), a global organization of national Parliaments based in Geneva, also have an important role to play in protecting and promoting human rights<sup>38</sup>. The IPU is notably composed of a standing committee on human rights and a committee on the Human Rights of Parliamentarians, which discusses the human rights violations suffered by Parliamentarians and pursued human rights issues so that members of Parliament are free to express themselves and can in turn effectively promote human rights in their country<sup>39</sup>.

Finally, according to Hassan et al., Parliaments can play a significant role in the realization of the SDGs and the 2030 Agenda, not only as legislators but also as ‘elected representatives of the people’<sup>40</sup> and can therefore develop laws that respect both human rights and achieve a SDG given that the SDGs are considered ‘as a driver for human rights’<sup>41</sup>.

Parliaments therefore have an important role to play as guardians of human rights.

### 2.1.3. The Role of Parliaments in the UPR

In the UPR process, typically segmented into three phases, the role of Parliaments can be diverse and extensively important. While some argue that Parliaments should be excluded from the process, weakening their independence and delaying the preparation of national reports due to its factionalism, Zhu Lijang suggests that human rights issues require intense debates and unavoidably contain political elements. In consequence, it is capital to

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<https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 11/10/2023).

<sup>37</sup> A. Johnsson, ‘Human Rights Mechanisms in International Parliamentary Institutions’. In: J. Möller and G. Alfredsson (eds.), *International Human Rights Monitoring Mechanisms*, Leiden, Brill Nijhoff, 2001, p. 804.

<sup>38</sup> A. Johnsson, ‘Parliamentary Human Rights Mechanisms’. In: J. Möller and G. Alfredsson (eds.), *International Human Rights Monitoring Mechanisms*, Leiden, Brill Nijhoff, 2001, p.656.

<sup>39</sup> Ibid., p.653-657.

<sup>40</sup> M. Hassan, N. Hed and I. Kamilan, ‘Parliamentary reforms and Sustainable Development Goals (SDG): the way forward for an inclusive and sustainable parliament’, *The Journal of Legislative Studies*, vol. 28, no. 4, 2022, p. 579.

<sup>41</sup> UPR Info, ‘The butterfly effect Spreading good practices of UPR implementation’, 2016, p.12. URL : [https://www.upr-info.org/sites/default/files/documents/2016-11/2016\\_the\\_butterfly\\_effect.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf) (accessed 11/10/2023).

consistently conduct open debates on human rights issues<sup>42</sup>. As noted by Abdelmoula, former Director of the HRC and Treaty-Mechanism Division, ‘no less than 60-70% of UPR recommendations require or involve parliamentary action’<sup>43</sup>. The practice also shows that The HRC has come to realize the importance of parliamentary engagement in the mechanism, gradually reinforcing and welcoming the contributions of Parliaments in its resolutions. In its 35/29 resolution, it acknowledges the crucial role of Parliaments in translating international commitments into national policies, to enable the greatest impact of the Universal Periodic Review<sup>44</sup>. It encourages States to promote participation of Parliamentarians in all stages of the UPR. Leveraging their legislative, oversight, and budgeting capabilities, in the words of Chungong, Secretary-General of the IPU, ‘most of the UPR recommendations require legislative and budgetary action’<sup>45</sup>. Moreover, Benchamach from Morocco stated that no further evidence was needed to underscore the role of Parliaments in promoting human rights<sup>46</sup>. However, according to Kirchmeier, surprisingly their role is ‘undefined and underdeveloped’ in this human rights review mechanism<sup>47</sup>. According to resolution A/HRC/Res/5/1 of the HRC, the Parliaments are merely part of the ‘relevant stakeholders’ broad group<sup>48</sup>.

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<sup>42</sup> Z. Lijang, ‘On the Parliament Participation in the Universal Periodic Review of the United Nations Human Rights’, VOL. 16, NO.2, April 2017. URL : [https://heinonline.org/HOL/Page?handle=hein.journals/jrnlnhmch16&collection=journals&id=157&startid=&end\\_id=169](https://heinonline.org/HOL/Page?handle=hein.journals/jrnlnhmch16&collection=journals&id=157&startid=&end_id=169) (accessed 19/02/2024).

<sup>43</sup> Scottish Parliament, ‘Universal Periodic Review: Opportunities for Parliamentary Involvement’, 2018, p. 1. URL : <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2020/02/Universal-Periodic-Review.pdf> (accessed 05/12/2023).

<sup>44</sup> Human Rights Council resolution A/HRC/RES/35/29, ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review’, 23 June 2017. URL : [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV\\_UPR\\_Parliaments\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV_UPR_Parliaments_EN.pdf) (accessed 06/12/2023).

<sup>45</sup> Scottish Parliament, ‘Universal Periodic Review: Opportunities for Parliamentary Involvement’, 2018, p. 2. URL : <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2020/02/Universal-Periodic-Review.pdf> (accessed 05/12/2023).

<sup>46</sup> Human Rights Council A/HRC/35/16. ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review’, 22 June 2017, para. 34. URL : <https://digitallibrary.un.org/record/1301334?ln=en> (accessed 05/12/2023).

<sup>47</sup> F. Kirchmeier, ‘The Role of Parliaments in the Universal Periodic Review’. FES Geneva Fact Sheet, 2009, p.1. URL : <https://library.fes.de/pdf-files/bueros/genf/06264.pdf> (accessed 04/12/2023).

<sup>48</sup> Human Rights Council A/HRC/Res/5/1. ‘Institution-building of the United Nations Human Rights Council’, 18 June 2007, para. 3 m. URL : [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=a/hrc/res/5](https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/5) (accessed 05/12/2023).



The preparation of the report, the first phase of the UPR process, is often entrusted to the foreign offices or different ministries, but rarely to Parliaments<sup>49</sup>. For example, in the case of the United States, their second national report was led by the US State Department without contacting the US Congress<sup>50</sup>. That being the case, at this stage, their participation can involve actively taking part in the national consultation process for the draft of the National Report, by maintaining an open dialogue with the executive and encouraging the government to fully consider the inputs received from all stakeholders. In the case of Australia, a member of the Parliament was involved in the second national report drafting<sup>51</sup>. Similarly, Germany placed its draft on the internet for public opinion and further discussed it with the Humanitarian Assistance Committee of the German Federal Parliament<sup>52</sup>. Furthermore, German civil society is exploring the idea of organizing an annual assembly of German Parliamentarians in Geneva, to engage in discussions regarding the resolutions of the HRC and the recommendations from the Universal Periodic Review (UPR), aiming to gain deeper insights into their roles within the UPR process within their country and facilitating implementation efforts<sup>53</sup>.

The OHCHR, advocates for states to include in their national report, a separate part presenting the particular contribution of Parliament<sup>54</sup>. According to the findings of Chungong, the number of Parliaments being consulted during the state reports drafts is

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<sup>49</sup> F. Kirchmeier, 'The Role of Parliaments in the Universal Periodic Review'. FES Geneva Fact Sheet, 2009, p.1. URL : <https://library.fes.de/pdf-files/bueros/genf/06264.pdf> (accessed 04/12/2023).

<sup>50</sup> Human Rights Council A/HRC/WG.6/22/USA/1. 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21', 13 February 2015. URL : <https://documents.un.org/doc/undoc/gen/g15/024/66/pdf/g1502466.pdf?token=HNNf87ensepYTVA2Aw&fe=true> (accessed 19/02/2024).

<sup>51</sup> Human Rights Council A/HRC/WG.6/23/AUS/1. 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21', 7 August 2015. URL : <https://documents.un.org/doc/undoc/gen/g15/175/09/pdf/g1517509.pdf?token=Ls6enKDDsP0NXWG2r&fe=true> (accessed 19/02/2024).

<sup>52</sup> B. Chang, G. Ramshaw, Westminster Foundation for Democracy, 'Strengthening Parliamentary Capacity for the Protection and Realization of Human Rights', p. 55, 2017. URL : <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 19/02/2024).

<sup>53</sup> J. Parra, 'Explanatory Study: Beyond the Procedure: The Universal Periodic Review as a catalyst for public debate on Human Rights'. Friedrich-Ebert-Stiftung, 2016, p.46. URL : <https://library.fes.de/pdf-files/bueros/genf/13278.pdf> (accessed 22.02.2024).

<sup>54</sup> Office of the United Nations High Commissioner for Human Rights, '4th Cycle Universal Periodic Review National Report – Guidance Note', 17 January 2023, p. 3. URL : <https://www.ohchr.org/sites/default/files/2022-01/4thCycle-Guidance-Note-National-Report-EN.pdf> (accessed 06/12/2023).

increasing<sup>55</sup>. Consequently, Parliaments are encouraged to review and validate national reports before their official submission to the OHCHR in Geneva<sup>56</sup>. Additionally, the OHCHR's Summary of Stakeholders, a report with additional information, gives an opportunity to Parliamentarians to provide substantial additional input<sup>57</sup>. In the same way, they can encourage NHRIs and CSOs to make their own submissions. However, since the mechanism lacks specifications regarding the writing of national reports, the state under review retains full authority in establishing its own drafting procedures.

During the second phase, the review process, the Parliament's role is as restricted as for the others 'relevant stakeholders'. Unable to take the floor, they remain as simple spectators. To adjust that, Kirchmeier suggests for Members of Parliament to get included in the state under review's delegation, adding some democratic variety<sup>58</sup>. According to Chungong, as of the date of 2018, 10% of delegations included at least one MP<sup>59</sup>. This enables Parliaments to actively participate in the review process in the Geneva stages of the UPR and equally get involved in deciding the status of UPR recommendations, whether they are noted or supported<sup>60</sup>. Correspondingly, the Human Rights Council welcomes this 'increasingly widespread practice of States under review' to include Parliamentarians in their national delegations engaged in the UPR<sup>61</sup>. If the former is not applicable, an alternative is to voice their concerns through 'general comments before the adoption of the outcome by the

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<sup>55</sup> Scottish Parliament, 'Universal Periodic Review: Opportunities for Parliamentary Involvement', 2018, p. 4. URL : <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2020/02/Universal-Periodic-Review.pdf> (accessed 05/12/2023).

<sup>56</sup> See the case of Georgia: UPR Info, 'Parliament's engagement in the UPR: How? The case of Georgia', 2023. URL : <https://www.upr-info.org/sites/default/files/2023-06/Georgian%20parliament%20article%20EN.pdf> (accessed 07/12/2023).

<sup>57</sup> F. Kirchmeier, 'The Role of Parliaments in the Universal Periodic Review'. FES Geneva Fact Sheet, 2009, p. 2. URL : <https://library.fes.de/pdf-files/bueros/genf/06264.pdf> (accessed 04/12/2023).

<sup>58</sup> Ibid, p. 1.

<sup>59</sup> Scottish Parliament, 'Universal Periodic Review: Opportunities for Parliamentary Involvement', 2018, p. 4. URL : <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2020/02/Universal-Periodic-Review.pdf> (accessed 05/12/2023).

<sup>60</sup> UPR Info, 'The butterfly effect Spreading good practices of UPR implementation', 2016, p.40. URL : [https://www.upr-info.org/sites/default/files/documents/2016-11/2016\\_the\\_butterfly\\_effect.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf) (accessed 04/12/2023).

<sup>61</sup> Human Rights Council A/HRC/38/25, 'Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights', 17 May 2018, para 16. URL : <https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 03/12/2023).

plenary<sup>62</sup>. Moreover, their input can be sought for deliberations on the recommendations received before they are submitted to the UPR mechanism, during the deliberations of the executive<sup>63</sup>.

Finally, during the third phase, the follow-up to the review, their role becomes more apparent and predominant, with their political weight into play, strengthening ‘the rule of law’<sup>64</sup>. Subsequently, as attention shifts towards the implementation and follow-up phase within the United Nations, Parliaments emerge as influential and key national actors<sup>65</sup>. Accordingly, they are key actors in calling for the establishment of National Mechanisms for Reporting and Follow-up (NMRF)<sup>66</sup>. Parliamentarians, in their legislator role, have to implement the commitments undertaken by the state resulting from UPR’s adoption of the Outcome. In addition to advancing their own initiatives, they are empowered to oversee the actions of the executive branches by emphasizing their duties within the UPR framework. They must seek updates on the implementation of the UPR recommendations in order to maintain their priority in the government’s agenda<sup>67</sup>. The establishment of a structured working mechanism to provide regular reports to Parliaments regarding the participation of the state under review participation in the UPR should be accomplished<sup>68</sup>. Interestingly, the Rules of Procedure of the Parliament of Georgia, establish a formalized procedure for

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<sup>62</sup> Human Rights Council A/HRC/Res/5/1. ‘Institution-building of the United Nations Human Rights Council’, 18 June 2007, para. 31. URL : [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=a/hrc/res/5](https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/5) (accessed 05/12/2023).

<sup>63</sup> Human Rights Council A/HRC/38/25, ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights’, 17 May 2018, para 30. URL : <https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 11/10/2023).

<sup>64</sup> Ibid, para 19.

<sup>65</sup> Human Rights Council A/HRC/38/25. ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights’, 17 May 2018, para 6. URL : <https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 06/12/2023).

<sup>66</sup> Human Rights Council A/HRC/35/16. ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review’, 22 June 2017, p. 2. URL : <https://digitallibrary.un.org/record/1301334?ln=en> (accessed 05/12/2023).

<sup>67</sup> UPR Info, ‘The butterfly effect Spreading good practices of UPR implementation’, 2016, p.12. URL : [https://www.upr-info.org/sites/default/files/documents/2016-11/2016\\_the\\_butterfly\\_effect.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf) (accessed 11/10/2023).

<sup>68</sup> Z. Lijang, ‘On the Parliament Participation in the Universal Periodic Review of the United Nations Human Rights’, VOL. 16, NO.2, p.12. April 2017. URL : [https://heinonline.org/HOL/Page?handle=hein\\_journals/jrnlnhmch16&collection=journals&id=157&startid=&endid=169](https://heinonline.org/HOL/Page?handle=hein_journals/jrnlnhmch16&collection=journals&id=157&startid=&endid=169) (accessed 19/02/2024).

engagement in the UPR, underscoring the parliamentary supervision role that permits the review of all information provided by the executive within the UPR<sup>69</sup>. Evidently, they should proactively participate in follow-up mechanisms and ensure that recommendations that require; 'legislative reform, the adoption of new laws, or budgetary adjustments are identified and given priority consideration'<sup>70</sup>. However, a prevalent feature in developing Parliaments is the emphasis placed on the legislative function, neglecting the oversight role. Resources must be allocated to ensure that Parliaments are able to develop and establish effective structures for upholding compliance with international human rights standards<sup>71</sup>. Furthermore, possessing a very strong public opinion foundation with direct connections with grass-roots organizations and individuals, they play a continuous role throughout the entire process to engage with civil society in order to gather insight on their actual human rights concerns<sup>72</sup>.

Besides, on an international note, their engagement should not be overseen. As Kirchmeier reveals, active engagement in informal discussions is paramount. Even though they lack the opportunity to take the floor during the review, they could potentially actively engage with other states to convey their questions and recommendations that may be addressed during the review. Therefore, their influence permits a broader contribution to the promotion of human rights, extending beyond their own state<sup>73</sup>. Furthermore, their roles as signatories of human rights treaties grants Parliamentarians distinctive advantages in promoting and safeguarding human rights, emphasizing the significance of their engagement.

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<sup>69</sup> UPR Info, 'Parliament's engagement in the UPR: How? The case of Georgia', 2023. URL : <https://www.upr-info.org/sites/default/files/2023-06/Georgian%20parliament%20article%20EN.pdf> (accessed 07/12/2023).

<sup>70</sup> Human Rights Council A/HRC/38/25, 'Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights', 17 May 2018, p.15, para 3 d. URL : <https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 05/12/2023).

<sup>71</sup> B. Chang, G. Ramshaw, Westminster Foundation for Democracy, 'Strengthening Parliamentary Capacity for the Protection and Realization of Human Rights', p.3, 2017. URL : <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 19/02/2024).

<sup>72</sup> UPR Info, 'The butterfly effect Spreading good practices of UPR implementation', 2016, p.12. URL : [https://www.upr-info.org/sites/default/files/documents/2016-11/2016\\_the\\_butterfly\\_effect.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf) (accessed 11/10/2023).

<sup>73</sup> F. Kirchmeier, 'The Role of Parliaments in the Universal Periodic Review'. FES Geneva Fact Sheet, 2009, p. 2. URL : <https://library.fes.de/pdf-files/bueros/genf/06264.pdf> (accessed 04/12/2023).

However, while Parliamentarians' active engagement in the UPR is not only necessary but seemingly clearly feasible, they lack the sufficient awareness concerning their role in the process and about the mechanism in itself. For this reason, an increasing trend exists for trainings and seminars for Parliamentarians in several countries – in their second national report, Tonga<sup>74</sup> and Tuvalu<sup>75</sup> stated that training was provided for Parliamentarians in themes related to human rights. Similarly, the UN Office of the High Commissioner for Human Rights conducted regional seminars on “translating international human rights commitments into national realities: The contribution of parliaments to the work of the United Nations Human Rights Council”. This permits to bring Parliamentarians together in order to exchange different practices, debate and promote awareness<sup>76</sup>.

To enhance parliamentary engagement, Benchemach suggests ‘an institutionalization for national parliaments’ in the UPR process to oblige them to submit alternative reports<sup>77</sup>. Considering that the governments’ national reports are generally focused on positive advancements, this would redirect attention towards recognizing gaps and opportunities, and guide delegates in their recommendations<sup>78</sup>. Furthermore, it is recommended to have a parliamentary human rights committee, ensuring a human rights’s prioritization, facilitating targeted information, and providing expertise in the realm of human rights<sup>79</sup>. Eventually, it acts as a mechanism to promote the UPR.

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<sup>74</sup> Human Rights Council A/HRC/WG.6/15/TON/1. ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21’, 9 January 2013, p.20. URL : <https://documents.un.org/doc/undoc/gen/g13/101/17/pdf/g1310117.pdf?token=phOHS3pdxo3eGjUeuP&fe=true> (accessed 19/02/2024).

<sup>75</sup> Human Rights Council A/HRC/WG.6/16/TUV/1. ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21’, 25 January 2013, p.19. URL : <https://documents.un.org/doc/undoc/gen/g13/103/28/pdf/g1310328.pdf?token=zMqGvgqbZOGFGIAK11&fe=true> (accessed 19/02/2024).

<sup>76</sup> B. Chang, G. Ramshaw, Westminster Foundation for Democracy, ‘Strengthening Parliamentary Capacity for the Protection and Realization of Human Rights’, p.20, 2017. URL : <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 19/02/2024).

<sup>77</sup> Human Rights Council A/HRC/35/16. ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review’, 22 June 2017, para. 11. URL : <https://digitallibrary.un.org/record/1301334?ln=en> (accessed 05/12/2023).

<sup>78</sup> Ibid.

<sup>79</sup> Human Rights Council A/HRC/38/25. ‘Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights’, 17 May 2018, p.16. URL : <https://www.ohchr.org/en/documents/reports/contribution-parliaments-work-human-rights-council-and-its-universal-periodic> (accessed 11/10/2023).

Possibilities for Parliaments' involvement in the UPR process are numerous and essential in particular in their legislative, budget allocation and oversight roles. Firstly, in the consultative process preceding the drafting of national reports, ensuring that other national stakeholders provide their insights, raising public awareness while facilitating public debate over the national report. Secondly, whether the recommendations should be accepted, and in monitoring the implementation of the accepted recommendations<sup>80</sup>. Nonetheless, in contrast to the valuable contributions they could offer, the understanding of their involvement remains exceedingly in its nascent stages. Additionally, for an effective engagement, Parliaments must possess the requisite authority, a circumstance that varies across countries. However, while Parliamentarians' role has traditionally been overlooked, this is gradually shifting due to an increasing international focus on their role.

## 2.2. Links Between Parliaments and Various UPR Stakeholders

In order to guarantee informed and democratic governance, legislative institutions and stakeholders must develop connections, interactions, and relationships. Stakeholders are recommended to collect information through extensive consultation that will ensure credibility and legitimacy to the UPR reports<sup>81</sup>. Public hearings, partnerships, forums, collaborations, and communication channels among several examples on how these can be deployed to assist parliamentary bodies..

According to Saul, the goals and legitimacy are often shaped by institutional stakeholders as 'legitimacy is conferred when stakeholders – that is, internal and external audiences are affected by organizational outcomes - endorse and support an organization's goals and activities'<sup>82</sup>. These stakeholders are influential groups that work outside the system but have significant impact on its functioning. It is a crucial element for determining the effectiveness of Parliaments. They have a range of stakeholders, specifically in public and executive and

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<sup>80</sup> B. Chang, G. Ramshaw, Westminster Foundation for Democracy, 'Strengthening Parliamentary Capacity for the Protection and Realization of Human Rights', p.20, 2017. URL : <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 19/02/2024).

<sup>81</sup> UPR Info, 'Optimizing Sustainable Implementation: Good practices for UPR stakeholders', 2018, p.17. URL: [https://upr-info.org/sites/default/files/documents/2018-03/upr\\_midterm\\_report\\_web\\_v1\\_high.pdf](https://upr-info.org/sites/default/files/documents/2018-03/upr_midterm_report_web_v1_high.pdf) (accessed 27/11/2023).

<sup>82</sup> M. Saul, *The International Human Rights Judiciary and National Parliaments: Europe and Beyond*, Cambridge University Press, October 2017.

other national institutions, civil societies and international organizations that oversee parliamentary mechanisms<sup>83</sup>.

### 2.2.1 Links Between Parliaments and CSOs

The UPR review system for human rights consists of three main reports, one of which is a stakeholder summary by OHCHR<sup>84</sup>. CSOs submit a mid-term report on the state under review which is formally published in OHCHR and UPR Info websites since the third UPR cycle<sup>85</sup>. They cannot directly participate in the human rights review and therefore, the provision of information through a shadow report to be included in the summary of OHCHR stakeholder information is the key element of CSOs engagement in the UPR process<sup>86</sup>.

While states depend on these organizations for grass-root information, the latter gains economic and political support for their issues<sup>87</sup>. They sometimes engage with Parliaments in order to advocate specific legislative amendments, policy adjustments, or the inclusion of specific issues to the agenda. They present facts, offer suggestions for improvements, and lobby legislators to support a particular cause after broadly consulting amongst one another to review expertise across different human rights<sup>88</sup>. They assess the effectiveness of parliamentary activity, keep legislators accountable, and incentivize them to improve their performance; in certain circumstances, they give capacity-building assistance to legislators. These conflicts may be heightened when CSOs obtain access to information and participate in parliamentary activities in indirect or overt ways<sup>89</sup>.

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<sup>83</sup> P. Sen, *Universal Periodic Review: Lessons, Hopes and Expectations*, Commonwealth Secretariat, 2011.

<sup>84</sup> Sarajevo Open Centre, 'Universal Periodic Review(UPR) Handbook for Civil Society Organisations (CSO) in Bosnia and Herzegovina (BiH)', 2021, p.4. URL:

<https://soc.ba/site/wp-content/uploads/2021/02/HRP-web-eng-UPP.pdf>[AD1] (accessed on 15/02/2024).

<sup>85</sup> UPR Info, 'Optimizing Sustainable Implementation: Good practices for UPR stakeholders', 2018, p.17. URL: [https://upr-info.org/sites/default/files/documents/2018-03/upr\\_midterm\\_report\\_web\\_v1\\_high.pdf](https://upr-info.org/sites/default/files/documents/2018-03/upr_midterm_report_web_v1_high.pdf) (accessed on 27/11/2023).

<sup>86</sup> Sarajevo Open Centre, 'Universal Periodic Review Recommendations Monitoring Instrument: Proposal by Civil Society Organisations', 2021, p.56. URL: [https://soc.ba/site/wp-content/uploads/2021/02/Web\\_EN.pdf](https://soc.ba/site/wp-content/uploads/2021/02/Web_EN.pdf) (accessed on 14/02/2024).

<sup>87</sup> UPR Info, 'The butterfly effect Spreading good practices of UPR Implementation', 2016, p.22. URL: [https://www.upr-info.org/sites/default/files/documents/2016-11/2016\\_the\\_butterfly\\_effect.pdf](https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf) (accessed on 23/11/2023).

<sup>88</sup> Ibid.

<sup>89</sup> L. Khumalo, *African Parliaments Volume 1: Evidence Systems for Governance and Development*, South Africa: African Sun Media, 2021.

The relationship between Parliaments and CSOs is significant in the UPR because they are given direct access to a State forum, allowing them to try to generate political momentum for specific projects and raise awareness of important concerns. They are entitled to participate in the negotiation processes for multiple UN-sponsored human rights treaties that have been developed during the past twenty years as observers due to it, offer insightful opinions, research, and analysis that aid in the creation of policy. To exchange ideas on matters pertaining to social justice, the environment, human rights, and other topics, they might collaborate closely with legislative committees.

### **2.2.2. Links Between Parliaments and Governments**

The stakeholders engage in consultations with governments or institutions for stakeholder reports to UNHRC and also attend follow-up activities involving advocacy for the implementation of recommendations<sup>90</sup>. Parliamentary systems as opposed to governments have a clear division of authority between the executive and legislative, parliamentary systems rely on more nuanced forms of reciprocal control. According to OECD surveys in countries like Albania, Montenegro and the State level of Bosnia and Herzegovina, they play a significant role in the federal budget approval process<sup>91</sup>. Government spending plans are reviewed, debated, and approved by Parliament as part of the financial process. The proper distribution of public monies is guaranteed by this monitoring.

During the preparation of the national UPR report, state governments are encouraged to prepare information through extensive consultations at national level and with relevant stakeholders which includes Parliaments. Different ministries, specifically the Ministry of Justice, is entrusted with the preparation of this report. Consultations are organized for stakeholders and in some cases they might be Parliaments especially if NHRIs have failed to fulfill this role<sup>92</sup>.

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<sup>90</sup> Sarajevo Open Centre, ‘Universal Periodic Review Recommendations Monitoring Instrument: Proposal by Civil Society Organisations’, 2021, p.56. URL: [https://soc.ba/site/wp-content/uploads/2021/02/Web\\_EN.pdf](https://soc.ba/site/wp-content/uploads/2021/02/Web_EN.pdf) (accessed on 14/02/2024).

<sup>91</sup> Andeweg, R.B. et al., *Beyond the Two-Body Image: Relations Between Ministers and MPs*, Frankfurt St. Martin’s Press, 1995.

<sup>92</sup> F. Kirchmeier, ‘The Role of Parliaments in the Universal Periodic Review A review of resolution A/HRC/Res/5/1 of the Human Rights Council and further suggestions’, Dialogue on Globalization, Geneva, 2011, p.1-2. URL: <https://library.fes.de/pdf-files/bueros/genf/06264.pdf> (accessed 5/12/2023).



Parliaments serve as forums for the expression of public opinion. Although relevant civil society organizations can encourage certain recommendations with regards to human rights in the outcome report of the UPR, the States are more likely predisposed to make specific recommendations suggested by their Parliamentarians in the UPR outcome report<sup>93</sup>.

### 2.2.3. Links Between Parliaments and NHRIs

National Human Rights Institutions (NHRIs) were established at the national level, aiming at implementing and ensuring compliance of human rights regulations. They have a unique position in promoting and protecting human rights that they must comply with particularly for those having ICC A-status based on Paris Principles<sup>94</sup>. NHRIs hold a distinctive role in advancing and defending human rights. Their ability to do so stems from the unique position they occupy in between NGOs and CSOs. To guarantee a strong and effective human rights protection system, NHRIs hold the responsibility to ensure that national laws and practices abide by international human rights laws<sup>95</sup>. In addition to analyzing the state of the nation, they compile and make use of reports and other data that lawmakers might find useful. The state should be consulted once a preliminary draft of the report has been distributed in order to guarantee that the discussions will be beneficial<sup>96</sup>.

Apart from their primary functions, they play a crucial role in fostering good relationships between public bodies and civil societies with governments and Parliaments, bridging the gap between these institutions thereby following up with recommendations to protect human rights within the State<sup>97</sup>.

We therefore noticed that there is always room to enrich the literature on the concrete role that Parliamentarians can play in the UPR process and on how to further integrate them

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<sup>93</sup> Ibid.

<sup>94</sup> United Nations Human Rights Office of the High Commissioner, 'Human Rights Handbook for Parliamentarians N°26', Inter-Parliamentary Union, 2016, p.114. URL: <https://www.ipu.org/resources/publications/handbooks/2016-10/human-rights> (accessed 10/12/2023).

<sup>95</sup> Office of the United Nations High Commissioner of Human Rights, 'National Human Rights Institutions: History, Principles, Roles and Responsibilities', OHCHR, New York and Geneva, United Nations, 2010, p. 9. URL: [https://www.ohchr.org/sites/default/files/Documents/Publications/PTS-4Rev1-NHRI\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/PTS-4Rev1-NHRI_en.pdf) (accessed on 27/11/2023).

<sup>96</sup> A. Smith, *The Unique Position of National Human Rights Institutions: A Mixed Blessing?*, Human Rights Quarterly, vol.28, no.4.

<sup>97</sup> Ibid., p.10.

in order to strengthen human rights. This research will therefore contribute to complementing the existing literature on this subject by providing a new and original methodology.

### 3. Methodology

#### 3.1. Research Design

The primary research question guiding this project is: “How can the role of Parliamentarians in the UPR be enhanced to improve the implementation of UPR recommendations at the domestic level?”. This sets the basis for an extensive investigation of parliamentary involvement in the UPR process. This research project has several objectives and this question will be addressed through a multi-faceted research design, with a combination of primary and secondary sources. First, it aims to identify the recommendations made in the third UPR cycle requiring parliamentary action to quantify the impact and importance of Parliamentarians in the implementation of UPR recommendations. This unique analysis contributes to the originality of this research because such data are not available in the literature.

Then, this project aims to analyze the engagement and impact of Parliamentarians in the third UPR cycle and describe good practices and challenges to parliamentary engagement. This helped us to understand how Parliamentarians have participated in the implementation of UPR recommendations and what are the possible causes for the lack of implementation, by providing a balanced understanding of parliamentary involvement in the UPR. Besides, this allowed us to draft recommendations on how to enhance the role of Parliamentarians in the UPR to further the promotion of human rights at the domestic level. These recommendations will particularly be useful for Parliamentarians curious about how they can increase their engagement in the UPR and for the various stakeholders involved in the UPR, such as governments, OHCHR, NHRIs and CSOs. With this emphasis on actionable recommendations, our goal is to make the research tangible and practically beneficial.

Finally, this research will be useful for the training dedicated to Parliamentarians carried out by UPR Info.

### **3.1.1. Case Study Countries: Nepal and Côte d'Ivoire**

To narrow the scope of the research and due to time constraints, the analysis of the engagement and impact of Parliamentarians in the third UPR cycle has been conducted in two case study countries: Nepal and Côte d'Ivoire. These countries were chosen in collaboration with UPR Info for being part of In-Country Programme's target countries. Indeed, the ICP, which is the UPR Info's operational programme, supports several countries in Africa and Asia, including Nepal and Côte d'Ivoire, to implement the UPR recommendations they have received. UPR Info therefore had sufficient contacts in these countries to carry out the research, but it has been conducted based on the availability of the resources.

Case studies allow an individual unit to be analyzed in depth in order to generate information that will be generalizable to a larger number of units and are therefore very useful for research like this which does not allow to study all the UN member countries in view of the time available<sup>98</sup>. In addition, this permits an exploration of good practices as well as challenges associated with the involvement of Parliamentarians in the UPR process.

### **3.2. Source Material and Description of the Analysis**

This report is based on primary and secondary sources and uses a qualitative method.

Firstly, in order to answer the research question presented in the introduction, we carried out a desk review of different documents, such as OHCHR reports, dealing with our two case study countries. When relevant, national reports and legislations from the two case study countries have been taken into account during the desk review. This allowed us, for example, to know the degree of independence the Parliaments have from the executive power.

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<sup>98</sup> R., Fidel, 'The case study method: A case study', Library and Information Science Research, vol. 6, no. 3, 1984.

Then, to identify the recommendations made in the third cycle requiring parliamentary action to be implemented, the UPR Info's Database has been used. This database is a powerful online tool that allows anyone interested to search a country's UPR recommendations or States' voluntary pledges. These are available for the first three UPR cycles and are easy to find thanks to an advanced filter system. Thus, within the framework of this research, the search could be done easily by selecting in the filters "Recommendation", the name of the state under review, the number of the cycle of interest (the 3rd in our case) and the type of response the recommendation received (supported or noted<sup>99</sup>). Then, in the search bar of the database, rigorously chosen keywords were indicated in order to obtain only the recommendations requiring direct parliamentary action.

The keywords chosen result from research carried out in the literature review on the role of Parliamentarians and were validated by UPR Info. Considering the Parliaments' mandate encompasses budgetary, legislative and oversight functions, our designated keywords focus on measures relevant to these roles, namely 'ratify', 'establish', 'investigate', 'accede', 'revise', 'align', 'comply', 'reform', 'modify', 'revoke', 'prohibit', 'adopt', 'abolish', 'repeal', 'redraft', 'decriminalize', 'criminalize', 'define', 'incorporate', 'harmonize', 'monitor', 'review', 'vote', 'amend', 'scrutinize', 'allocate', 'legislate', 'enforce', 'enact', 'penalize', 'adoption', 'resource', 'define', the combination of words 'take' and 'measures', 'bring' and 'line', 'legislation' and 'measures', 'rescind' and 'law', 'draft' and 'law', 'ensure' and 'legislation', 'provide' and 'resources', 'increase' and 'resources', the combination of the word 'introduce' with the words 'legislation', 'legislative', 'law' or 'legal', and the combination of the word 'pass' with the words 'law', 'laws' or 'legislation'. Besides, the use of "AND" and "NOT" is very useful for word combinations<sup>100</sup>. This systematic approach ensured the identification of the relevant UPR recommendations for our research and allowed us to create an Excel document bringing together the UN countries available in the database with their recommendations requiring parliamentary action depending on whether they have been noted (refused by the state under review) or supported (accepted by the state under review). A manual check of each recommendation was then carried out to ensure that the keywords were used in the meaning

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<sup>99</sup> The noted category includes partially supported recommendations.

<sup>100</sup> A detailed list of keywords usage can be found in Appendix 9.1.

given to them by the research team. For example, the keyword “review” is used most of the time as a verb by the research team as part of a sentence starting for example with "Review the law [...]". It can also be used as a noun when recommendations read: "Conduct a review of the legislation [...]". Thus, the recommendations containing this word in the context of “universal periodic review” or other wording of this type were manually deleted from the Excel document by the research team. The same logic applied for the keyword “monitor”. Particular attention was also given to recommendations containing the keyword “investigate”. When this keyword was used in a recommendation requiring judicial action and not parliamentary action, the recommendation was manually removed from the Excel document by the research team. For example, the recommendation 136.203 of Afghanistan’s third cycle: “Promptly investigate and prosecute cases of violence against women” was manually deleted as it requires judicial action. Conversely, the recommendation 103.46 of El Salvador’s third cycle: “Investigate and prosecute human rights violations and abuses by security forces and other government officials, including extrajudicial killings” requires parliamentary action and was therefore kept in Excel. Then, using the Ctrl+F command, a check was carried out for each country to ensure that the same recommendation with the same identifier did not appear twice in Excel. Indeed, the same recommendation can include several keywords and therefore appear several times in Excel. This verification thus makes it possible to reinforce the accuracy of the results. Finally, a color code has been used to categorize the recommendations according to whether they fall under the legislative, oversight or budget allocation role of Parliament<sup>101</sup>.

In addition to these methods, data have been collected through interviews with experts in the case study countries, as well as with other UPR stakeholders. These include; the Comité de Suivi EPU – bringing together several Civil Society Organizations from Côte d’Ivoire, the Commission Nationale des Droits de l’Homme (CNDH) - the National Human Rights Institution of Côte d’Ivoire, the Informal Sector service Center (INSEC) – a Civil Society Organization in Nepal, and Mr. Rogier Huizenga – manager of the IPU Human Rights Program – from Inter-Parliamentary Union (IPU). Prior to conducting these interviews, a preparation process was required. This includes the definition of clear objectives for each interview. It aimed to produce a general identification of key themes based on the

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<sup>101</sup> The association of keywords with colors is explained in Appendix 5.1.

role of Parliamentarians in the UPR process. Following the selection of interviewees by UPR Info and the research team, the formulation of tailored and targeted questions has been made. This ensured the capture of the diverse circumstances, perspectives, and nuanced dynamics surrounding parliamentary involvement in the UPR mechanism. Pilot-tested interviews helped in refining the questions and ensuring their effectiveness. Additionally, confidentiality and consent had been given careful attention. This structured preparation contributed to the optimization and value of the insights obtained. These interviews allowed us to learn more about the role of Parliamentarians in the UPR process, how they participated in the implementation of their country's recommendations, the challenges they may have encountered, their connections with other UPR stakeholders, and challenges of these stakeholders in communicating with them. The incorporation of qualitative data offered richness and depth to the project. While only two countries are concerned in this phase, it has provided an idea about how the difference of parliamentary power can affect their capacity and facility to implement the UPR recommendations.

Finally, we participated in a Pre-session in November 2023 thanks to the invitation of UPR Info. This allowed us to meet an important UPR stakeholder, the CSOs, which use this international platform as an opportunity to inform the representatives of the recommending States about the human rights situation in the SuR before the UPR. These informal discussions with different CSOs allowed us to see in particular that the CSOs lacked contact with Parliamentarians. Consequently, these real-time observations further enhance our understanding of the actual circumstances.

### **3.3. Limitations**

Due to the resources and time available, only two case study countries were analyzed. The results arising from these analyses were used to conclude on the role and impact of Parliamentarians in general in the UPR process. However, these generalizations may not take into account the characteristics specific to each country concerning the role of its national Parliamentarians. In addition, it is important to note that the research team did not have access to some of the documentation relating to the UPR third cycle given that these documents (National State report, Compilation of UN information, and Summary of

stakeholders' information) were to be provided by Nepal and Côte d'Ivoire just before their fourth review, and therefore after the end of the research. Data collection therefore had to rely mainly on interviews and other documents available.

Furthermore, as the database was not updated, the research team was unable to calculate the percentage of recommendations requiring parliamentary action for the 193 UN countries because only 174 countries could be analyzed.

Then, the analysis of the recommendations requiring parliamentary action for UN member countries is based on a choice of keywords made by the research team in collaboration with UPR Info. Therefore, it is important to note that some keywords may be missing and that each country has its specificities concerning its Parliament and the functions that it possesses as well as the degree of independence from the executive power it enjoys. For this reason, some UPR recommendations may contain a relevant keyword chosen but not fall under parliamentary action depending on the parliamentary context of the country. For example, recommendations including the words "take" and "measures" can sometimes be ambiguous and only involve parliamentary action in certain countries.

Further, regrettably, despite our proactive approach and numerous attempts to establish contact, due to challenges in securing interviews and engaging with Parliamentarians, who represent the central stakeholders in our research, we encountered a notable lack of response from these key stakeholders, resulting in a limited number of interviews.

Finally, it is important to note that our report emphasizes recommendations that directly assume parliamentary action, namely their budgetary allocation, oversight, and legislative role. Therefore, it is crucial to recognize that our focus may downplay the significance of parliamentary engagement and potentially overshadow their role in areas not explicitly related to the Parliament. For instance, some recommendations addressing judicial functions may still need indirect parliamentary action for a comprehensive implementation. Take for example, a recommendation to “investigate incidents of domestic violence”. While it is primarily a judicial concern, it may still require legislative reforms to ensure equitable

access to justice for the victims, and parliamentary bodies may need to allocate resources to strengthen the judiciary's capacity to address such issues. Another underlying reason, as highlighted by Mr. Huizenga during our interview, is the fact that the recommendations are not written with Parliamentarians in mind<sup>102</sup>. Thus, it is essential to recognize that while our report highlights the specific areas requiring parliamentary action, we need to acknowledge the potential role of Parliaments in addressing broader areas beyond the scope of our recommendations. For example, according to the National Human Rights Institution of Côte d'Ivoire, approximately 70% of the recommendations made to Côte d'Ivoire during the third cycle require parliamentary action<sup>103</sup> although only 30.5% were identified in our research using keywords directly linked to parliamentary action. Furthermore, it is worth mentioning that the OHCHR indicates that "more than 50 per cent of universal periodic review recommendations require or involve parliamentary action"<sup>104</sup>.

Acknowledging these limitations is crucial for setting realistic and practical expectations for the research, ensuring transparency, and maintaining awareness of its lack of universal applicability.

#### 4. Analysis of Recommendations from the 3rd UPR Cycle Requiring Parliamentary Action for the 193 UN Countries

In this part, we wanted to calculate the percentage of recommendations received by the 193 UN countries requiring parliamentary action to be implemented. However, since the UPR Info's database was not updated before the research was completed, this calculation could not be performed. The research team will therefore carry it out during the summer of 2024 using an excel file provided by UPR Info which will make it possible to complete the Google sheet created, or using UPR Info's database if the latter is updated before September

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<sup>102</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>103</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>104</sup> OHCHR, 'Contribution of parliaments to the work of the Human Rights Council and its universal periodic review - Report of the Office of the United Nations High Commissioner for Human Rights'. ohchr.org, 2018. URL : [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/38/25](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/38/25) (accessed 07/05/2024).



2024. Despite this limitation, the research team was able to complete the Google sheet for 174 countries and perform the calculations for the two case studies.

We have therefore observed for the 174 countries that Parliamentarians have an important role to play in the UPR process because 36.6% of recommendations received require direct parliamentary action, mainly legislative action, in order to be implemented. We will now focus on two case studies: Côte d'Ivoire and Nepal, to further discuss their engagement in the UPR process.

## 5. Case Studies

### 5.1. Côte d'Ivoire

Côte d'Ivoire belongs to the African Group<sup>105</sup>. It is a member of several organizations, including the African Union (AU), the Organization of the Islamic Conference (OIC), and the Organisation internationale de la Francophonie (OIF).

#### 5.1.1. Overview of Recommendations Requiring Parliamentary Action

##### 5.1.1.1. Recommendations from the 3rd UPR Cycle Received by Côte d'Ivoire

According to the UPR database, during the third cycle, Côte d'Ivoire received 252 recommendations<sup>106</sup>. Of these 252 recommendations, it supported 227 and noted 25<sup>107</sup>. Some recommendations being formulated in exactly the same way by different countries, the OHCHR prefers to indicate that Côte d'Ivoire received 247 recommendations during the third

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<sup>105</sup> UPR Info, Database. URL : [https://upr-info-database.uwazi.io/en/library/?q=\(types:!\(%275d8ce04361cde0408222e9a8%27\),limit:30,order:desc,sort:creationDate,types:!\(%275d8ce04361cde0408222e9a8%27\)\)](https://upr-info-database.uwazi.io/en/library/?q=(types:!(%275d8ce04361cde0408222e9a8%27),limit:30,order:desc,sort:creationDate,types:!(%275d8ce04361cde0408222e9a8%27))) (accessed 30/01/2024).

<sup>106</sup> Ibid.

<sup>107</sup> UPR Info, Database. URL : [https://upr-info-database.uwazi.io/en/library/?q=\(types:!\(%275d8ce04361cde0408222e9a8%27\),limit:30,order:desc,sort:creationDate,types:!\(%275d8ce04361cde0408222e9a8%27\)\)](https://upr-info-database.uwazi.io/en/library/?q=(types:!(%275d8ce04361cde0408222e9a8%27),limit:30,order:desc,sort:creationDate,types:!(%275d8ce04361cde0408222e9a8%27))) (accessed 30/01/2024).

cycle and accepted 222 and noted 25 which represents a 16% increase in accepted recommendations compared to the second cycle<sup>108</sup>.

Then, according to the OHCHR, the recommendations received by Côte d'Ivoire during the third cycle mainly referred to the following five Sustainable Development Goals (SDGs) :



**Figure 1<sup>109</sup>** : Top 5 Sustainable Development Goals for the UPR recommendations of Côte d'Ivoire

Targets associated with SDGs most often require parliamentary action to be achieved. For example, Goal 16, to which 38% of recommendations refer, "is about promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels"<sup>110</sup>. Parliamentarians therefore have an important role to play with regard to this SDG because they can, for example, exercise their oversight role by investigating cases of corruption in the government. Their legislative role is also important because the adoption of laws or ratification of international instruments can, among other things, improve the human rights situation in the country and thus promote peaceful and inclusive societies. For example, recommendation 140.16 supported by Côte d'Ivoire during its third cycle recommends it to "Finalize the process of ratifying the Second Optional

<sup>108</sup> OHCHR, 'Infographic Côte d'Ivoire'. ohchr.org, 2019. URL : [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic\\_C%C3%B4te\\_d%27Ivoire.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic_C%C3%B4te_d%27Ivoire.pdf) (accessed 02/02/2024).

<sup>109</sup> Ibid.

<sup>110</sup> United Nations, 'Goal 16: Promote just, peaceful and inclusive societies'. un.org. URL : <https://www.un.org/sustainabledevelopment/peace-justice/> (accessed 02/02/2024).

Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as per the new Constitution”<sup>111</sup>. Moreover, thanks to their budget allocation role, Parliamentarians can strengthen national institutions and participate in the creation of "effective, accountable and inclusive institutions at all levels"<sup>112</sup>.

The second SDG, to which 27% of the recommendations accepted by Côte d'Ivoire refer, is SDG 5 which aims to "Achieve gender equality and empower all women and girls"<sup>113</sup>. The targets of this SDG undoubtedly require parliamentary action in order to be achieved. Indeed, Parliamentarians can adopt laws or amend existing laws in order to combat discrimination against women and girls and promote their empowerment. For example, recommendation 140.170 supported by Côte d'Ivoire recommends it to “Adopt and implement new laws aimed at promoting the empowerment of women, including their political participation”<sup>114</sup>. In addition, Parliament can use its budget allocation role as well as its oversight role to help Côte d'Ivoire achieve SDG 5.

The same reasoning applies for each of the other SDGs to which the recommendations received by Côte d'Ivoire refer. Parliamentarians therefore have an important role to play in implementing the UPR recommendations and at the same time participating in the achievement of the SDGs.

The OHCHR also provides information on the issues to which the recommendations supported by Côte d'Ivoire during its third cycle refer<sup>115</sup>.

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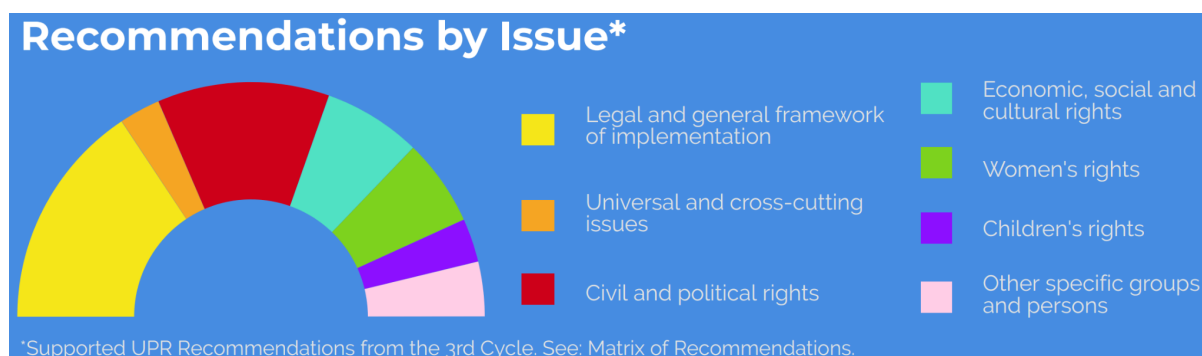
<sup>111</sup> OHCHR, ‘Matrix of recommendations’. ohchr.org, 2019. URL : <https://www.ohchr.org/fr/hr-bodies/upr/ci-index> (accessed 02/02/2024).

<sup>112</sup> Ibid.

<sup>113</sup> United Nations, ‘Goal 5: Achieve gender equality and empower all women and girls’. un.org. URL : <https://www.un.org/sustainabledevelopment/gender-equality/> (accessed 02/02/2024).

<sup>114</sup> OHCHR, ‘Matrix of recommendations’. ohchr.org, 2019. URL : <https://www.ohchr.org/fr/hr-bodies/upr/ci-index> (accessed 02/02/2024).

<sup>115</sup> OHCHR, ‘Infographic Côte d’Ivoire’. ohchr.org, 2019. URL : [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic\\_C%C3%B4te\\_d%27Ivoire.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic_C%C3%B4te_d%27Ivoire.pdf) (accessed 02/02/2024).



**Figure 2<sup>116</sup>** : Recommendations supported by Côte d'Ivoire during the third cycle by Issue

As illustrated by figure 2, the majority of recommendations supported by Côte d'Ivoire refer to the "Legal and general framework of implementation". This type of issue involves parliamentary actions, particularly legislative, to implement the recommendations and once again supports the importance of Parliamentarians in the UPR process.

#### 5.1.1.2. Analysis of Recommendations Requiring Parliamentary Action

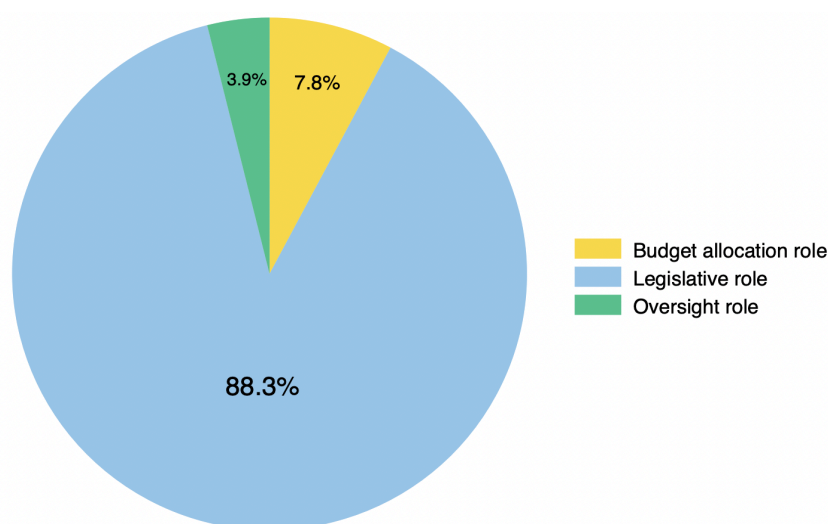
After discussing the UPR recommendations received by Côte d'Ivoire during the third cycle and showing the importance of Parliamentarians in the realization of several of them depending on the issues addressed, it is necessary to carry out an analysis of the recommendations requiring a direct parliamentary action<sup>117</sup>. Our keyword method was applied to find these recommendations and organize them in our Excel table, making analysis easier.

First of all, of the 252 recommendations received, 77 require absolutely a direct parliamentary action to be implemented. This corresponds to 30.5% of the recommendations received by Côte d'Ivoire during its third UPR cycle, although it is important to keep in mind that at least 70% of the recommendations require indirect or direct parliamentary action. Of these 77 recommendations requiring parliamentary action, 67 were supported by Côte d'Ivoire and 10 were noted. In addition, 6 supported recommendations referred to the budget

<sup>116</sup> OHCHR, 'Infographic Côte d'Ivoire'. ohchr.org, 2019. URL : [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic\\_C%C3%B4te\\_d%27Ivoire.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CI/Infographic_C%C3%B4te_d%27Ivoire.pdf) (accessed 02/02/2024).

<sup>117</sup> A list of UPR recommendations received by Côte d'Ivoire and requiring parliamentary action according to the keyword method applied is available in Appendix 9.2.

allocation role of Parliamentarians, 3 supported recommendations referred to the oversight role of Parliamentarians, and the other recommendations supported (58) and noted (10) referred to the legislative role of Parliamentarians. Figure 3 clearly shows the predominance of the legislative role of Parliamentarians in order to implement recommendations requiring parliamentary action. These recommendations correspond, for example, to the keywords “adopt”, “ratify” or “amend”. It is therefore necessary to focus mainly on this parliamentary role to increase the implementation of the recommendations in Côte d'Ivoire while not minimizing the importance of its other roles.



Data source : UPR Info's Database

**Figure 3 :** Type of parliamentary role necessary for all UPR recommendations from the 3rd cycle requiring parliamentary action to be implemented in Côte d'Ivoire (own illustration)

Then, according to Figure 4, the Western European & Other States Group is the regional group of recommending states having made the most recommendations requiring parliamentary action to Côte d'Ivoire with 26 recommendations.

<b>Recommending State (Regional Group)</b>	<b>Recommendations supported by Côte d'Ivoire</b>	<b>Recommendations noted by Côte d'Ivoire</b>
Asia (Asian Group)	5	0
GRULAC (Group of Latin American & Caribbean States)	13	2
Africa (African Group)	20	0
WEOG (Western European & Other States Group)	18	8
EEG (Eastern European Group)	11	0

**Figure 4 :** Regional groups that made recommendations requiring parliamentary action to Côte d'Ivoire during the UPR third cycle and responses provided by Côte d'Ivoire (own illustration)

Finally, with regard to the action category of recommendations, 45 recommendations, including 8 noted, requested a specific action, 25 (including 2 noted) requested a general action, 5 requested a continuing action, and 2 requested a considering action. A majority of recommendations (58.4%) therefore require specific parliamentary action to be implemented. Indeed, according to an explanatory note from UPR Info, the "specific action" category often corresponds to "legal verbs"<sup>118</sup>.

Thus, we can conclude that a significant portion of the recommendations received by Côte d'Ivoire during the third cycle require parliamentary action to be implemented, in particular a specific legislative action. It is therefore important to strengthen the role of Parliamentarians in the UPR process by first understanding how the legislative process works in Côte d'Ivoire and what could explain the lack of legislative action leading to a lack of implementation of recommendations and a repetition of the same recommendations in the next cycle.

<sup>118</sup> UPR Info, 'UPR Info's Database'. upr.info, 2016, p.1. URL : [https://upr-info.org/sites/default/files/general-document/2022-05/Database\\_Action\\_Category.pdf](https://upr-info.org/sites/default/files/general-document/2022-05/Database_Action_Category.pdf) (accessed 03/02/2024).

## 5.1.2. Contextual Background

### 5.1.2.1. Overview of the Parliamentary System in Côte d'Ivoire

Côte d'Ivoire has a bicameral Parliament composed of the National Assembly, the lower chamber representing the people, and the Senate, the upper chamber created by the Constitution of November 8, 2016 and representing local authorities and Ivorians abroad<sup>119</sup>. In the National Assembly, 255 deputies are elected for five years by direct universal suffrage, and the parliamentary mandate is renewable<sup>120</sup>. In the Senate, the 99 Senators also have a five-year mandate but two-thirds (66 Senators) are elected indirectly by regional and local councils while one-third (33 Senators) is appointed by the President of the Republic, currently Mr. Ouattara, allowing him to exercise quite significant power over Parliament<sup>121</sup>. In 2021, the year of the last legislative elections for the National Assembly, a full renewal of Parliamentarians took place. In 2023, a full renewal of Senators also took place.

Since 2021, eight parties (see Figure 5) sit in the National Assembly with the party of the President of the Republic of Côte d'Ivoire, the Rally of Houphouetists for Democracy and Peace (RHDP), having the majority of seats (139 seats)<sup>122</sup>.

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<sup>119</sup> Présidence de la République de Côte d'Ivoire, 'Institutions'. [presidence.ci](https://www.presidence.ci/institutions/). URL : <https://www.presidence.ci/institutions/> (accessed 15/02/2024).

<sup>120</sup> IPU Parline, 'Côte d'Ivoire'. [data.ipu.org](https://data.ipu.org/parliament/ci?chamber_id=13372). URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>121</sup> Présidence de la République de Côte d'Ivoire, 'Institutions'. [presidence.ci](https://www.presidence.ci/institutions/). URL : <https://www.presidence.ci/institutions/> (accessed 15/02/2024).

<sup>122</sup> IPU Parline, 'Côte d'Ivoire'. [data.ipu.org](https://data.ipu.org/parliament/ci?chamber_id=13372). URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

Political group	Total
Rally of Houphouetists for Democracy and Peace (RHDP)	139
Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA)-Together for Democracy and Sovereignty (EDS)	49
Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA)	23
Together for Democracy and Sovereignty (EDS)	7
Union for Côte d'Ivoire (UPCI)-Arc-en-ciel	7
Ivorian Popular Front (FPI)	2
Ivorian Popular Front (FPI)-Alliance of Democratic Forces (AFD)-Union for Democracy and Peace in Côte d'Ivoire (UDPCI)-Arc-en-ciel-AGIR	1
Ivorian Popular Front - Democratic Party of Côte d'Ivoire-African Democratic Rally - Together for Democracy and Sovereignty (FPI-PDCI-EDS)	1
Independents	26

**Figure 5<sup>123</sup>** : Parties or coalitions winning seats in the National Assembly of Côte d'Ivoire in 2021

The Parliament of Côte d'Ivoire is endowed with legislative powers which allow it in particular to pass the law and to approve taxes<sup>124</sup>. More specifically, it has a law making, an oversight and a budget allocation role.

As part of its law making role, the Parliament is responsible for adopting, amending or rejecting laws. According to the legislative procedure, proposed resolutions can be submitted by a Member of Parliament (MP) or a group of MPs to the Office of the National Assembly<sup>125</sup>. Bills, for their part, can be introduced by a MP, a group of MPs or by the President of the Republic<sup>126</sup>. For example, in 2020, the Parliament adopted 213 laws entirely initiated by the government<sup>127</sup>.

Draft laws or proposals for laws or resolutions are submitted to the Senate or the National Assembly depending on the subject. The National Assembly being composed of six

<sup>123</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>124</sup> Présidence de la République de Côte d'Ivoire, 'Institutions'. [presidence.ci](https://www.presidence.ci/institutions/). URL : <https://www.presidence.ci/institutions/> (accessed 15/02/2024).

<sup>125</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE I - PROCEDURE ORDINAIRE, CHAPITRE I : PROJETS ET PROPOSITIONS, A- DEFINITIONS, Article 53'. [assnat.ci](http://www.assnat.ci). URL: <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694#> (accessed 15/02/2024).

<sup>126</sup> Ibid.

<sup>127</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/node/41/law-making-oversight-budget?chamber\\_id=13372](https://data.ipu.org/node/41/law-making-oversight-budget?chamber_id=13372) (accessed 15/02/2024).



parliamentary committees, draft laws or proposals for laws or resolutions are submitted to the competent committee which discusses each article as well as their amendments<sup>128</sup>. When a bill is accepted by the first chamber of Parliament in which it was submitted, it is sent to the other chamber for examination<sup>129</sup>. If amendments are made to the text by the second chamber, the shuttle system is set up to obtain an identical text. In the event of disagreement between the two chambers, the President of the Republic may convene a joint committee<sup>130</sup>. Moreover, before the vote, a second reading of the project or proposal may be requested or accepted by the commission concerned in the National Assembly<sup>131</sup>. Parliament votes first on each article then on the project or proposal as a whole<sup>132</sup>. In the case of ratification of a treaty or an international agreement, the National Assembly decides on the rejection or adoption without proposing amendments<sup>133</sup>.

When legislations are adopted by the Parliament (23 laws in 2021 and 65 in 2022), they must be signed into law by the President of the Republic<sup>134</sup>. The latter may request a new deliberation in the National Assembly (voted by an absolute majority of MPs) before promulgating the law<sup>135</sup>. Then, as a last resort, the National Assembly can appeal to the

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<sup>128</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE I - PROCEDURE ORDINAIRE, CHAPITRE II : TRAVAUX LEGISLATIFS DES COMMISSIONS, C- DEROULEMENT DES TRAVAUX EN COMMISSION, Article 64'. assnat.ci. URL: <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694> (accessed 15/02/2024).

<sup>129</sup> DigiThèque MJP, 'Constitution de la Troisième République, Titre V. Des rapports entre le pouvoir législatif et le pouvoir exécutif., Chapitre II : De la procédure législative., article 110'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>130</sup> Ibid.

<sup>131</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE I - PROCEDURE ORDINAIRE, CHAPITRE III : DISCUSSION EN SEANCE PUBLIQUE DES PROJETS DE LOI, DES PROPOSITIONS DE LOI ET DE RESOLUTION EN PREMIERE LECTURE, B- DISCUSSION ORDINAIRE, c) Amendements et sous-amendements, Article 85'. assnat.ci. URL: <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694> (accessed 15/02/2024).

<sup>132</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE I - PROCEDURE ORDINAIRE, CHAPITRE III : DISCUSSION EN SEANCE PUBLIQUE DES PROJETS DE LOI, DES PROPOSITIONS DE LOI ET DE RESOLUTION EN PREMIERE LECTURE, B- DISCUSSION ORDINAIRE, c) Amendements et sous-amendements, Article 88'. assnat.ci. URL: <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694> (accessed 15/02/2024).

<sup>133</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE II - PROCEDURE SPECIALES, CHAPITRE III : PROCEDURE D'AUTORISATION DE RATIFICATION DES TRAITES ET ACCORDS INTERNATIONAUX, Article 100'. assnat.ci. URL: <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694> (accessed 15/02/2024).

<sup>134</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>135</sup> Assemblée Nationale de la République de Côte d'Ivoire, 'La procédure Législative, LIVRE II - PROCEDURES LEGISLATIVES, TITRE I - PROCEDURE ORDINAIRE, CHAPITRE III : DISCUSSION EN SEANCE PUBLIQUE DES PROJETS DE LOI, DES PROPOSITIONS DE LOI ET DE RESOLUTION EN

Constitutional Council to enforce it<sup>136</sup>. However, according to the IPU, in 2020 the President of the Republic of Côte d'Ivoire never refused to promulgate a law<sup>137</sup>.

As part of its oversight role, the National Assembly has the power to summon members of the government and senior government officials<sup>138</sup>. Besides, once a law is promulgated, article 65 of the Constitution consolidated in 2020 provides that "The President of the Republic ensures the execution of the laws [...] <sup>139</sup>" [our translation] and therefore that Parliament does not directly ensure the implementation of the laws it has adopted. However, according to article 117, "The means of informing Parliament with regard to government action are the oral question, the written question and the commission of inquiry" [Our translation]<sup>140</sup>. Thus, Parliament can still control indirectly the effective implementation of laws by controlling government action. Moreover, Parliament has other means to control government administration such as "committees of inquiry and missions to the Government to audit public financial services"<sup>141</sup>.

Finally, as part of its budget role, Parliament examines and votes on the finance bill, which concerns the expenditure and revenue planned each year, and control all public funds<sup>142</sup>. The Economic and Financial Affairs Committee plays a very important role in budgetary control because it can request documents from the government attesting to revenue orders, expenditures made and others<sup>143</sup>. Moreover, it is important to note that, according to article 107 of the Constitution of the Republic of Côte d'Ivoire, "Proposals and amendments

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PREMIERE LECTURE, B- DISCUSSION ORDINAIRE, c) Amendements et sous-amendements, Article 87'. assnat.ci. URL : <http://www.assnat.ci/assembleenationale/?la-procedure-legislative-1694> (accessed 15/02/2024).

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>139</sup> Digithèque MJP, 'Constitution de la Troisième République, Titre III. Du pouvoir exécutif., Chapitre II : Du Président de la République., article 65'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>140</sup> Digithèque MJP, 'Constitution de la Troisième République, Titre V. Des rapports entre le pouvoir législatif et le pouvoir exécutif., Chapitre IV : Du contrôle de l'action gouvernementale., article 117'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>141</sup> Inter-Parliamentary Union, 'COTE D'IVOIRE Assemblée nationale (National Assembly)'. archive.ipu.org. URL : [http://archive.ipu.org/parline-e/reports/CtrlParlementaire/2075\\_F.htm](http://archive.ipu.org/parline-e/reports/CtrlParlementaire/2075_F.htm) (accessed 20/02/2024).

<sup>142</sup> Digithèque MJP, 'Constitution de la Troisième République, Titre V. Des rapports entre le pouvoir législatif et le pouvoir exécutif., Chapitre II : De la procédure législative., article 112'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>143</sup> Inter-Parliamentary Union, 'COTE D'IVOIRE Assemblée nationale (National Assembly)'. archive.ipu.org. URL : [http://archive.ipu.org/parline-e/reports/CtrlParlementaire/2075\\_F.htm](http://archive.ipu.org/parline-e/reports/CtrlParlementaire/2075_F.htm) (accessed 20/02/2024).

tabled by members of Parliament are not admissible when their adoption would result in a reduction of resources public duties, or the creation or aggravation of a public charge, unless they are accompanied by a proposal for an increase in revenue or equivalent savings"<sup>144</sup> [our translation].

The separation of powers between the executive, legislative and judicial powers was therefore guaranteed in theory by the Constitution consolidated in 2020. The latter also mentioned in article 84 that "The parliamentarian appointed as a member of the Government cannot sit in Parliament during the duration of his ministerial functions"<sup>145</sup> [our translation]. However, it is important to bear in mind that the deputies adopted a bill in July 2023 aimed at revising certain provisions of the Constitution, including in particular those relating to the legislative powers of the President of the Republic<sup>146</sup>. Already having the initiative of laws, the President of the Republic will now be able to amend the texts before their adoption by Parliament, which may undermine the independence of Parliament and the separation of powers. In addition, this revision will allow Parliament to meet in two ordinary sessions rather than just one in order to make parliamentary work coincide with government work, and which will allow Parliament to adopt more laws and examine them in more depth<sup>147</sup>.

### 5.1.2.2. Institutional Framework for Human Rights

At the heart of Côte d'Ivoire efforts towards a robust legal and institutional framework for the promotion and protection of human rights, is the Committee on General and Institutional Affairs, a parliamentary commission designated as the specialized body for human rights within the country. It possesses the significant authority to initiate inquiries when necessary, obtain information from the Executive about the rationale behind its actions or inactions involving human rights, and can assess its responses to judicial ruling regarding

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<sup>144</sup> DigiThèque MJP, 'Constitution de la Troisième République, Titre V. Des rapports entre le pouvoir législatif et le pouvoir exécutif., Chapitre II : De la procédure législative., article 107'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>145</sup> DigiThèque MJP, 'Constitution de la Troisième République, Titre III. Du pouvoir exécutif., Chapitre IV : Du Gouvernement., article 84'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>146</sup> Gouvernement de Côte d'Ivoire, 'MODALITÉS DE FONCTIONNEMENT DES POUVOIRS LÉGISLATIF ET EXÉCUTIF : LE GOUVERNEMENT ADOPTE UN PROJET DE LOI DE RÉVISION DE QUELQUES DISPOSITIONS DE LA CONSTITUTION'. gouv.ci, 2023. URL : <https://www.gouv.ci/actualite-article.php?recordID=15468> (accessed 20/02/2024).

<sup>147</sup> Ibid.

human rights considerations. Moreover, the Committee holds a mandate to review the budget allocation resources for initiatives aimed at the protection and promotion of human rights within the Senate. Of equal significance, it has the power to propose amendments to legislation, initiate parliamentary debates on a subject of its choosing, and make recommendations to the Executive. Additionally, this parliamentary commission holds the mandate to scrutinize the Executive's decision regarding the ratification of international human rights treaties<sup>148</sup>. This ensures the alignment of the nation with global human rights standards.

On an international note, the Committee contributes to the preparation of the national report for the UPR mechanisms. Regrettably, however, despite this notable supporting cooperation during the preparatory early phase, the Committee finds itself excluded from subsequent stages. Specifically, in addition to its exclusion from the official delegation, it is deprived from the opportunity to participate in dialogues with the Executive regarding the adoption of recommendations, as well as from hearings regarding the plans for the implementation of those<sup>149</sup>.

In terms of collaboration, the Committee consistently coordinates its work – through meetings, sharing of reports, and joint follow-up action – with the National Human Rights Institution (NHRI)<sup>150</sup>, the Conseil National des Droits de l'Homme de Côte d'Ivoire (CNDH). Created by the Law n°2018-900 of the 30 November 2018, it is an administrative independent authority. This independence also encompasses financial autonomy and having its own seat<sup>151</sup>.

The CNDH central vocation is to monitor and ensure respect for human rights in the country, as well as Côte d'Ivoire's compliance with international commitments while favoring ratification of instruments relating to human rights<sup>152</sup>. A key element is the annual

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<sup>148</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> CNDH, 'Présentation'. cndh.ci. URL : <https://cndh.ci/commission-centrale/presentation/> (accessed 05/04/2024).

<sup>152</sup> CNDH, 'Présentation'. cndh.ci. URL : <https://cndh.ci/commission-centrale/presentation/> (accessed 05/04/2024).

public report on the state of human rights within the country presented to the President of the Republic, the National Assembly and the Senate. Furthermore, its political approach revolves around maintaining a strong connection with the diverse populations. In that direction, it disposes of 31 regional Commissions executing locally the purpose of the central Commission. In fact, the CNDH functions as a bridge between citizens and the government through the reception of complaints of human rights violations, advice on human rights issues to government<sup>153</sup>. Illustrating its influence, in its 2019 annual report, UPR Info highlights Côte d'Ivoire's NHRI's successful advocacy strategy, which resulted in the government's acceptance of diverse pending and noted recommendations at the adoption<sup>154</sup>.

As of 26 May 2016, accredited by the Global Alliance of National Human Rights Institutions (GANHRI)<sup>155</sup>, as of December 2020, the CNDH was classified as A-status, demonstrating full compliance with the Paris Principles<sup>156</sup> – a development that reflects marked progress and efforts in upholding human rights standards in the country. The Paris Principles are internationally recognized standards ensuring the accountability, independence and pluralism of the institutions<sup>157</sup>. GANHRI plays a pivotal role in promoting human rights and supporting NHRIs by securing their adherence to international standards.

Moreover, there is the Ministry of Justice and Human Rights of Côte D'Ivoire, a government department responsible for diverse judicial functions within the country<sup>158</sup>. Thus, it currently exercises the judicial power, overseeing central directorates, attached directorates, the Constitutional Council, first and second-degree courts, the Supreme Court, the Court of Cassation, the Court of Auditors, the High Court of Justice, the Council of State, and the

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<sup>153</sup> Ibid.

<sup>154</sup> UPR Info, 'UPR Info ANNUAL REPORT 2019'. upr.info, 2020, p.26. URL : [https://upr.info/sites/default/files/general-document/2023-02/UPR\\_RA2019\\_WEB\\_FINAL\\_060520.pdf](https://upr.info/sites/default/files/general-document/2023-02/UPR_RA2019_WEB_FINAL_060520.pdf) (accessed 07/03/2024).

<sup>155</sup> OHCHR, 'UN Human Rights and NHRIs'. ohchr.org. URL : <https://www.ohchr.org/en/countries/nhri> (accessed 01/03/2024).

<sup>156</sup> GANHRI & OHCHR, 'Chart of the status of National Institutions'. ohchr.org, 2023. URL : <https://www.ohchr.org/sites/default/files/documents/countries/nhri/StatusAccreditationChartNHRIs.pdf> (accessed 07/03/2024).

<sup>157</sup> The Danish Institute for Human Rights, 'The Paris Principles'. humanrights.dk. URL : [https://www.humanrights.dk/files/media/dokumenter/about\\_us/The%20Paris%20Principles.pdf](https://www.humanrights.dk/files/media/dokumenter/about_us/The%20Paris%20Principles.pdf) (accessed 07/03/2024).

<sup>158</sup> Ministère de la Justice et des Droits de l'Homme, 'Accueil'. justice.ci. URL : <https://www.justice.ci/#> (accessed 01/03/2024).

Common Court of Justice and Arbitration<sup>159</sup>. The Ministry plays a crucial role in both combating human rights violations and promoting it by prosecuting those responsible for human rights violations and maintaining the rule of law within the country. Furthermore, the Conseil Constitutionnel – a judicial institution – controls the constitutionality of the laws adopted by the Parliament<sup>160</sup> and the regularity of its members<sup>161</sup>. Similarly, while the international treaties ratification require parliamentary action, the judiciary can also review them for constitutionality<sup>162</sup>.

In order to prepare for the UPR national reports, “an interministerial committee composed of representatives of the technical ministries concerned was established under Decree No. 2017-303 of 17 May 2017 amending Decree No. 2001-365 of 27 June 2001 on the establishment of an interministerial committee to monitor the implementation of the international human rights instruments”<sup>163</sup>.

Similarly, the Comité de Suivi EPU, established in 2013, is composed of numerous CSOs divided into four thematic groups; civil and political rights, economic, social and cultural rights, rights of women and children, and rights of vulnerable groups<sup>164</sup>. Thus, its objective – with the technical support of UPR Info – is to follow-up the implementation of UPR recommendations. It organizes training sessions about the UPR mechanism, consultation with CSOs and technical ministries, dissemination of UPR recommendations to the concerned stakeholders, carries out advocacy action, and prepares midterm evaluation reports or alternative reports before the country is reviewed<sup>165</sup>. The Committee took part in the UPR Info in-country training session in February 2019, made to strengthen their capacities within the framework of the UPR mechanism. Marthe Pedan Coulibaly, national

<sup>159</sup> Ministère de la Justice et des Droits de l’Homme, ‘Décret Portant Organisation du Ministère’. justice.ci. URL : <https://www.justice.ci/decret-portant-organisation-du-ministere/> (accessed 01/03/2024).

<sup>160</sup> Présidence de la République de Côte d’Ivoire, Loi n°2016-886 du 08 Novembre 2016 Portant Constitution de la République de Côte D’Ivoire, Telle que Modifiée Par La Loi Constitutionnelle n°2020-348 du 19 Mars 2020, article 134. [presidence.ci](https://www.presidence.ci). URL: <https://www.presidence.ci/wp-content/uploads/2018/07/CONSTITUTION-2016.pdf> (accessed 12/06/2024).

<sup>161</sup> Ibid, articles 51 and 99.

<sup>162</sup> Ibid, article 122.

<sup>163</sup> Human Rights Council A/HRC/WG.6/33/CIV/1, ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Côte d’Ivoire’, May 2019, p. 3, para 8. ecoi.net. URL : <https://www.ecoi.net/en/file/local/2007122/G1904381.pdf> (accessed 05/03/2024).

<sup>164</sup> Comité de Suivi EPU, ‘Historique et Présentation’. comite-epu.org. URL : <https://www.comite-epu.org/posts/historique-et-presentaion> (accessed 01/03/2024).

<sup>165</sup> Ibid.

coordinator of the Comité de Suivi de l'EPU commented how they discovered, during the training, the importance of Parliamentarians in the process of implementation of recommendations<sup>166</sup>. Additionally, since the second cycle, it generates several initiatives in collaboration with the CNDH<sup>167</sup>. The Committee recognized as key actors for collaboration in supporting the implementation of recommendations; various ministries such as the Ministry of Justice and Human Rights, the CNDH, the Independent Electoral Commission, and the Parliament<sup>168</sup>. However, while the Committee has been trying to consult with CSOs since the third cycle, it does not have the financial resources necessary for that<sup>169</sup>. This information and testimonies would greatly enrich the Comité de Suivi EPU's mid-term report. Furthermore, they are not in contact with Parliamentarians, preventing the Comité de Suivi EPU from obtaining information on why the laws necessary for certain UPR recommendations have not been adopted<sup>170</sup>.

### 5.1.2.3. Engagement with the UPR Process during the 3rd cycle

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<sup>166</sup> UPR Info 'Rapport d'Activité - Côte d'Ivoire'. upr.info, 2019. URL : [https://upr.info/sites/default/files/country-document/2022-03/cote\\_divoire\\_activity\\_report\\_step\\_2\\_1.pdf](https://upr.info/sites/default/files/country-document/2022-03/cote_divoire_activity_report_step_2_1.pdf) (accessed 01/03/2024).

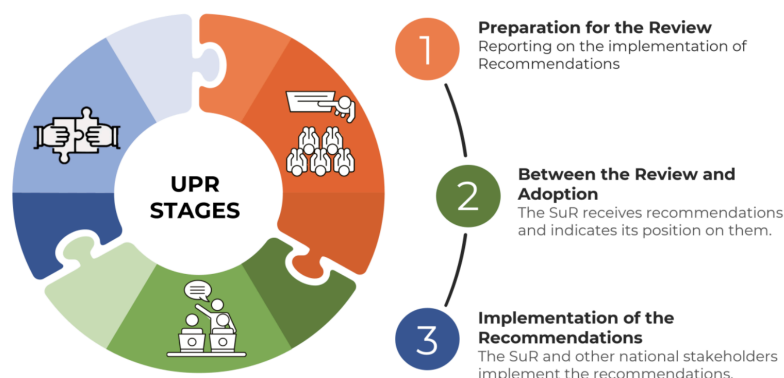
<sup>167</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p.3. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>168</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p.4. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>169</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p.6. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>170</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

The UPR is a full-circle process comprised of three key stages



**Figure 6<sup>171</sup>** : The three stages of the UPR

### *First stage of the UPR :*

As we saw previously that Parliamentarians are the main actors in the implementation of several UPR recommendations in Côte d'Ivoire, it is important that they feel included in the different UPR stages. Thus, according to OHCHR, before the review of their country, “they can make an active contribution to the national report and encourage the Government to host a broad consultation process<sup>172</sup>”. This seems to be the case in Côte d'Ivoire. Indeed, like each state under review, as part of the preparation of the third review, Côte d'Ivoire had to submit its National report which mainly discusses the state of implementation of the recommendations coming from the previous cycle, the difficulties encountered and which gives some explanations on the implementation of the recommendations<sup>173</sup>. According to this report, “all stakeholders were consulted during the preparation of the report, including [...] the National Assembly”<sup>174</sup>. Parliamentarians of Côte d'Ivoire therefore contribute to the

<sup>171</sup> UPR Info, ‘Introduction to the mechanism’. upr-info.org. URL : <https://www.upr-info.org/en/upr-process/what-upr/introduction-brief-history> (accessed 01/03/2024).

<sup>172</sup> OHCHR, ‘Parliaments’. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

<sup>173</sup> OHCHR, ‘Rapport national pour le 3e Cycle de l’Examen Périodique Universel, Note d’orientation’. upr.info. URL : [https://www.upr-info.org/sites/default/files/documents/2017-03/ohchr\\_guidance\\_national\\_report\\_3rdcycle\\_fr.pdf](https://www.upr-info.org/sites/default/files/documents/2017-03/ohchr_guidance_national_report_3rdcycle_fr.pdf) (accessed 01/03/2024).

<sup>174</sup> OHCHR, ‘National report Côte d'Ivoire’. ohchr.org. 2019, p.3. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).



preparation of the National report, which illustrates the inclusive approach Côte d'Ivoire uses to produce it.

Then, the Report of the OHCHR on Côte d'Ivoire which is "a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents"<sup>175</sup>, also shows the important role of Parliamentarians in the implementation of UPR recommendations because it recommends to the State to ratify different international instruments which require parliamentary action. This document also recommends that Parliament enact or amend several laws in different areas such as equality and non-discrimination and monitor the lawfulness of detention<sup>176</sup>. As an example, we can cite the following recommendation : "The Human Rights Committee recommended that the State enact a general law against discrimination with a view to incorporating the prohibition of discrimination included in the Covenant and enshrined in the Constitution<sup>177</sup>". Thus, the recommendations considered as priorities by United Nations entities and independent human rights experts and groups include recommendations requiring parliamentary action.

The third document on which the State review is based is the summary of stakeholders' submissions including the National Human Right Institution of Côte d'Ivoire, and CSOs submissions. This document also sets out the recommendations that they wished to make to Côte d'Ivoire within the framework of the third UPR cycle. Just like the document compiling the UN information, this document contains several recommendations requiring parliamentary action such as recommendations for ratification of international instruments, laws to be enacted or budget to be allocated<sup>178</sup>. For example, "The Commission Nationale des Droits de l'Homme de Côte d'Ivoire (National Human Rights Commission of Côte d'Ivoire) (CNDHCI) recommended that the government ratify the International Convention for the Protection of All Persons from Enforced Disappearance<sup>179</sup>" which implies a parliamentary action.

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<sup>175</sup> OHCHR, 'Compilation of UN information Côte d'Ivoire'. ohchr.org. 2019, p.1. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>176</sup> OHCHR, 'Compilation of UN information Côte d'Ivoire'. ohchr.org. 2019. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>177</sup> Ibid., p.3.

<sup>178</sup> OHCHR, 'Summary of stakeholders' information Côte d'Ivoire'. ohchr.org. 2019. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>179</sup> Ibid., p.1.

***Second stage of the UPR :***

On the occasion of the third cycle of the UPR, Côte d'Ivoire was reviewed during the 33rd session, on May 7, 2019. The three rapporteurs countries, also called the "troika", were Bahamas, Saudi Arabia and Tunisia<sup>180</sup>. Their role was to facilitate the review of Côte d'Ivoire and the preparation of the Working Group report. According to OHCHR, Parliamentarians have a role to play during the second stage as “During the review, they can participate in the Working Group session, either as a member of the Government delegation or as an observer<sup>181</sup>”. However, this does not seem to have been the case for Côte d'Ivoire during the third UPR cycle. Indeed, the State delegation was headed by Ms. Aimée Zebeyoux, Secretary of State in the Ministry of Justice in charge of Human Rights<sup>182</sup>. The other 21 members of the delegation held the positions of ambassadors, members of the government or members of the Permanent Mission of the Republic of Côte d'Ivoire in Geneva<sup>183</sup>. Thus, regrettably, no Parliamentarian headed the delegation, nor was part of the State delegation while a Parliamentarian was present in the delegation of Côte d'Ivoire during the second UPR cycle in 2014<sup>184</sup>.

Then, at the end of the review, the former High Commissioner for Human Rights, Michelle Bachelet, wrote a letter to the Foreign Minister of Côte d'Ivoire highlighting the "areas [...] in need of particular attention [...] until the next cycle of the UPR"<sup>185</sup>. These areas include recommendations requiring parliamentary action such as ratifications of international instruments, budget allocations, and adoptions of legislation<sup>186</sup>.

The Working Group also published its report recalling the measures taken by Côte d'Ivoire following its second review, summarizing the dialogue that took place between Côte

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<sup>180</sup> OHCHR, ‘Report of the Working group Côte d'Ivoire’. ohchr.org. 2019. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>181</sup> OHCHR, ‘Parliaments’. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> OHCHR, ‘Members of Parliament in delegations of States under Review’. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

<sup>185</sup> OHCHR, ‘Letter by the High Commissioner to the Foreign Minister, Côte d'Ivoire’. ohchr.org. 2019, p.1. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>186</sup> Ibid.

d'Ivoire and the 101 delegations present during the third review, and listing the recommendations received and supported by Côte d'Ivoire<sup>187</sup>.

Finally, the Report of the HRC on its 42nd session summarizes the UPR outcomes of the third review of Côte d'Ivoire. This Report informs us in particular that "The Government had met with civil society organizations, the national human rights commission, the media, members of the interministerial committee for the implementation of international human rights instruments and diplomatic missions to finalize its position on the 20 pending recommendations"<sup>188</sup>. Furthermore, it mentions that "Of those 20 recommendations, the Government had accepted nine, including seven relating to the ratification of conventions [...]"<sup>189</sup>. In addition, certain recommendations that were finally noted required parliamentary action. Thus, despite the fact that some of these recommendations require parliamentary action, the Government did not consult Parliamentarians before taking a position on the pending recommendations.

### ***Third stage of the UPR :***

Finally, according to OHCHR, "After the review, they can ensure parliamentary follow up action on those UPR recommendations that require legislative and budgetary action"<sup>190</sup>. This directly references the analysis we carried out on the UPR database to identify recommendations requiring parliamentary action, as well as the section discussing the theoretical and practical implementation of the recommendations coming later in this report.

Besides, the National report lists each law in relation to a UPR recommendation adopted or amended by the National Assembly for different categories (for example : civil and political rights), as well as the international human rights instruments ratified following parliamentary approval, showing the important role that MPs have to play in implementing

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<sup>187</sup> OHCHR, 'Report of the Working group Côte d'Ivoire'. ohchr.org. 2019. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

<sup>188</sup> OHCHR, 'Report of the forty-two session of the Human Rights Council, Côte d'Ivoire'. ohchr.org, 2019, p.71. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024)

<sup>189</sup> Ibid.

<sup>190</sup> OHCHR, 'Parliaments'. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

the recommendations during the third stage of the UPR<sup>191</sup>. However, it is important to note that Parliamentarians were not included in the preparation of the UPR midterm report which was carried out by an interministerial committee which may impact their engagement in the UPR<sup>192</sup>.

Parliamentarians therefore have a major role to play in several UPR recommendations and in the different UPR stages but are not sufficiently consulted.

#### **5.1.2.4. Diverse Stakeholders Involvement in Côte d'Ivoire's UPR 3rd Cycle Process**

On February 20 and 21 of 2019, co-organised by UPR Info, the CNDH, and the Comité de Suivi EPU, 45 participants – including NHRIs and CSOs representatives, as well as Parliamentarians – were trained on the UPR process to enhance their engagement strategies. This contributed to fostering robust domestic human rights follow-up mechanisms, forging effective partnerships between stakeholders, and strengthening CSOs capacities by deepening their understanding of the UPR process and enhancing their advocacy strategies<sup>193</sup>. Finally, emphasis was placed on cooperation, stressing the vital importance of involving the different actors, such as Parliaments, in the process and offering guidance on how to effectively engage with them. According to our interview with the CNDH, this support from UPR Info enabled work of undeniable quality<sup>194</sup>.

The training was a valuable initiative permitting to explore means to include other stakeholders in the UPR process at the national level, and more importantly reinforce the collaboration and coordination between CSOs and other stakeholders, including parliamentarians. This becomes even more prevalent when we know that more than 50 % of

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<sup>191</sup> OHCHR, 'Parliaments'. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

<sup>192</sup> Ibid.

<sup>193</sup> UPR Info, 'UPR Info ANNUAL REPORT 2019'. upr.info, 2020, p.25. URL : [https://upr.info/sites/default/files/general-document/2023-02/UPR\\_RA2019\\_WEB\\_FINAL\\_060520.pdf](https://upr.info/sites/default/files/general-document/2023-02/UPR_RA2019_WEB_FINAL_060520.pdf) (accessed 07/03/2024).

<sup>194</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

the NGOs members of the Comité de suivi EPU are involved in the follow-up of the recommendations implementation<sup>195</sup>.

### 5.1.3. Implementation of Recommendations: Theory vs. Practice

The mid-term report produced by the Comité de Suivi EPU, evaluating the implementation of recommendations from the third cycle, identified 52 priority recommendations, out of the 252 formulated to Côte d'Ivoire – 44 accepted and 8 noted. Out of the 44 accepted recommendations, 100% were at least partially implemented, and out of the 8 noted, 5 were partially implemented<sup>196</sup>.

Regarding the recommendations requiring parliamentary action, we can mention the 140.143 – accepted – to “Increase significantly financial resources in the health sector”. The report indicates its status as partially implemented, highlighting the progress made in increasing the Côte d'Ivoire's health budget allocation by 70%<sup>197</sup>. Besides, the 140.89 accepted recommendation to “Adopt the necessary measures to guarantee the independence of the judicial system and the impartiality of its decisions, respect for human rights by law enforcement authorities and the fight against corruption” was partially implemented with the adoption of a new Code of Criminal Procedure – along with a reinforcement of strategies to combat corruption.<sup>198</sup>

Additionally, there are several recommendations concerning the LGBTIQ+ community protection, all noted, such as the 142.3 to “Enact legislation protecting the rights of lesbian, gay, bisexual, transgender and intersex individuals, including expanding non-discrimination laws to include discrimination based on sexual orientation and gender identity”. While a new law for discrimination issues was created, it does not clearly and

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<sup>195</sup> Comité de suivi EPU, ‘rapport à mi-parcours’. ohchr.org, 2023, p.3. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>196</sup> Ibid, p.6.

<sup>197</sup> Ibid, p.20.

<sup>198</sup> Gouvernement de Côte d'Ivoire, ‘Bilan session ordinaire 2022 de l'Assemblée Nationale : 65 projets de loi examinés et adoptés contre 23 projets de loi en 2021’. gouv.ci. 2022. URL : [https://www.gouv.ci/\\_actualite-article.php?recordID=14513](https://www.gouv.ci/_actualite-article.php?recordID=14513) (accessed 21/03/2024).

specifically take the LGBTQI+ persons into account<sup>199</sup>. It's worth noting that out of the 25 noted recommendations by Côte d'Ivoire, 8, representing 32%, address sexual orientation or gender identity. This underscores the urgency of advocating for this issue as a top priority.

Furthermore, among the 77 recommendations identified as requiring parliamentary action in Côte d'Ivoire, around 11 of them, all supported, concern the rights of women, including domestic violence, marital rape, political participation, and genital mutilation. For instance, Paraguay urges Côte d'Ivoire to “Criminalize explicitly domestic violence and conjugal rape” (140.174). While recommendations on women's rights continue to be made and Côte d'Ivoire has in fact ratified; the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) on October 5, 2011, as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, the relevant domestic legislation seems to continue to be broad.

While the law n° 2021-893 of December 21, 2021 modifying law n° 2019-574 of June 26, 2019, prohibits rape in general in a new article, it still assumes consensual sexual intercourse in married couples unless there is evidence to the contrary<sup>200</sup>. Concerning domestic violence, the term has no definition yet in any statutes, codes, or specific legislation<sup>201</sup>. Therefore, recommendations such as the 140.158 “Outlaw domestic violence and penalize marital rape” have not been implemented, as authorities did not enforce this laws effectively. Additionally, no specific provision tackle domestic violence in article 381<sup>202</sup>. In addition, the government began to implement legislation to cover the expensive costs of

<sup>199</sup> Comité de suivi EPU, ‘rapport à mi-parcours’. ohchr.org, 2023, p. 52-54. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>200</sup> LOIDICI, ‘Loi n°2021-893 du 21 décembre 2021 modifiant la loi n° 2019-574 du 26 juin 2019 portant code pénal’. loidici.biz, article 403 nouveau. URL : <https://loidici.biz/2022/02/08/loi-n-2021-893-du-21-decembre-2021-modifiant-la-loi-n2019-574-du-26-juin-2019-portant-code-penal/lois-article-par-article/codes/le-code-penal/22836/naty/> (accessed 08/04/2024).

<sup>201</sup> Baker Mckenzie, ‘Fighting Domestic Violence: Ivory Coast’. resourcehub.bakermckenzie.com, section 5.5.1. URL : <https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/africa/ivory-coast/topics/5-prosecutorial-considerations> (accessed 12/04/2024).

<sup>202</sup> Droit Afrique, ‘Côte d'Ivoire - code pénal’. droit-afrique.com, article 381. URL : <https://www.droit-afrique.com/uploads/RCI-Code-2019-penal.pdf> (accessed 08/04/2024).

post-rape certified examination. In practice, however, many doctors are not aware of this change in legislation and many medical practitioners are not trained to examine survivors of gender-based violence<sup>203</sup>. Furthermore, reports highlight that the police normally ignore domestic violence cases and victims tend to keep it secret due to social stigma<sup>204</sup>. Finally, the law specifically criminalizes female mutilation as stated in article 394 of the Penal Code. It's worth noting that the adoption of article 397<sup>205</sup>, represents a step forward by providing penalties for individuals who neglect to prevent or report instances of female mutilation. Despite these legal advancements, organizations report the frequent performance of cutting at birth, in practice<sup>206</sup>.

Some recommendations address the adoption of measures for a safe environment for freedom of peaceful association and expression, including for human rights and press practitioners. The constitution provides for freedom of expression. In reality, journalists are subject to intimidation by authorities as a result of their reporting practices<sup>207</sup>, and the media is generally closely intertwined with political interests<sup>208</sup>. Moreover, despite the fact that the press law in Côte d'Ivoire does not directly deprive liberty, the law maintains some restrictions on criticizing the president, ruling power or discrediting the army<sup>209</sup>. Finally, the law provides for freedom of peaceful association, however, in practice, an inconsistent system of standards for granting public assembly permits was reported<sup>210</sup>. In December 2022, 46 students were detained for a week in Abidjan after marching to demand employment in

<sup>203</sup> U.S. Department of State, '2022 Country Reports on Human Rights Practices: Cote d'Ivoire', section 6. state.gov, p.22. URL : <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cote-divoire> (accessed 05/04/2024).

<sup>204</sup> <https://www.ibtimes.com/domestic-violence-biggest-security-threat-women-west-africa-report-699681>

<sup>205</sup> Droit Afrique, 'Côte d'Ivoire - code pénal'. droit-afrique.com, article 397. URL : <https://www.droit-afrique.com/uploads/RCI-Code-2019-penal.pdf> (accessed 08/04/2024).

<sup>206</sup> U.S. Department of State, '2022 Country Reports on Human Rights Practices: Cote d'Ivoire', section 6. state.gov, p.23. URL : <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cote-divoire> (accessed 05/04/2024).

<sup>207</sup> RSF, 'Côte d'Ivoire'. rsf.org. URL : <https://rsf.org/fr/pays-c%C3%B4te-divoire> (accessed 28/04/2024).

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> U.S. Department of State, '2022 Country Reports on Human Rights Practices: Cote d'Ivoire', section 2b. state.gov, p.14. URL : <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cote-divoire> (accessed 05/04/2024).

the civil service<sup>211</sup>. Likewise, in February 2023, opposition activists were arrested a few months ahead of elections<sup>212</sup>.

Furthermore, despite addressing the recommendations concerning child labor and education, including recommendation 140.195, by; increasing inspections of 234 % in 2022 from the previous year, recruiting 100 additional child labor agents, creating a National Sustainable Cocoa Committee, and opening 91 new secondary schools, 517 primary schools, and 227 preschools, the country still faces the worst forms of child labor<sup>213</sup>. The main reasons hindering the labor law enforcement efforts, are the lack of a mechanism to impose civil penalties for labor law violations, and more specially the lack of financial resources<sup>214</sup>. This means that parliamentary action is visibly missing in this case.

Concerning the ratification of human rights instruments, Côte d'Ivoire is party to 11 treaties at the moment. Nonetheless, 7 of them are still awaiting ratification. Highlighting the significance of this matter, among the 77 recommendations directed, necessitating parliamentary action, 27 – around 35.06 % – concern international human rights treaties. Despite having supported all of them, except one, little action seems to be taken. While Iraq recommended to “Intensify efforts to accede to the International Convention for the Protection of All Persons from Enforced Disappearance” (140.12), no action has been taken thus far<sup>215</sup>. The same applies to the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, recommended by Sierra Leone in 140.24, and to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights recommended in 140.20<sup>216</sup>. Concerning the Optional Protocol to the Convention on the Rights of Persons with

<sup>211</sup> Amnesty International, ‘Côte d’Ivoire 2023’. amnesty.org. URL : <https://www.amnesty.org/en/location/africa/west-and-central-africa/cote-divoire/report-cote-divoire/> (accessed 25/04/2024).

<sup>212</sup> France 24, ‘Ivory Coast: Are personal freedoms on the decline ahead of local elections?’. france24.com, 2023. URL : <https://www.france24.com/en/africa/20230412-ivory-coast-are-personal-freedoms-on-the-decline-ahead-of-local-elections> (accessed 22/04/2024).

<sup>213</sup> U.S. Department of Labor, ‘Côte d’Ivoire’. dol.gov, p.1. URL : [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2022/Cote-d'Ivoire.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2022/Cote-d'Ivoire.pdf) (accessed 12/04/2024).

<sup>214</sup> Ibid.

<sup>215</sup> OHCHR, ‘Status of ratification interactive dashboard’. indicators.ohchr.org. URL : <https://indicators.ohchr.org/> (accessed 12/04/2024).

<sup>216</sup> Ibid.



Disabilities it was signed in 2007 but not yet ratified, for this reason recommendations in this sense, including 140.26, continue to be made<sup>217</sup>. This illustrates the importance of parliamentary action and their inclusion in the UPR process for an efficient implementation of those recommendations concerning the ratification of treaties.

Furthermore, the mid-term report of the Comité de Suivi EPU, highlighted the absence of a National Plan specific for the UPR process. However, on February 26, 2022, the Plan National des Droits de l'Homme (PNDH) or National Human Rights Plan was adopted. This encompasses the recommendations of all human rights mechanisms, thus covering the UPR as well<sup>218</sup>.

In conclusion, it's evident that parliamentary action plays a crucial role in addressing the multiple issues highlighted by the recommending states. Although there have been several improvements in theory, practical implementations still require further advancements. Furthermore, some recommendations, particularly those concerning the ratification of treaties, appear to have been overlooked.

#### **5.1.4. Factors and Challenges Influencing Implementation**

##### **5.1.4.1. Institutional Factors**

Different factors can influence the implementation of UPR recommendations in a positive or negative way. The most important factors appear to be institutional.

First of all, Parliamentarians have a mandate of five years<sup>219</sup>. This Parliamentary turnover can play a role in the implementation of UPR recommendations, given that the training organized by UPR Info has made certain Parliamentarians aware of the importance of their engagement in the UPR and motivated them to take action, but they will soon no

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<sup>217</sup> Ibid.

<sup>218</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p. 4. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>219</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/03/2024).

longer be in office<sup>220</sup>. Besides, during interviews, the Comité de Suivi EPU noted a lack of parliamentary involvement in the UPR process, possibly partly due to this turnover<sup>221</sup>. The CNDH faced the same challenge because it is difficult for them to ensure the regularity of the same Parliamentarians in the activities they carry out to inform them about human rights mechanisms such as the UPR<sup>222</sup>. Finally, a project linked to a UPR recommendation carried by a Parliamentarian whose mandate has ended may not be taken up by the newly elected Parliamentarians.

Secondly, as mentioned previously, according to article 107 of the Constitution of the Republic of Côte d'Ivoire, "Proposals and amendments tabled by members of Parliament are not admissible when their adoption would result in a reduction of resources public duties, or the creation or aggravation of a public charge, unless they are accompanied by a proposal for an increase in revenue or equivalent savings"<sup>223</sup> [our translation]. This provision may pose difficulties for the implementation of certain recommendations requiring a budget allocation from Parliament and may lead to a recommendation being noted by Côte d'Ivoire if its implementation would lead to a reduction in public resources without possibilities to compensate for losses. However, this only affects a small number of recommendations as only 7.8% of the third cycle recommendations requiring parliamentary action referred to a budget allocation.

Moreover, in 2020, the Parliament adopted 213 laws entirely initiated by the government<sup>224</sup>. This can be partially explained by the fact that the party of the President of the Republic of Côte d'Ivoire, the Rally of Houphouetists for Democracy and Peace (RHDP), holds the majority of seats (139 seats) in Parliament which favors the adoption of laws initiated by the President of the Republic<sup>225</sup>. This may also reflect a certain dominance of the government over the legislative process, leaving less room for Parliamentarians to initiate laws. In addition, the future revision of the Constitution voted in July 2023, which will extend

<sup>220</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>221</sup> Ibid.

<sup>222</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>223</sup> Digithèque MJP, 'Constitution de la Troisième République, Titre V. Des rapports entre le pouvoir législatif et le pouvoir exécutif., Chapitre II : De la procédure législative., article 107'. 2020. URL : <https://mjp.univ-perp.fr/constit/ci2020.htm> (accessed 15/02/2024).

<sup>224</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/parliament/ci?chamber\\_id=13372](https://data.ipu.org/parliament/ci?chamber_id=13372) (accessed 15/02/2024).

<sup>225</sup> Ibid.

the legislative powers of the government and introduce a second ordinary session in order to make parliamentary work coincide with government work, risks reinforcing government dominance and impacting the freedom of Parliamentarians.

With regard to the Committee on General and Institutional Affairs, we have seen that it was partially excluded from the second and third stages of the UPR, and in particular excluded from the State delegation to the UPR as well as from dialogues with the Executive regarding the adoption and plans of implementation of recommendations<sup>226</sup>. This makes it difficult for Parliamentarians to take part in every stage of the UPR. Furthermore, compared to other specialized parliamentary committees for human rights, this committee does not exercise several important functions such as the possibility to "Scrutinize all Bills for their compatibility with human rights<sup>227</sup>". Figure 7 shows in particular the missing functions of the committee (represented by a "No") which can pose challenges for Parliamentarians to strengthen human rights at the national level.

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<sup>226</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber\\_id=13372](https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber_id=13372) (accessed 15/02/2024).

<sup>227</sup> Ibid.

Mainstream human rights into the work of (other) parliamentary committees and of Parliament as a whole	No
Scrutinise all Bills for their compatibility with human rights	No
Scrutinise the Executive's policy for compatibility with human rights	No
Obtain information from the Executive about the justification for actions or inaction which affect human rights	Yes
Scrutinise State compliance with existing UN human rights treaties	Yes
Initiate inquiries of its own choosing	Yes
Scrutinise proposed human rights treaties, and other international treaties with implications for human rights, and report to Parliament thereon, prior to ratification	No
Ascertain and review the Executive's reasons for not acceding to or ratifying existing international human rights treaties	Yes
Scrutinise the Executive's response to judgments of national, regional and international courts with implications for human rights	Yes
Monitor the adequacy of the existing national system for the protection of human rights	Yes
Review the allocation and expenditure of funds in the State budget to support measures to promote and protect human rights	Yes

**Figure 7<sup>228</sup>** : Functions of the Committee on General and Institutional Affairs of Côte d'Ivoire

It is also worth mentioning the mid-term report prepared by the Comité de suivi EPU, which at the end of the report makes a number of proposals for better implementation of the recommendations received by Côte d'Ivoire. Among these recommendations, the Committee recommends "Setting up a mechanism to guarantee the independence of the judiciary<sup>229</sup>" [our translation]. The independence of the judiciary is a prerequisite for full implementation of the recommendations, and its absence can create a major institutional challenge.

The National report also mentions the institutional difficulties encountered by Côte d'Ivoire in implementing the recommendations. Indeed, according to the report, Côte d'Ivoire

<sup>228</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber\\_id=13372](https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber_id=13372) (accessed 15/02/2024).

<sup>229</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p.60. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

suffers from a "Weak institutional and normative human rights framework governing State and nonState actors working in the human rights field<sup>230</sup>".

Finally, on a positive note, in 2022, Parliament adopted 65 bills compared to only 23 in 2021<sup>231</sup>. The increase in legislative activity can have a positive impact on the implementation of the UPR recommendations, given that more discussions take place within Parliament.

#### **5.1.4.2. Political and Sociocultural Considerations**

Political and sociocultural considerations may also impact the implementation of UPR recommendations.

Firstly, recommendations related to the rights and protection of LGBTQI+ people which are more and more numerous over the cycles are repeated in each cycle of the UPR for Côte d'Ivoire and are always noted. This reflects the weight of cultural or religious considerations in the country and the unwillingness of the State to accept recommendations that they are not ready to implement. However, it is important to note that for the third UPR cycle, Côte d'Ivoire has partially implemented 5 recommendations out of the 8 noted concerning the protection of the rights of LGBTQI+ people. For example, recommendation 142.10 "Take the necessary measures to modify the provisions of article 36 of the Criminal Code, as well as the other provisions of its legislation that are discriminatory on the grounds of sexual orientation and gender identity" has been partially implemented thanks to several progress including in particular the "Conviction by the courts of the first case of attack on an LGBTQI+ person, on April 20, 2023<sup>232</sup>" [our translation].

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<sup>230</sup> OHCHR, 'National report Côte d'Ivoire'. ohchr.org. 2019, p.28. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/04/2024).

<sup>231</sup> Gouvernement de Côte d'Ivoire, 'BILAN SESSION ORDINAIRE 2022 DE L'ASSEMBLEE NATIONALE : 65 PROJETS DE LOI EXAMINES ET ADOPTES CONTRE 23 PROJETS DE LOI EN 2021'. gouv.ci. 2022. URL : <https://www.gouv.ci/actualite-article.php?recordID=14513> (accessed 21/03/2024).

<sup>232</sup> Comité de suivi EPU, 'rapport à mi-parcours'. ohchr.org, 2023, p.53. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

Furthermore, according to USAID, “Women and youth, in particular, feel marginalized<sup>233</sup>”. Indeed, although progress has been made in Côte d'Ivoire, in particular by the support and partial implementation of recommendations linked to the strengthening of women's participation in public affairs (such as recommendation 140.67), women remain "under-represented in decision-making bodies and political spheres<sup>234</sup>” [our translation]. The National report even mentions "Sociocultural factors that affect the promotion of the rights of women and the fight against harmful practices<sup>235</sup>" in its part discussing the difficulties encountered by the country during the implementation of the recommendations. Thus, women are still poorly regarded by men in politics and, according to the Comité de Suivi EPU, "There have been cases of intimidation which led to the withdrawal of certain candidates during past legislative elections<sup>236</sup>".

Thus, a lack of political will, different political priorities, and sociocultural factors can impact the implementation of the UPR recommendations.

#### 5.1.4.3. Resource Constraints

Regarding the resource constraints, the Comité de Suivi EPU being a major player in the implementation of the recommendations in Côte d'Ivoire, it is important that it receives the necessary funding for its activity. However, the latter informs in the mid-term report of the third cycle that it "plans since the 3rd cycle, to organize consultations with Civil Society Organizations in localities in the interior of the country but has not yet obtained funding to carry out this activity<sup>237</sup>". It also mentioned during the interviews a lack of financial resources to be able to carry out advocacy actions with Members of Parliament to inform them of their

<sup>233</sup> USAID, ‘Democracy, Human Rights and Governance’. usaid.gov. URL : <https://www.usaid.gov/cote-divoire/democracy-human-rights-and-governance> (accessed 01/04/2024).

<sup>234</sup> Comité de suivi EPU, ‘rapport à mi-parcours’. ohchr.org, 2023, p.42. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>235</sup> OHCHR, ‘National report Côte d'Ivoire’. ohchr.org. 2019, p.28. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/04/2024).

<sup>236</sup> Comité de suivi EPU, ‘rapport à mi-parcours’. ohchr.org, 2023, p.12. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

<sup>237</sup> Comité de suivi EPU, ‘rapport à mi-parcours’. ohchr.org, 2023, p.6. URL : <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/Cote-d-ivoire-rapport-a-mi-parcours-Comite-de-Suivi.pdf> (accessed 01/04/2024).

importance in the UPR process, as these actions would require funds to finance, for example, snacks<sup>238</sup>. The CNDH also cited a lack of financial means to carry out its activities, such as the distribution to all UPR stakeholders of its collection popularizing the UPR recommendations and the development of guidance actions to explain to Parliamentarians the importance of their engagement in human rights mechanisms such as the UPR process<sup>239</sup>.

Resource constraints are therefore an important element explaining the non-implementation of the UPR recommendations and a challenge to be taken up for Côte d'Ivoire.

#### 5.1.4.4. Stakeholder Dynamics

According to the IPU, the Committee on General and Institutional Affairs of Côte d'Ivoire only cooperates "sometimes" with the CSOs but the senators never cooperate with CSOs<sup>240</sup>. This may impact the implementation of the recommendations given that these are two important actors of the UPR who do complementary work. Strengthened cooperation would therefore be expected. Indeed, during the interview, the Comité de Suivi EPU noted that they would like to collaborate more with Parliamentarians, as their contacts are virtually non-existent<sup>241</sup>. The CNDH carries out advocacy work with Parliamentarians, but this does not yet include the CSOs. However, it is important to note that the CNDH was able to set up working groups with the Comité de Suivi EPU thanks to the support of UPR Info<sup>242</sup>. This cooperation between the NHRI of Côte d'Ivoire and the CSOs allows the CSOs to have an indirect role in the advocacy carried out with Parliamentarians although this indirect relationship is not sufficient.

Then, according to the National report, there is a “Lack of training of State and non-State actors working in the human rights field<sup>243</sup>”. This can have a negative impact on the

<sup>238</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>239</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>240</sup> IPU Parline, 'Côte d'Ivoire'. data.ipu.org. URL : [https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber\\_id=13372](https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber_id=13372) (accessed 21/03/2024).

<sup>241</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>242</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>243</sup> OHCHR, 'National report Côte d'Ivoire'. ohchr.org. 2019, p.28. URL : <https://www.ohchr.org/en/hr-bodies/upr/ci-index> (accessed 01/03/2024).

implementation of recommendations because State actors may be Parliamentarians who are not sufficiently trained or sensitive to human rights issues, while their commitment is necessary for the implementation of many recommendations requiring a parliamentary action.

The lack of cooperation between the different UPR stakeholders can therefore impact the implementation of the UPR recommendations.

### **5.1.5. Engagement of Parliamentarians with the UPR : Best Practices**

Having given an overview of the factors that can influence the implementation of UPR recommendations in Côte d'Ivoire, it is important to discuss the main best practices relating to parliamentary involvement in UPR so that they can be used to make recommendations to other national Parliaments in the 193 UN countries, as well as to identify areas for improvement in parliamentary involvement.

Firstly, following the third cycle, several Parliamentarians of Côte d'Ivoire took part in a training session in 2021 organized by UPR Info and the CNDH to learn more about the role they can play in the UPR process<sup>244</sup>. During this training, a reminder of how the UPR works and its three stages was first provided. Then, UPR Info gave advice on how Parliamentarians can get more involved in the UPR<sup>245</sup>. Thirdly, good practices from other countries such as Kenya - whose Senate Standing Committee on Human Rights receives annual reports from the NHRI - have been shared with Parliamentarians for inspiration. Finally, the training ended with a presentation of the next steps, including key dates for Côte d'Ivoire's fourth cycle. These kinds of training are very important for MPs, because they make them aware of their importance to the UPR process and of the concrete actions they can take to become more involved in the UPR. According to the President of the CNDH in 2021, Madame Namizata SANGARE, "The organization of this framework for exchanges and guidance for parliamentarians on their role in monitoring and implementing the recommendations of the Universal Periodic Review (UPR) responds to the need to strengthen the capacities of [...] parliament, with a view to ensuring better participation in the fulfillment

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<sup>244</sup> The slides used during the training were provided to us by UPR Info in PDF format.

<sup>245</sup> These tips will be discussed in more detail in section 5.1.6.



of the State's obligations in terms of Human Rights, namely respecting, protecting and realizing Human Rights<sup>246</sup> [our translation]. As for the representative of the President of the National Assembly, Mr. DIABAGATE Mamah, he described this training as “an important step with a view to continuing the discussion on the implementation of the UPR recommendations by identifying progress and obstacles<sup>247</sup>” [our translation]. Furthermore, according to an OHCHR report on good practices at country level during the third UPR cycle, “Ivorian parliamentarians followed up on UPR recommendations by organizing information and training missions in order to ensure that human rights are taken into account in public policies, in particular in public services. As a result reports denouncing the malfunctions and recommending solutions were produced<sup>248</sup>”. Some Parliamentarians also participated in 2021 in the workshop on strengthening the capacities of Parliamentarians from member states of the Organisation Internationale de la Francophonie in the UPR process organized by the IPU.

Secondly, according to the IPU, the Côte d'Ivoire Parliament's Committee on General and Institutional Affairs “often” cooperates with the NHRI of Côte d'Ivoire (the CNDH) and “sometimes” with the CSOs<sup>249</sup>. Collaboration between UPR stakeholders is crucial for the implementation and follow-up of recommendations. Although Parliamentarians only “sometimes” cooperate with CSOs, these weak contacts are still worth mentioning as they show that communication is not non-existent between these two stakeholders and that there is room for improvement in the future.

With regard to the National report, the Committee on General and Institutional Affairs is consulted for its preparation<sup>250</sup>. This constitutes a best practice as it allows Parliamentarians to take stock of the parliamentary actions undertaken to implement the UPR recommendations, as well as to review the difficulties encountered.

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<sup>246</sup> CNDH, ‘Actualités’. cndh.ci, 2021. URL : <https://cndh.ci/actualites/page/22/> (accessed 05/04/2024).

<sup>247</sup> Ibid.

<sup>248</sup> OHCHR, ‘Examples of good practices at country level - reported in 3rd cycle UPR 2017-2020’. ohchr.org, 2020, p.7. URL : <https://www.ohchr.org/sites/default/files/2022-03/Good-Practices-Desk-Review.pdf> (accessed 05/04/2024).

<sup>249</sup> IPU Parline, ‘Côte d’Ivoire’. data.ipu.org. URL : [https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber\\_id=13372](https://data.ipu.org/node/41/parliamentary-bodies/specialized-bodies/human-rights?chamber_id=13372) (accessed 01/04/2024).

<sup>250</sup> Ibid.

Then, the very presence of a commission (Committee on General and Institutional Affairs) responsible, among other things, for dealing with human rights issues is a best practice because it makes it possible to make the link with the UPR mechanism. The same goes for the presence of the CNDH which demonstrates full compliance with the Paris Principles ensuring the accountability, independence and pluralism of this institution.

The CNDH ensures permanent interaction with the Government and other institutions such as the Senate and the National Assembly. For example, the CNDH submitted an alternative report on April 5, 2024 before the 4th UPR cycle. Before finalizing its alternative report, the CNDH organized a consultation workshop with several stakeholders such as Parliamentarians from both chambers and CSOs on the themes addressed in the 4th cycle<sup>251</sup>. The CNDH is particularly important for the “annual report on the state of Human Rights” [our translation] which it submits “to the President of the Republic, the President of the National Assembly and the President of the Senate<sup>252</sup>” [our translation]. This report, which includes recommendations from the UPR process, is then the subject of debate and allows members of the Senate and the National Assembly to ask questions to the president of the CNDH when they wish more clarification on certain points of the report<sup>253</sup>. As expressed by the CNDH in the interview, this direct dialogue is an opportunity for the NHRI to advocate to Parliamentarians so that recommendations whose implementation requires, for example, legislative action, are brought to their attention<sup>254</sup>. The CNDH also discusses the recurrent recommendations, i.e. those not implemented last year and again present in the report they have drafted, in order to follow up on the implementation of these recommendations and continue the advocacy<sup>255</sup>. This practice proved effective for recommendation 140.1.3 "Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" which was repeated during the first three UPR cycles and was finally ratified by Côte d'Ivoire on March 1, 2023. The Senate then invited the CNDH to a working session so that it could enlighten them on the follow-up to be given to this ratification at the national level<sup>256</sup>. To summarize, the CNDH provides "in an advisory

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<sup>251</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>252</sup> CNDH, 'Présentation'. cndh.ci. URL : <https://cndh.ci/commission-centrale/presentation/> (accessed 05/04/2024).

<sup>253</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

capacity to the Government, to Parliament [...] at their request or on its own initiative (self-referral), opinions, recommendations, proposals and reports in matters of Human Rights<sup>257</sup> [our translation]. Finally, after the Côte d'Ivoire review and the adoption of the recommendations, the CNDH compiles the recommendations by theme in a collection created with the support of UPR Info in order to popularize them, and distributes it to all UPR stakeholders, including Members of Parliament<sup>258</sup>. The CNDH therefore involves Parliament in all its activities throughout the UPR cycle and plays an important role in advising Parliamentarians on the actions to take with regard to the UPR recommendations. The advocacy actions it carries out with the latter allow it to make Parliamentarians aware of their importance in the UPR process and this seems to be working, given that the CNDH has noticed a growing interest among MPs in human rights issues<sup>259</sup>.

Thus, these examples of good practices of Côte d'Ivoire's parliamentary engagement in the UPR can serve as an example for other UN countries in order to strengthen the role of their Parliamentarians in the UPR and improve the implementation of UPR recommendations on a national level.

#### **5.1.6. Recommendations for Côte d'Ivoire**

In addition to the good practices of Côte d'Ivoire, some recommendations can be made to enhance the parliamentary engagement in order to intensify the effectiveness and the impact of the UPR mechanism in the country's development of human rights.

As mentioned previously in the report on section 5.1.2.3, while a Parliamentarian was present in the state delegation on the second cycle, it was not the case for the third one. However, to strengthen human rights, this presence is crucial, as they should be capable of participating in the decision of the adoption of the different recommendations and especially those concerning parliamentary action. Moreover, they are the representants of the people and would therefore provide meaningful inputs to the discussion with different interests. Thus, we recommend that for every cycle, a Parliamentarian is present in Côte d'Ivoire's delegation to

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<sup>257</sup> CNDH, 'Présentation'. cndh.ci. URL : <https://cndh.ci/commission-centrale/presentation/> (accessed 05/04/2024).

<sup>258</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

<sup>259</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

provide his inputs for the national report as well as his important opinion on the adoption of the recommendations. In a less ideal situation, we recommend that Parliamentarians be present as observers and are consulted between the review and the adoption of the recommendations requiring parliamentary action or support. The optimal would be to include Parliamentarians in the whole UPR process with a parliamentarian heading the delegation. This would enable them to identify precisely which recommendations they must tackle from the outset, avoiding a situation where they only implement the suggestions shortly before another cycle begins.

In addition, the adoption of a National Plan specific to the UPR was mentioned by the Comité de Suivi EPU during the interview<sup>260</sup>. As they exposed, a national mechanism for the follow-up on the implementation of the recommendations does not exist yet. In fact, the comité interministériel sits in the government, leading to the separate work of the different central stakeholders. A mechanism like this would enhance the effectiveness of the implementations, by promoting a proactive role of the different actors. This enables the obtention of real time information and coordination of actions, and takes into account every aspect surrounding a recommendation. Therefore, not only will it support joint actions but by being clearly aware of the different independent actions, the actors can anticipate and act consequently. This would eliminate doubled efforts by the stakeholders and enable them to know exactly how they should act to support the others actions. On that account, we recommend the adoption of a National Plan specific to UPR, inclusive of all relevant stakeholders, namely the Government, the CNDH, the Parliament, and CSOs such as the Comité de Suivi EPU.

We also advocate for Parliamentarians to incorporate civil society in their decision-making processes and policy initiatives<sup>261</sup>.

Furthermore, we urge the Parliamentarians to make full use of their powers to adopt bills and monitor ensuring that all their actions are led through a human rights lens, so that

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<sup>260</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>261</sup> OHCHR, 'Examples of good practices at country level - reported in 3rd cycle UPR 2017-2020'. ohchr.org, 2020, p.15. URL : <https://www.ohchr.org/sites/default/files/2022-03/Good-Practices-Desk-Review.pdf> (accessed 05/04/2024).

human rights are mainstreamed into the work of Parliament as a whole, other than just in the Committee on General and Institutional Affairs<sup>262</sup>. To achieve that, we suggest that the latter is authorized to scrutinize the bills and the Executive's policies for their compatibility with human rights, as well as to conduct hearings with the Executive about its plans to implement the recommendations of the UPR<sup>263</sup>.

In light of the data revealing that in 2020, the National Assembly in Côte d'Ivoire adopted 213 laws, all of which were initiated entirely by the government, it is imperative to encourage Parliamentarians to play a more active role in the legislative process. We recommend to motivate Parliamentarians to initiate draft laws alongside those proposed by the government. This proactive approach will ensure a more inclusive and representative decision-making process.

Given Côte d'Ivoire's participation in the workshop on strengthening the capacities of Parliamentarians from member states of the Organisation Internationale de la Francophonie organized by the IPU in 2021, but notably absent in 2022, it is imperative for the country to prioritize regular attendance at such workshops. To maximize the benefits and knowledge transfer, it is recommended to consistently send multiple Parliamentarians to these workshops.

As the Parliament does not have an actual Code of Conduct for its members, we recommend that a concise Code of Conduct for its members outlining clearly their responsibilities and commitments is drafted to ensure transparency, ethical behavior, and accountability throughout their engagement with the UPR mechanism.

Besides, a parliamentary network for the protection, prevention and defense of human rights exists in Côte d'Ivoire. Formerly chaired by the current President of the General and Institutional Affairs Committee, Mr. Ben Meité, this network is unfortunately not operational today according to our interview with the CNDH<sup>264</sup>. We therefore recommend that Côte

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<sup>262</sup> IPU Parline, 'Côte d'Ivoire - specialized body - human rights' data.ipu.org. URL : [https://data.ipu.org/parliament/CI/specialized-bodies/?chamber=CI-LC01&theme=human\\_rights](https://data.ipu.org/parliament/CI/specialized-bodies/?chamber=CI-LC01&theme=human_rights) (accessed 15/02/2024).

<sup>263</sup> Ibid.

<sup>264</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

d'Ivoire makes it operational as quickly as possible to strengthen the interaction between Parliamentarians and the CNDH and allow the latter to continually raise awareness among Parliamentarians of the actions necessary for the implementation of recommendations.

Further, to guarantee an effective engagement of the Parliament in the UPR, it is crucial to engage with the Ministry of Relations with the Institutions of the Republic. According to décret n°2012-310 of April 13, 2012, it is responsible for managing the relationship between the different institutions of the country<sup>265</sup> –including the Parliament. Therefore, we suggest the establishment of a formal coordination mechanism for regular consultations and collaboration between government ministries and Parliament. It can include regular joint meetings, action plans with clear timelines, progressive reviews, and reporting frameworks. This permits to simplify and reinforce the dynamics between the central stakeholders required for the implementation of each UPR recommendation.

Moreover, parliamentary mandates last only five years. Hence, we emphasize the necessity for the Comité de Suivi EPU, in collaboration with the CNDH, to consistently and systematically conduct advocacy campaigns aimed at Parliamentarians. Implementing a structured framework for ongoing advocacy efforts is essential to ensure that every Parliamentarian, in every mandate, is thoroughly informed about the UPR process, understands their role within it, and remains actively engaged.

In line with this, a recurring difficulty for the effectiveness of the UPR mechanism, is the punctual ministerial reshuffles that can happen any time. This prevents the stakeholders such as the Comité de Suivi EPU from smoothly supporting the implementation of the recommendations<sup>266</sup>. With a new minister in charge of human rights affairs not aware of the complete UPR mechanism, they need to restart the whole process. Additionally, a new minister can have different focal points compared to the previous one. This impacts not only the comité interministériel, but also UPR Info – obliged to continuously conduct additional capacity building sessions – and other stakeholders concerned such as the Comité de suivi EPU – constrained to rehabilitate and recondition the ministers. Besides, it evidently disrupts

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<sup>265</sup> République de Côte d'Ivoire, Décret n°2012-310 du 13 avril 2012, 'Décret portant nomination'. institution.gouv.ci. URL: [http://institution.gouv.ci/userfiles/file/DECRET\\_DE\\_NOMINATION.pdf](http://institution.gouv.ci/userfiles/file/DECRET_DE_NOMINATION.pdf).

<sup>266</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

Parliamentarians' engagement – who rely on ministerial guidance and support – by experiencing delays or setbacks in their involvement with UPR related activities. Consequently, in order to maintain a consistent involvement of Parliamentarians to the UPR mechanism, we recommend that a permanent secretariat is implemented in the comité interministériel, responsible for the technical work and the implementation of the recommendations from the UPR mechanism. These persons should not be affected by the ministerial reshuffles and should be permanent during at least a whole UPR cycle.

In line with addressing the identified lack of a platform for dialogue and consultation among all stakeholders engaged in the UPR process, as highlighted by the CNDH<sup>267</sup> – encompassing the CNDH, CSOs, parliamentary bodies, and the government – we recommend the initiation of a budgetary plan by the Ministry of Justice and Human Rights for a dedicated follow-up plan targeting the UPR mechanism. This initiative should be complemented by the establishment of a structured framework for engaging in consultations among the concerned parties.

Furthermore, as evoked by the Comité de Suivi EPU<sup>268</sup>, a national consultation was organized in the country for the second cycle but not for the third one. This is crucial for Parliamentarians and other stakeholders such as CSOs to get acquainted with what is on the national report, as well as to give them the opportunity to formulate recommendations before it is submitted. For that reason, we recommend that an inclusive national consultation is held for every cycle before the submission of the national report.

As the CNDH mentioned during the interview, a bipartisan working group between the CNDH and the Parliamentarians of the two houses of Parliament which would meet two or three times a year should be set up so that the CNDH can regularly raise Parliamentarians' awareness to human rights issues, and in particular to the recommendations of the UPR process<sup>269</sup>. This working framework could, for example, be made up of members of the

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<sup>267</sup> OHCHR & Organisation Internationale de la francophonie, 'Rapport du 6ème Séminaire francophone sur l'Examen Périodique Universel'. ohchr.org, 2022, p.32. URL : [https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/workshops/september2022/Rapport\\_6e\\_seminaire\\_francophone\\_EPU.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/workshops/september2022/Rapport_6e_seminaire_francophone_EPU.pdf) (accessed 12/04/2024).

<sup>268</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>269</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

technical and administrative staff of Parliament, as well as representatives of the CNDH in order to strengthen the involvement of Parliamentarians in the UPR and to prepare, evaluate and ensure the implementation of the UPR recommendations. UPR Info could, for example, support technically and financially the creation of such a working framework.

Another important point at issue is the repetition of some recommendations at each cycle. For instance, in section 5.1.4.2 of the report, the case of the LGBTQ+ rights is highlighted. In this case, the cause is cultural and related to social stigmas. However, as previously mentioned, 5 out of the 8 noted recommendations were still partially addressed. Thus, two recommendations can be made after this. The first recommendation is for NGOs and CSOs to identify similar repeated issues and conduct targeted awareness spreading campaigns, training and advocacy activities on those issues among Parliamentarians. These initiatives may include allocating research and documentation on issues connected to parliamentary actions, preparing fact sheets and concise policy briefs tailored to Parliamentarians, organizing capacity-building workshops, and arranging advocacy meetings and briefings with Parliamentarians. We suggest the presentation of a detailed plan of action defining the various steps that the Parliament should take to effectively engage with human rights issues, as well as toolkits for Parliaments in the area of human rights.

Secondly, we recommend that Parliamentarians identify not only the supported recommendations but also the noted ones, requiring their actions, and address them equally. It is essential for Parliamentarians to address all recommendations equally, regardless of their level of support. To facilitate this, CSOs and UPR Info should tailor their training programs to address the heavily noted recommendations – for instance LGBTQ+ rights in this case – emphasizing their importance and advocating for their implementation.

In a broader sense, beyond addressing recurring issues, it is crucial to consistently conduct awareness-raising and advocacy activities aimed at Parliamentarians for every recommendation in each UPR cycle. This ensures their understanding of the UPR mechanism, its functioning, and their potential engagement in it, as well as the significance of their involvement in advancing human rights development. However, these advocacy efforts must be equally directed towards both deputies and senators. This is particularly relevant, as



highlighted by the Comité de Suivi EPU, which has only engaged with deputies thus far<sup>270</sup>. Although, senators represent the decentralized territorial entities, primarily advocating for regional interests at the national level, while voting on legislation<sup>271</sup>. As a consequence, their involvement in the UPR mechanism enriches the understanding of human rights standards, ensuring that regional concerns and perspectives are specifically addressed. Hence, we recommend that advocacy and awareness spreading activities encompass every UPR recommendation, and are equally directed towards both deputies and senators.

Additionally, the Comité de Suivi EPU expressed its desire to vulgarize the recommendations to Parliamentarians for them to understand their role and grasp their significance<sup>272</sup>. The CNDH is already popularizing the recommendations to the various UPR stakeholders, such as Parliamentarians. We therefore recommend that it collaborates with the Comité de Suivi EPU for these future popularizations. In addition, the Comité de Suivi EPU expressed its strong readiness to engage with Parliamentarians independently of the CNDH<sup>273</sup>. Indeed, it wishes to carry out advocacy actions directly with Parliamentarians from both chambers. However, a major challenge hindering this effort is the insufficient financial backing. Therefore, we recommend UPR Info to continue to support them technically and financially, autonomously from the CNDH, enabling them to pursue effectively their independent initiatives towards Parliamentarians. Similarly, we suggest financially supporting the Comité de Suivi EPU to launch their desired consultations – since the third cycle – with the different CSOs within the country. This allows them to enrich their alternative report for the fourth cycle, with factual and authentic testimonies. In addition, considering the interruption of the valuable recommendations from the IPU to the Comité de Suivi EPU in 2020 because of the Covid pandemic, we suggest reestablishing and redirecting this contact to specifically facilitate relations between CSOs in the country and the Parliament.

We also recommend that UPR Info, as mentioned by the CNDH during the interview<sup>274</sup>, help the latter to share its good practices with other NHRIs in order to give them

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<sup>270</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>271</sup> Sénat de Côte d'Ivoire, 'Connaître le Sénat'. [senat.ci](https://www.senat.ci/connaitre-le-senat). URL : <https://www.senat.ci/connaitre-le-senat> (accessed 12/04/2024).

<sup>272</sup> Interview with the Comité de Suivi EPU, April 9, 2024.

<sup>273</sup> Ibid.

<sup>274</sup> Interview with the Conseil National des Droits de l'Homme, April 18, 2024.

advice for carrying out advocacy actions with Parliamentarians and create a permanent working framework with the CSOs.

In essence, the recommendations that resonate most powerfully, emphasize Parliamentarian active involvement in every phase of the UPR process, starting from the drafting of the national report to the adoption and subsequent implementation of recommendations. Notably, Parliamentarians should be actively included in the state delegation, to ensure their full comprehension and prompt action. Additionally, it is crucial to provide financial and technical support for consultations involving all relevant stakeholders, facilitating collaborative efforts and leveraging their diverse expertise. Equally significant is the consistent and systematic engagement of national stakeholders and UPR Info in customized awareness-raising, dissemination activities, and the vulgarization of recommendations, designed specifically for Parliamentarians. Finally, we propose the establishment of a comprehensive National Plan inclusive of Parliamentarians and other pertinent stakeholders, or at the very least, the creation of a platform for ongoing dialogue and consultation.

## 5.2. Nepal

Nepal belongs to the Asian Group<sup>275</sup>.

### 5.2.1. Overview of Recommendations Requiring Parliamentary Action

#### 5.2.1.1. Recommendations from the 3rd UPR Cycle Received by Nepal

According to the UPR database, Nepal received a total of 262 recommendations during the third cycle. Of the total recommendations, 197 was supported and 65 was noted<sup>276</sup>. Based on OHCHR infographics, Nepal received a total of 233 recommendations (as some of

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<sup>275</sup> UPR Info, Database. URL : [https://upr-info-database.uwazi.io/en/library/?q=\(types:!\(%275d8ce04361cde0408222e9a8%27\),limit:30,order:desc\\_sort:creationDate,types:!\(%275d8ce04361cde0408222e9a8%27\)\)](https://upr-info-database.uwazi.io/en/library/?q=(types:!(%275d8ce04361cde0408222e9a8%27),limit:30,order:desc_sort:creationDate,types:!(%275d8ce04361cde0408222e9a8%27))) (accessed 30/01/2024).

<sup>276</sup> Ibid.

them are formulated exactly the same as other countries) out of which 196 were supported, which shows a 28.95% increase with respect to the second UPR cycle<sup>277</sup>.

According to the OHCHR, the recommendations received by Nepal during the third cycle mainly referred to the following five Sustainable Development Goals (SDGs) :



**Figure 8<sup>278</sup>** : Top 5 Sustainable Development Goals for the UPR recommendations of Nepal

Achieving SDGs requires legislative measures to be implemented. Based on figure 8, 26% of recommendations refer to SDG 16. The main aim of this goal is to promote peaceful and inclusive society by “providing access to justice for all and building effective, accountable and inclusive institutions at all levels”<sup>279</sup>. In the case of Nepal, Parliament holds the primary responsibility for legislative decision making. Therefore, recommendations like 159.13 “Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol in conformity with the Sustainable Development Goal 16” can only be implemented with the the involvement of Parliamentarians. Besides, the oversight role of the Finance Committee of the Parliament can therefore ensure that the targets of this SDG are met through providing sufficient funds necessary for institutions<sup>280</sup>.

<sup>277</sup> OHCHR, ‘Infographic Nepal’. ohchr.org, 2021. URL : <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/NP/NEPAL.pdf> (accessed 22/03/2024).

<sup>278</sup> OHCHR, ‘Infographic Nepal’. ohchr.org, 2021. URL : <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/NP/NEPAL.pdf> (accessed 22/03/2024).

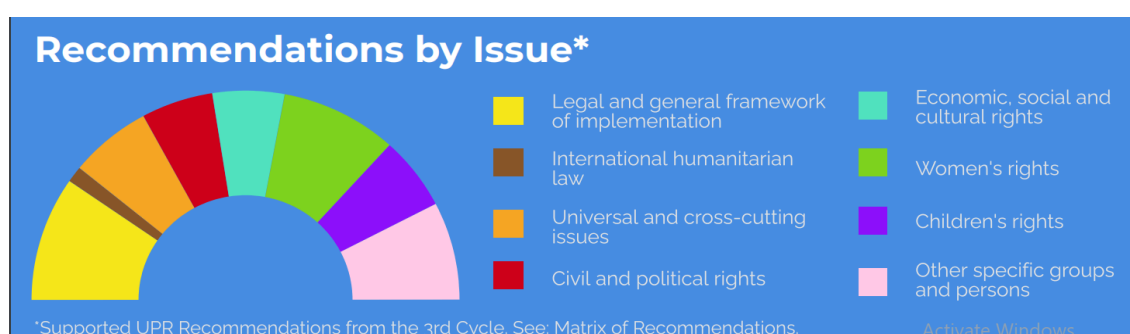
<sup>279</sup> United Nations, ‘Goal 16: Promote just, peaceful and inclusive societies’. un.org. URL : <https://www.un.org/sustainabledevelopment/peace-justice/> (accessed 30/03/2024).

<sup>280</sup> House of Representatives, Nepal, ‘Finance Committee’. parliament.gov.np. URL : <https://hr.parliament.gov.np/en/committees/Finance-Committee> (accessed 30/03/2024).

Then, gender based challenges such as violence, discrimination and exploitation has been a recurring issue in Nepal. This can be reflected on the SDG goals for the country, with 18% of its recommendation on SDG 5 - Gender Equality. The objective is to eliminate gender inequality and promote the empowerment of women. As “Political leadership, investments and comprehensive policy reforms are needed to dismantle systemic barriers to achieving Goal 5<sup>281</sup>”, Parliaments take an active part in making this feasible. Besides, “Gender equality is a cross-cutting objective and must be a key focus of national policies, budgets and institutions<sup>282</sup>”, which reinforces the importance of Parliamentarians. Recommendations like 159.169 “Adopt comprehensive legislation banning gender-based discrimination; take effective measures to end gender-based violence, trafficking in women and girls, and sexual exploitation; provide sufficient numbers of safe shelters and other necessary services for victims” is one such example that indicates the same.

The corresponding SDGs entail the same rationale based on the recommendations obtained. Each of these SDGs targets further enforces the importance of Parliaments in the legislative framework of a State, especially with respect to laws and amendments that are mandatory for the implementation of these recommendations.

The OHCHR also provides further information on these recommendations with a segregation of the issue by dividing it into categories.



**Figure 9<sup>283</sup>**: Recommendations supported by Nepal during the third cycle by Issue

<sup>281</sup> United Nations, ‘Goal 5: Achieve gender equality and empower all women and girls’. un.org. URL : <https://www.un.org/sustainabledevelopment/gender-equality/> (accessed 30/03/2024).

<sup>282</sup> Ibid.

<sup>283</sup> OHCHR, ‘Infographic Nepal’. ohchr.org, 2021. URL : <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/NP/NEPAL.pdf> (accessed 22/03/2024).

The data above indicates that the majority of the recommendations fall under "Legal and general framework of implementation" which falls under the purview of Parliaments as it requires legislative changes.

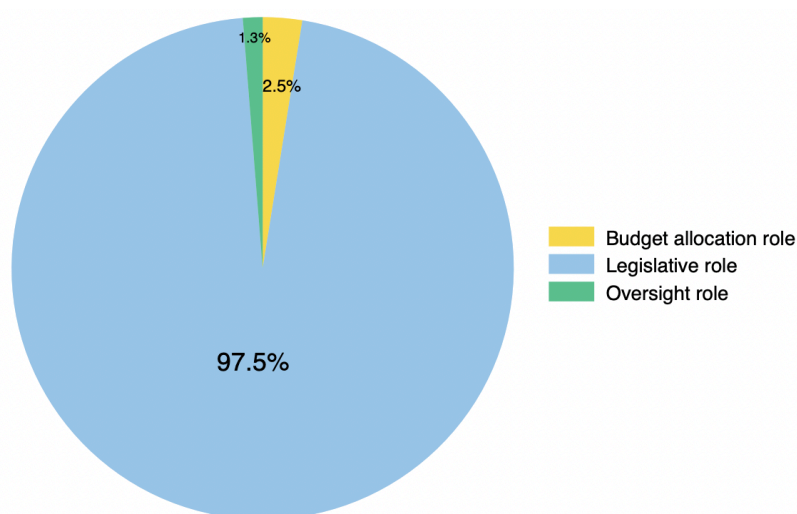
#### **5.2.1.2. Analysis of Recommendations Requiring Parliamentary Action**

After discussing the UPR recommendations received by Nepal during the third cycle and showing the importance of Parliamentarians in the realization of several of them depending on the issues addressed, it is necessary to carry out an analysis of the recommendations requiring a parliamentary action by using our keyword method<sup>284</sup>.

First of all, of the 262 recommendations received, 79 require direct parliamentary action. This corresponds to 30.1% of the recommendations received by Nepal during its third UPR cycle. Of these 79 recommendations, 39 were supported and 40 were noted. In addition, 2 supported recommendations referred to the budget allocation role of Parliamentarians, 1 noted recommendation referred to the oversight role of Parliamentarians, and the other recommendations supported (37) and noted (40) referred to the legislative role of Parliamentarians with a recommendation referring to both a legislative role and an oversight role. Figure 10 clearly shows the predominance of the legislative role of Parliamentarians in order to implement recommendations requiring parliamentary action. Thus, as for Côte d'Ivoire, it is necessary to focus mainly on this parliamentary role to increase the implementation of the recommendations in Nepal while not minimizing the importance of its other roles.

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<sup>284</sup> A list of UPR recommendations received by Nepal and requiring parliamentary action according to the keyword method applied is available in Appendix 9.3.



Data source : UPR Info's Database

**Figure 10 :** Type of parliamentary role necessary for all UPR recommendations from the 3rd cycle requiring parliamentary action to be implemented in Nepal (own illustration)

Then, according to Figure 11, the Western European & Other States Group is the regional group of recommending states having made the most recommendations requiring parliamentary action to Nepal with 31 recommendations.

Recommending State (Regional Group)	Recommendations supported by Nepal	Recommendations noted by Nepal
Asia (Asian Group)	10	8
GRULAC (Group of Latin American & Caribbean States)	8	7
Africa (African Group)	0	4
WEOG (Western European & Other States Group)	15	16
EEG (Eastern European Group)	6	3
Observer	0	2

**Figure 11 :** Regional groups that made recommendations requiring parliamentary action to Nepal during the UPR third cycle and responses provided by Nepal (own illustration)

Finally, with regard to the action category of recommendations, 57 recommendations, including every recommendation noted except one, requested a specific action, 17 (including 1 noted) requested a general action, 3 requested a continuing action, and 1 requested a considering action. A majority of recommendations (72.1%) therefore require specific action which absolutely requires parliamentary action for the recommendation to be implemented.

Thus, we can conclude that a significant portion of the recommendations received by Nepal during the third cycle require direct parliamentary action to be implemented, in particular a specific legislative action. It is therefore important to strengthen the role of Parliamentarians in the UPR process by first understanding how the legislative process works in Nepal and what could explain the lack of legislative action leading to a lack of implementation of recommendations and a repetition of the same recommendations in the next cycle.

## **5.2.2. Contextual Background**

### **5.2.2.1. Overview of the Parliamentary System in Nepal**

Nepal follows a Federal Parliamentary system with a bicameral legislature consisting of the House of Representatives (lower house) and the National Assembly (upper house), as defined in Article 83 of the constitution<sup>285</sup>. There is a federal secretariat that is responsible for administrative functions at the federal level.

The lower house of the Federal Parliament comprises 275 members. Among these, 165 members (approximately 60% of the total) are elected through the first-past-the-post (FPTP) electoral system, while the remaining 110 members (approximately 40% of the total) are elected through the proportional representation (PR) electoral system. Members of the lower house serve a term of five years.

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<sup>285</sup> Government of Nepal, 'The Constitution of Nepal'. moljpa.gov.np, 2015, p.58, part-8, Art.83. URL: <https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment-2.pdf> (accessed 13/01/2024).

As per Article 86 of the constitution<sup>286</sup>, the National Assembly is a permanent body. It consists of 56 members elected from each province (8 per province), including at least three women, one Dalit, and one person with disabilities or from a minority group<sup>287</sup>. The Electoral Board, comprising members of the Provincial Assembly, the head of the local level, and the deputy head, along with three members nominated by the President on the recommendation of the Government of Nepal, is responsible for the election process. In total, the National Assembly comprises 69 members, and the office for one-third of its members expires every two years<sup>288</sup>. These provisions ensure representation from various groups and regions in the legislative process, promoting inclusivity and diversity in Nepal's parliamentary system.

As it can be noted from Figure 12, the National Assembly consists of thirteen political parties, among which Nepali Congress (NC) party holds the maximum number of seats in the Parliament.

Political group	Total
Nepali Congress (NC)	89
Communist Party of Nepal (Unified Marxist-Leninist, UML)	78
Communist Party of Nepal-Maoist Centre (CPN-MC)	32
Rastriya Swatantra Party	20
Rastriya Prajatantra Party Nepal (RPP)	14
People's Socialist Party, Nepal	12
Communist Party of Nepal (Unified Socialist)	10
Janamat Party	6
Democratic Socialist Party, Nepal	4
People's Freedom Party	3
Nepal Workers Peasants Party	1
Rastriya Janamorcha	1
Independents	5

**Figure 12<sup>289</sup>** : Parties or Coalition winning seats

<sup>286</sup> Ibid p.60, part-8, Art.86

<sup>287</sup> IPU Parline, 'Nepal'. data.ipu.org. URL : [https://data.ipu.org/node/120/basic-information?chamber\\_id=13474](https://data.ipu.org/node/120/basic-information?chamber_id=13474) (accessed 15/04/2024).

<sup>288</sup> IPU Parline, 'Nepal'. data.ipu.org. URL: [https://data.ipu.org/node/120/parliamentary-mandate?chamber\\_id=13474](https://data.ipu.org/node/120/parliamentary-mandate?chamber_id=13474) (accessed 15/04/2024).

<sup>289</sup> IPU Parline, 'Nepal'. data.ipu.org. URL : <https://data.ipu.org/parliament/NP/NP-LC01/election/NP-LC01-E20221120/> (accessed 15/04/2024).



In Nepal, legislative decisions are the culmination of a complex interplay between Parliament and the Head of State, reflecting the country's unique constitutional framework and governance structure. The responsibility for making legislative decisions primarily lies with Parliament, the supreme legislative body of the country. However, the process involves collaboration with the Head of State, ensuring a balance of power and oversight within the government.

The legislative process in Nepal begins with the introduction of bills in Parliament. While Parliament initiates some legislation itself, the majority of bills are introduced by the government. These bills undergo thorough scrutiny and debate in both the House of Representatives and the National Assembly. According to Article 111(9) of the Constitution<sup>290</sup>, bills passed by Parliament are presented to the President for assent<sup>291</sup>. This ensures that both branches of government have a role in the legislative process, promoting checks and balances within the system.

In the event that the Head of State declines to give assent to legislation, the bill is returned to Parliament for re-examination. While the Head of State cannot outrightly decline assent, this mechanism allows for additional scrutiny and ensures that legislation aligns with the interests of both Parliament and the Head of State. Ultimately, the final decision-making authority lies with Parliament, reflecting its status as the supreme legislative body. Beyond the legislative realm, Parliament also plays a crucial oversight role in Nepal's governance structure. Article 101 of the Constitution<sup>292</sup> outlines procedures for Parliament to dismiss or impeach certain individuals or institutions, with lower chambers actively involved in this process. Additionally, Parliament can express no confidence in the Head of Government, further demonstrating its oversight capabilities.

The Parliament holds significant responsibility for budgetary allocation, as specified in the Constitution. While the Executive is responsible for preparing the budget proposal, the

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<sup>290</sup> Government of Nepal, 'The Constitution of Nepal'. moljpa.gov.np, 2015, p.58, part-8, Art.83. URL: [https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment\\_2.pdf](https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment_2.pdf) (accessed 13/01/2024).

<sup>291</sup> IPU Parline, 'Nepal'. data.ipu.org. URL : [https://data.ipu.org/node/120/law-making-oversight-budget?chamber\\_id=13474](https://data.ipu.org/node/120/law-making-oversight-budget?chamber_id=13474) (accessed 15/04/2024).

<sup>292</sup> Government of Nepal, 'The Constitution of Nepal'. moljpa.gov.np, 2015, p.70, part-8, Art.83. URL: [https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment\\_2.pdf](https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment_2.pdf) (accessed 13/01/2024).

final decision-making authority lies with Parliament<sup>293</sup>. The maximum amount of the parliamentary budget is agreed upon through collaboration between Parliament and the Executive. Additionally, while the Executive can request modifications to budget allocations, Parliament ultimately holds the power to approve or reject such requests, ensuring fiscal accountability and transparency.

### 5.2.2.2. Institutional Framework for Human Rights

The institutional framework of Nepal has established various mechanisms and specialized bodies to promote and safeguard human rights within the country. Central to this framework is the Law, Justice, and Human Rights Committee, one of the thematic committees established under Article 97<sup>294</sup> of the Constitution of Nepal and Rule 170 of the House of Representatives Rules, 2018. This committee plays a prominent role in monitoring and addressing human rights violations in Nepal. It holds the responsibility of examining human rights issues, reviewing legislations related to human rights and making recommendations for policy reforms to the government<sup>295</sup>. Additionally, they conduct investigations on human rights abuses and violations and also spread awareness to the public about human rights issues.

One of the key functions of the Human Rights Committee is to oversee the implementation of international human rights treaties and conventions ratified by Nepal. This includes monitoring compliance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, among others. By ensuring compliance to these

<sup>293</sup> IPU Parline, ‘Nepal’. data.ipu.org.URL : <https://data.ipu.org/parliament/NP/NP-UC01/law-making-oversight-budget/budget/> (accessed 15/04/2024).

<sup>294</sup> Government of Nepal, ‘The Constitution of Nepal’. moljpa.gov.np, 2015, p.68, part-8, Art.97(2). URL: [https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment\\_2.pdf](https://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-English-with-1st-Amendment_2.pdf) (accessed 13/01/2024).

<sup>295</sup> House of Representatives, Nepal, ‘Law, Justice and Human Rights Committee 2074’. hr.parliament.gov.np. URL: <https://hr.parliament.gov.np/en/committees/Law-Justice-and-Human-Rights-Committee-2074#:~:text=The%20law%20and%20justice%20and%20human,to%20make%20government%20accountable%20and> (accessed 3/012/2023).

international standards, the committee helps to uphold Nepal's commitments to protecting and promoting human rights on a global scale<sup>296</sup>.

The Committee also closely collaborates with other governmental and non-governmental organizations involved in human rights advocacy and protection. This includes working with the National Human Rights Commission (NHRC), an independent constitutional body established to safeguard and promote human rights in Nepal. The NHRC was established on 26 May 2000 under the 1997 Human Rights Commission Act<sup>297</sup>. The commission holds an "A" status in Nepal<sup>298</sup>. The Constitution of Nepal specifies a distinct domain of duties for and responsibilities for the NHRC. These responsibilities enhance the regular operations of the Supreme Court Office of the Attorney General, and other existing judicial and quasi-judicial bodies of Nepal. An annual report is submitted by the NHRC to the President who then presents it to the Prime Minister and the Federal Parliament. The main motto of the NHRCN, 'Human rights for all, at every household: basis of peace and development', has set a new goal to take human rights consciousness in every household<sup>299</sup>.

Moreover, the NHRCN serves as a vital component of Nepal's institutional framework for human rights, operating autonomously to investigate complaints of human rights violations, conduct inquiries, and recommend remedial actions. The commission entails certain duties and responsibilities for NHRCN that include reviewing laws that need amendment, recommendation to take action against perpetrators of human rights violence, conducting investigations and inquiries, collaborating with CSOs, and public disclosure to publicize names of authorities or entities that fail to implement recommendations regarding human rights violations as per law<sup>300</sup>. Therefore, the commission plays a crucial role in

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<sup>296</sup> IPU Parline, 'Nepal'. data.ipu.org. URL : [https://data.ipu.org/node/120/parliamentary-bodies/specialized-bodies/human-rights?chamber\\_id=13473](https://data.ipu.org/node/120/parliamentary-bodies/specialized-bodies/human-rights?chamber_id=13473) (accessed 10/03/2024).

<sup>297</sup> OHCHR, 'National Human Rights Commission-Nepal and OHCHR-Nepal Observations on the National Human Rights Commission Bill - 2009'. ohchr.org, 2021, p. 3. URL : [https://nepal.ohchr.org/en/resources/publications/ODS-2\\_E.pdf](https://nepal.ohchr.org/en/resources/publications/ODS-2_E.pdf) (accessed 22/03/2024).

<sup>298</sup> GANHRI, 'As of December 2023, GANHRI is composed of 120 members: 88 "A" status accredited NHRIs and 32 "B" status accredited NHRIs'. ganhri.org. URL: <https://ganhri.org/membership/> (accessed 28/03/2024).

<sup>299</sup> NHRC Nepal, 'About Us'. nhrcnepal.org. URL: <https://nhrcnepal.org/aboutus> (accessed 27/03/2024).

<sup>300</sup> Ibid.

holding state actors and institutions accountable for human rights abuses and advocating for justice and redress for victims.

Another significant organization is the Informal Service Sector (INSEC), which advocates for human rights and social services. Despite being a stakeholder, the organization protects, promotes, and monitors the implementation of human rights in the interest of social justice. As a resource and monitoring organization, it focuses primarily on research, documentation, community mobilization, public education and awareness, and lobbying and advocacy<sup>301</sup>. The organization actively engages in promoting awareness about UPR and pressuring legislators to enact and support state legislation based on UPR recommendations<sup>302</sup>.

Then, various commissions and constitutional bodies have been established to promote and protect human rights in their respective thematic areas. Some of them include the Nation Women Commission, the Indigenous Nationalities Commission, the National Dalit Commission, the National Inclusion Commission, the Madhesi Commission, the Tharu Commission, and the Muslim Commission. These bodies were established based on the recommendations received by Nepal during the UPR cycle<sup>303</sup>.

Additionally, Nepal has made efforts to strengthen its legal framework for human rights protection, including enshrining fundamental rights and freedoms in its constitution and adopting legislation to address specific human rights issues. These legal instruments provide the foundation for promoting equality, dignity, and justice for all individuals within Nepal's borders.

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<sup>301</sup> INSEC, 'About INSEC'. insec.org. URL: <https://www.insec.org.np/about-insec/> (accessed 10/04/2024).

<sup>302</sup> UPR Info, 'UPR-Info Workshop on UPR's Recommendations Implementation Plan in Nepal\*'. upr.info, 2022. URL: <https://www.upr-info.org/en/news/upr-info-workshop-uprs-recommendations-implementation-plan-nepal> (accessed 08/04/2024).

<sup>303</sup> Government of Nepal Office of Prime Minister and Council of Ministers, 'Universal Periodic Review Report (3rd Cycle) of Nepal'. opmcm.gov.np. URL: <https://www.opmcm.gov.np/en/download/universal-periodic-review-report-3rd-cycle-of-nepal/> (accessed 7/03/2024).

### 5.2.2.3. Engagement with UPR Process during the 3rd Cycle

#### *First stage of the UPR :*

As part of the preparation for the review, Nepal is required to submit a National report for each cycle. According to the National report submitted for the third cycle, "Two consultative meetings were [...] held with the Law, Justice and Human Rights Committee of the House of Representatives" to complete it<sup>304</sup>. This demonstrates the inclusion of this specialized Parliamentary body in the preparation of the National Report. However, it can be observed that although Parliamentarians were consulted for the preparation of the National report, they had no role in the process of formulation of the report as the committee which "was formed under the Chairpersonship of the Secretary at the Office of the Prime Minister and Council of Ministers (OPMCM)"<sup>305</sup> consisted of members of government, thereby minimizing their participation during this stage.

Then, the report of the OHCHR was produced in January 2021. The document on Nepal notably entails its desire to become a member of UNHRC spanning from 2018-2020 and 2021-2023<sup>306</sup>. This ensures that the state is committed to cooperate with special procedures and adhere to recommendations made during the previous cycle. By pledging to these international obligations, Nepal agrees to take concrete steps to address human rights issues within its borders and report on the progress made in implementing these recommendations. Besides, it can be noted that this report includes recommendations requiring parliamentary action, showing the importance of Parliamentarians in the UPR process. For example, "The United Nations country team urged Nepal to legalize same-sex marriage, in line with the 2007 Supreme Court ruling<sup>307</sup>" which absolutely requires parliamentary action.

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<sup>304</sup> OHCHR, 'National report Nepal'. ohchr.org. 2020, p.2. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>305</sup> Ibid.

<sup>306</sup> OHCHR, 'Compilation of UN information Nepal'. ohchr.org. 2020. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>307</sup> OHCHR, 'Compilation of UN information Nepal'. ohchr.org. 2020, p.3. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

The following document for the review is a summary of 63 stakeholder submissions including many CSOs and the national human rights institution of Nepal : the National Human Rights Commission (NHRC)<sup>308</sup>. Much like the previous reports, this document entails various recommendations within the UPR framework. These recommendations encompass Nepal to accede to ratification of international instruments that are aimed at several issues within the country, much of them that requires parliamentary action. For instance, “JS35 [Joint submission 35] recommended the adoption of laws and an action plan aligned with the UN Guiding Principles on Business and Human Rights<sup>309</sup>” which implies parliamentary action and more precisely legislative action.

### ***Second stage of the UPR :***

Nepal was reviewed on 21st January, 2021 during the 37th session of the UPR, which was part of the third cycle<sup>310</sup>. The Human Rights Council appointed Argentina, Burkina Faso, and India as rapporteurs for Nepal's review. Besides, the state delegation, consisting of 19 members, was led by Minister for Foreign Affairs Pradeep Kumar Gyawali<sup>311</sup>. It can be noted that no Parliamentarian was part of the delegation, the members included ambassadors, members of the government and Permanent mission of Nepal in Geneva. However, it is worth mentioning that during the second cycle, the delegation was headed by a former Parliamentarian, Hon. Minister Kamal Thapa, although no member of Parliament was present in the delegation<sup>312</sup>.

Once the review was completed a correspondence was dispatched by the former High Commissioner for Human Rights, Michelle Bachelet, to the Foreign Minister of Nepal<sup>313</sup>. This letter comprises areas that require attention based on the reports submitted by the UN

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<sup>308</sup> OHCHR, ‘Summary of stakeholders' information Nepal’. ohchr.org. 2020. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>309</sup> Ibid., p.3.

<sup>310</sup> OHCHR, ‘Universal Periodic Review - Nepal’. ohchr.org. 2021. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>311</sup> OHCHR, ‘Report of the Working group Nepal’. ohchr.org. 2021. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>312</sup> OHCHR, ‘Report of the Working group Nepal’. ohchr.org. 2015, p.27. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>313</sup> OHCHR, ‘Letter by the High Commissioner to the Foreign Minister, Nepal’. ohchr.org. 2021. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 02/04/2024).

and Stakeholder summary. Some of them include, for example, ratification of international instruments and the functional and financial independence of NHRC in Nepal and other civil, political and legislative improvements. Thus, these areas include recommendations requiring parliamentary action.

Finally, the Working Group published its report which notably lists the recommendations received by Nepal during its third cycle, with several requiring parliamentary action such as the recommendation 159.36 “Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing direct and indirect discrimination and multiple and intersecting forms of discrimination (Guyana)”<sup>314</sup>.

### ***Third stage of the UPR :***

As part of the third stage of the UPR, the Federal Parliament was involved in implementing necessary legislations in accordance with the recommendations given in the previous cycle<sup>315</sup>. The National report lists, among others, parliamentary actions taken in relation to a UPR recommendation for different categories (for example : Enforced disappearance), as well as the international human rights instruments ratified following parliamentary approval. This demonstrates the indispensable role of Parliaments in different stages of the UPR Process. It also highlights the commitment of the state towards improving human rights situations as well as its accountability towards the International community.

### **5.2.3. Implementation of Recommendations: Theory vs. Practice**

In July 2023, the National Indigenous Women’s Federation (NIWF) produced a mid-term report on the third UPR cycle of Nepal assessing the implementation of recommendations concerning Climate Change and Gender Equality, Trafficking, Bonded

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<sup>314</sup> OHCHR, ‘Report of the Working group Nepal’. ohchr.org. 2021, p.14. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>315</sup> OHCHR, ‘National report Nepal’. ohchr.org. 2020. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 02/04/2024).

Labor, Gender Equality, and Indigenous Peoples<sup>316</sup>. This report was formulated after reviewing the government's recent policies, plans, and strategies regarding the same, as well as primary information gathered from assessment through formal and informal interviews and a National Stakeholder Consultation<sup>317</sup>. According to the report, 25% of recommendations were not implemented with respect to climate change and gender equality. 25% recommendations were fully implemented and 50% were partially implemented<sup>318</sup>.

Based on the recommendations that require parliamentary actions, it can be observed that 9% of the recommendations are about Enforced disappearances within the State. Recommendation 159.67 - supported - “Pass a bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in order to ensure the effective functioning of the Commission” has been accepted by the House of Representatives (HoR) on March 9, 2023 but is still pending within the Law, Justice and Human Rights Committee of HoR<sup>319</sup>. As for recommendations 159.16.1 and 159.16.2, noted, “Ratify the International Convention for the Protection of All Persons from Enforced Disappearance” have yet to be ratified by Nepal<sup>320</sup>.

Another noteworthy category of recommendations are related to women’s rights and gender issues which is 38% of the total recommendations that are supported. Recommendation 159.67 “Amend the Citizenship Act to enable citizenship documentation at birth and to repeal gender discriminatory provisions” was authenticated on May 31, 2023

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<sup>316</sup> NIWF, ‘ NEPAL: UNIVERSAL PERIODIC REVIEW MID-TERM REPORT- An Assessment of Nepal’s implementation of 3rd UPR recommendations concerning Climate Change and Gender Equality, Trafficking, Bonded Labor, Gender Equality, and Indigenous Peoples’. upr.info, 2023. URL: [https://www.upr-info.org/sites/default/files/country-document/2023-08/NIWF\\_Nepal\\_UPR\\_Midterm\\_Report\\_E.pdf](https://www.upr-info.org/sites/default/files/country-document/2023-08/NIWF_Nepal_UPR_Midterm_Report_E.pdf) (accessed 05/04/2024).

<sup>317</sup> Ibid.

<sup>318</sup> NIWF, ‘ NEPAL: UNIVERSAL PERIODIC REVIEW MID-TERM REPORT- An Assessment of Nepal’s implementation of 3rd UPR recommendations concerning Climate Change and Gender Equality, Trafficking, Bonded Labor, Gender Equality, and Indigenous Peoples’. upr.info, 2023. URL: [https://www.upr-info.org/sites/default/files/country-document/2023-08/NIWF\\_Nepal\\_UPR\\_Midterm\\_Report\\_E.pdf](https://www.upr-info.org/sites/default/files/country-document/2023-08/NIWF_Nepal_UPR_Midterm_Report_E.pdf) (accessed 05/04/2024).

<sup>319</sup> Democracy Resource Center, ‘ NEPAL’S STALLED TRANSITIONAL JUSTICE ACT’, democracy resource.org, 2023. URL : [https://www.democracyresource.org/wp-content/uploads/2023/11/DRCN\\_Political-Situation-Update-III\\_Nepals-Stalled-Transitional-Justice-Act-November-2023\\_English.pdf](https://www.democracyresource.org/wp-content/uploads/2023/11/DRCN_Political-Situation-Update-III_Nepals-Stalled-Transitional-Justice-Act-November-2023_English.pdf) (accessed 25/03/2024).

<sup>320</sup> OHCHR, ‘UN Treaty Body Database ’, ohchr.org. URL : [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN) (accessed 26/03/2024).



after the previous President declined to ratify the bill in 2022. Although the bill was amended, the new amendment's main feature was to provide citizenship for children through descent and had no mention of gender discriminatory provisions<sup>321</sup>. Apart from this there are various recommendations that are catered towards adopting new laws for gender-based discrimination and violence that have been supported. Recommendation 159.169 “Adopt comprehensive legislation banning gender-based discrimination; take effective measures to end gender-based violence, trafficking in women and girls, and sexual exploitation; provide sufficient numbers of safe shelters and other necessary services for victims” is such an example. This further iterates why 18% of the third cycle recommendations made to Nepal were based on SGD 5<sup>322</sup>.

A significant accomplishment worth mentioning is the legalization of same-sex marriages, through marriage equality on June 28, 2023<sup>323</sup>. Although the recommendation 159.37 “Adopt marriage equality legislation, extending full marriage rights to same-sex couples” was noted, Nepal became the second Asian country to do so. Despite this success there are various hurdles that were faced due to the absence of comprehensive legislation on marriage equality that complicated the situation. While the government has recognized third gender citizens and issued landmark judgments to support LGBTQI+ rights, the absence of concrete legislative action on marriage equality has impeded progress in this area<sup>324</sup>.

Of the 40 recommendations noted, 32% of them - 159.17.13, 159.12.1 to 159.12.8 - made by countries like Afghanistan, Cyprus, Denmark, Germany, Senegal, Spain, Switzerland and Timor-Leste recommends Nepal to “Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”. No action has been taken to ratify the Optional Protocol to the Convention

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<sup>321</sup> Library of Congress, ‘Nepal: President Authenticates New Amendment to Citizenship Act’. loc.gov, 2023. URL : <https://www.loc.gov/item/global-legal-monitor/2023-06-26/nepal-president-authenticates-new-amendment-to-citizenship-act/> (accessed 19/03/2024).

<sup>322</sup> OHCHR, ‘Infographic Nepal’. ohchr.org, 2021. URL : <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/NP/NEPAL.pdf> (accessed 22/03/2024).

<sup>323</sup> Human Rights Watch, ‘Nepal’s Historic Achievement on Marriage Equality’. hrw.org, 2023. URL: <https://www.hrw.org/news/2023/07/05/nepals-historic-achievement-marriage-equality> (accessed 02/04/2024).

<sup>324</sup> Human Rights Watch, ‘Did Nepal Achieve Marriage Equality? Not Quite Yet’. hrw.org, 2023. URL: <https://www.hrw.org/news/2023/12/14/did-nepal-achieve-marriage-equality-not-quite-yet> (accessed 02/04/2024).

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP) by the state<sup>325</sup>. Incidents of torture and ill-treatment of detainees, although decreased significantly from 2019, have been reported by NGOs. Impunity in the cases of custodial torture and death cases on the security forces has led to lack of prosecution of the perpetrators. Besides, NGOs Advocacy Forum noted that most cases of alleged torture was dismissed on the grounds of lack of credibility and supporting evidence especially medical documents<sup>326</sup>. This indicates that domestic legislation has made no attempts to address these issues by ratifying international treaties for progress and has not taken any significant steps to change the current situation. The lack of transitional justice process that meets international standards within the state prevents alleged perpetrators of serious human rights violations to be held accountable<sup>327</sup>.

Furthermore, there are recommendations that require parliamentary action with respect to labor and trafficking such as recommendation 159.98 “Revise the Human Trafficking and Transportation (Control) Act to bring the definition of human trafficking into line with international law and to include all aspects of human trafficking”. Nepal does not meet the minimum standards for elimination of trafficking although they are making significant efforts to do so<sup>328</sup>. The government does not criminalize all forms of labor trafficking including sex-trafficking and the ambiguity of the existing Human Trafficking and Transportation (Control) Act lacks clear guidelines with a reactive approach that focuses on individual cases after they have occurred rather than implementing precautionary measures to prevent the root cause<sup>329</sup>.

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<sup>325</sup> OHCHR, ‘Status of ratification interaction dashboard’. indicators.ohchr.org. URL: <https://indicators.ohchr.org/> (accessed 03/04/2024).

<sup>326</sup> U.S Department of State, ‘2022 Country Reports on Human Rights Practices: Nepal’. state.gov. URL: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nepal> (accessed 03/04/2024).

<sup>327</sup> Human Rights Watch, ‘Breaking Barriers of Justice’. hrw.org, 2024. URL: <https://www.hrw.org/report/2024/03/05/breaking-barriers-justice/nepals-long-struggle-accountability-truth-and> (accessed 05/04/2024).

<sup>328</sup> U.S Embassy in Nepal, ‘2022 TRAFFICKING IN PERSON REPORT’. np.usembassy.gov. URL: <https://np.usembassy.gov/2022-trafficking-in-person-report/> (accessed 05/04/2024)

<sup>329</sup> Nepal Law Commission, ‘Human Trafficking and Transportation (Control) Act, 2064’. lawcommission.gov.np. URL: <https://lawcommission.gov.np/en/?cat=370> (accessed 10/04/2024).

Despite having ratified every child labor convention except the Optional Protocol to the Convention on the Rights of the Child on a communications procedure<sup>330</sup>, Nepal continues its efforts to eliminate child labour as recommendation 159.214 “Ensure that existing legislation prohibiting child labour is fully implemented and its enforcement monitored” advises. Various legislative measures have been taken within the state to foster improvement although some laws do not meet the international standard<sup>331</sup>. NGO reports have observed that, regardless of enforcing agencies, the insufficient number of labor inspectors to oversee the workforce causes gaps due to the high population. The implementation of National Master Plan on the Elimination of Child Labour (2018-2028) in accordance with the SDGs aimed at eliminating exploitative and worst forms of child labour by 2022 and all types of child labour by 2025<sup>332</sup>. Nepal, however, managed to only make moderate progress in eradicating the worst form of child labour in practice and fund allocation for this cause still remains a low priority for the government<sup>333</sup>.

Then, 55% of the noted recommendations in need of parliamentary action suggest the ratification of international instruments such as the ILO Convention. However, it can be pointed out that Nepal is yet to ratify any of these treaties<sup>334</sup>. No action has been taken to adopt the remaining 6 treaties despite their recognition during the UPR process.

In conclusion, the implementation process of the UPR recommendations therefore is an indication as to why Parliamentary involvement is important. This further iterates the crucial role Parliamentarians play in improving issues related to human rights especially those that concern changes in legislature and for abiding by international conventions and treaties. Despite the efforts of the state in many issues mentioned in the recommendations, the practical implementation requires further improvement in comparison to theory, especially on

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<sup>330</sup> OHCHR, ‘STATUS OF RATIFICATION INTERACTIVE DASHBOARD’. indicators.ohchr.org. URL: <https://indicators.ohchr.org/> (accessed 03/04/2024).

<sup>331</sup> U.S Department of Labor, ‘Child Labor and Forced Labor Reports’. dol.gov. URL: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/nepal> (accessed 05/04/2024).

<sup>332</sup> ILO, ‘National Child Labour Report 2021’. webapps.ilo.org. URL: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms\\_784225.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_784225.pdf) (accessed 11/04/2024).

<sup>333</sup> Ibid.

<sup>334</sup> OHCHR, ‘UN Treaty Body Database’, ohchr.org. URL : [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN) (accessed 26/03/2024).

achieving goals set out in the National plans. It can also be noted that ratification of many international treaties are not prioritized.

## 5.2.4. Factors and Challenges Influencing Implementation

### 5.2.4.1. Institutional Factors

Various factors come into play with regards to implementation of UPR recommendations.

First of all, the Nepal Parliamentary term is six years with one-third of its membership renewed every two years<sup>335</sup>. This turnover often disrupts the continuity of the implementation process within the state. Although some Parliamentarians get re-elected for new term, sensitizing them on the UPR process can be challenging<sup>336</sup>. During our interview with INSEC, it identified this as a primary issue with regards to implementation of recommendations<sup>337</sup>. The organization often conducts various workshops to bridge this gap by raising awareness about the importance of regular participation in the UPR process.

Moreover, it can be noted that many recommendations, especially with regards to international treaties or conventions, like recommendation 159.12.8 “Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”<sup>338</sup> and other recommendations within the legislative and constitutional framework, have been repeated. Despite these recommendations requiring parliamentary action they are not prioritized due to instability and focus on internal politics. This is reflective as the average number of legislative laws adopted is 6 as of 2020<sup>339</sup>. In the past year, only one bill has been passed in the Parliament<sup>340</sup>. This is indicative of the lack of

<sup>335</sup> IPU Parline, ‘Nepal’. data.ipu.org. URL: [https://data.ipu.org/parliament/np?chamber\\_id=13474](https://data.ipu.org/parliament/np?chamber_id=13474) (accessed 15/04/2024).

<sup>336</sup> Interview with INSEC, April 15, 2024.

<sup>337</sup> Ibid.

<sup>338</sup> OHCHR, ‘STATUS OF RATIFICATION INTERACTIVE DASHBOARD’. indicators.ohchr.org. URL: <https://indicators.ohchr.org/> (accessed 03/04/2024).

<sup>339</sup> IPU Parline, ‘Nepal’. data.ipu.org. URL: [https://data.ipu.org/node/120/law-making-oversight-budget?chamber\\_id=13474](https://data.ipu.org/node/120/law-making-oversight-budget?chamber_id=13474) (accessed 16/04/2024).

<sup>340</sup> Interview with INSEC, April 15, 2024.

political willingness within the Parliament and government when it comes to these issues, often overlooking them.

Another key actor that plays a vital role in influencing legislative actions for implementation of recommendations is the NHRC. As an independent statutory body with separate responsibilities and mandate, it is responsible to promote and protect human rights according to Paris Principles<sup>341</sup>. Its main functions include recommending the government of Nepal for the implementation of any international treaty or agreement on human rights and carrying out periodic reviews of the relevant laws relating to human rights and making recommendations to the government of Nepal for necessary improvements and amendments to such laws. However, they fail to do so as it is not proactive in bringing these issues to the government's attention and using their influence for implementing them. This also refers to concerns on the independence of NHRC undermining its integrity and legitimacy with regards to international standards<sup>342</sup>.

It should also be noted that Nepal does not have a National Mechanism for Reporting and Follow-up or any other mechanism that has a direct link for monitoring the implementation process of UPR regardless they have taken other measures which include the adoption of the Fifth National Action Plan (2020-2025) that aims to implement the fundamental rights guaranteed in the Constitution, the legislations enacted for the implementation of the fundamental rights, rights enumerated in the international instruments to which Nepal is a party, recommendation of the UPR, treaty bodies, NHRC and decision of the Supreme Court. A separate Parliamentary Committee monitors and evaluates whether the directive principles and policies have been implemented progressively. The government of Nepal (GoN) also submits an annual report to the Parliament outlining the steps taken and achievements made to this end<sup>343</sup>.

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<sup>341</sup> National Human Rights Commission - Nepal, 'About Us'. [nhrcnepal.org](https://www.nhrcnepal.org/aboutus). URL : <https://www.nhrcnepal.org/aboutus> (accessed 20/04/2024).

<sup>342</sup> OHCHR, 'Nepal: UN experts express concerns for independence and integrity of the NHRC'. [ohchr.org](https://www.ohchr.org/en/press-releases/2021/04/nepal-un-experts-express-concerns-independence-and-integrity-nhrc). URL: <https://www.ohchr.org/en/press-releases/2021/04/nepal-un-experts-express-concerns-independence-and-integrity-nhrc> (accessed 08/04/2024).

<sup>343</sup> OHCHR, 'National Report'. [ohchr.org](https://www.ohchr.org/en/hr-bodies/upr/np-index). 2021, p. 19. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 12/04/2024).

These institutions are key actors in influencing the government throughout the process but especially at the time of implementation. Less than 10% of NHRCs recommendations have been implemented as of 2020. The constraint during this stage of the UPR process mainly stems from the government and its willingness to prioritize recommendations given during the UPR cycle.

#### 5.2.4.2. Political and Sociocultural Considerations

As mentioned previously, in January 2021, Nepal received 233 recommendations during the third cycle. All three cycles included recommendations for improving the NHRC, creating a transitional justice system, and working with treaty bodies, among other things. Nepal has highlighted 37 recommendations and approved 196 in the third review. There were a total of 47 recommendations: 26 on child and political rights; 14 on transitional justice; 22 on equality and nondiscrimination; 25 on ratification of international conventions; and 47 on economic, social, and cultural rights. 42 suggestions are still pending implementation out of the 121 recommendations from prior cycles that were either fully or partially implemented, according to an NHRC analysis published in February 2020<sup>344</sup>.

Child Rights, especially with regards to child labor, has been an ongoing issue within Nepal that has been prevalent for over 3 decades now. Various social, cultural and economic factors play into why it still persists amidst the implementation of legislative measures. Children, especially girls, face barriers in accessing education due to shortage of sanitation facilities, geographic distance, cost and lack of parental support. Whereas, boys that are of school-going age are often pressured to find employment and migrate outside the country to find employment. They also have added the issue of abuse of substances like alcohol and drugs<sup>345</sup>. Although Nepal has ratified almost every international convention related to child rights<sup>346</sup>, these socio-cultural aspects cause various constraints.

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<sup>344</sup> Freedom Forum, 'Time to observe implementation of UPR recommendation, and commitment'. freedomforum.org, 2023. URL: <https://freedomforum.org.np/time-to-observe-implementation-of-upr-recommendation-and-commitment/> (accessed 09/04/2024).

<sup>345</sup> ILO, 'National Child Labour Report 2021'. webapps.ilo.org. URL: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/nepal> (accessed 09/04/2024).

<sup>346</sup> OHCHR, 'STATUS OF RATIFICATION INTERACTIVE DASHBOARD'. indicators.ohchr.org. URL: <https://indicators.ohchr.org/> (accessed 03/04/2024).

Another noteworthy issue that seems to persist is related to gender equality and non-discrimination. Despite making progressive efforts especially in the realm of legalizing same-sex marriage and inclusion of women with a representation of 33% at all legislative levels, several challenges still remain<sup>347</sup>. Compounding these difficulties is an insufficient allocation of resources, with minimal monetary assistance devoted toward women's empowerment projects. Nepal's road to achieve gender equality and empower women has been hampered by insufficient institutional frameworks, disorganized programme execution, and a lack of effective ways to address deeply ingrained stereotypes. These prejudices therefore, need to be addressed and set aside for women empowerment and follow-up mechanisms should function effectively to ensure that the implemented recommendations are in practice.

Finally, it is worth mentioning that, according to our interview with INSEC, Parliamentarians are more concerned about domestic issues than the UPR which impacts the effectiveness of this mechanism in the country<sup>348</sup>. This resonates with the information provided by Mr. Huizenga because, in his experience with Parliamentarians in general, some of them are not interested in or aware of the UPR taking place away from their country in Geneva, as their priority is to deal with domestic issues and the interests of their constituents<sup>349</sup>. It is for this reason that the role of the IPU in the effectiveness of the UPR is important, as it informs Parliamentarians of the existence of the UPR via online briefings or workshops based on parliamentary capacity-building, of the importance and possibility of their involvement in this human rights mechanism, and of the relevance of the recommendations made by other States to their national situation<sup>350</sup>.

#### **5.2.4.3. Resource Constraints**

As the National Report mentions, Nepal is under-developed and struggles with poverty. These challenges cause constraints in full enjoyment of human rights. Although they

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<sup>347</sup> The Rising Nepal, 'Challenges and Progress Of Gender Equality in Nepal'. risingnepaldaily.com. URL: <https://risingnepaldaily.com/news/30778> (accessed 17/04/2024).

<sup>348</sup> Interview with INSEC, April 15, 2024.

<sup>349</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>350</sup> Ibid.

are committed to address these challenges, major setbacks like COVID-19 pandemic have occurred. The pandemic has posed a significant threat to the GoN's human rights plans and programs. The GoN has put in place therapeutic, medical, and preventive measures. For a while, the brief nationwide lockdown measures greatly contributed to the virus's containment. But it has had a huge negative impact on the economy, especially on wage workers, the unorganized sector, the travel and service sectors, and the tourism industry<sup>351</sup>. Additionally, it has severely burdened the current healthcare system and damaged the nation's economy backward and forward connections. Despite their efforts in reducing poverty and making significant developments in SDG 2, 3 and 4, the pandemic negatively impacted the growth.

Resource constraints with regards to allocation of funds and human resources have caused challenges during implementation. The works of the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons have been negatively impacted by a lack of funding and capability as well as political meddling in appointment decisions. The stakeholder summary suggests resolving hidden expenses through scholarship or other programs, boosting openness in the education budget to combat corruption, and providing additional funding to schools so they can better serve students with disabilities. Challenges to implementation of legislation including limited institutional and human resources, as well as the fact that inspectors did not routinely check the unofficial sector—where the majority of child laborers were employed—were obstacles to the enforcement of the law. The COVID-19 epidemic has led to a rise in risk factors for child labor, such as job instability and closed schools<sup>352</sup>.

#### 5.2.4.4. Stakeholder Dynamics

The final aspect that can influence implementation of recommendations are the stakeholder dynamics.

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<sup>351</sup> OHCHR, 'National Report'. ohchr.org. 2021. URL :<https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 12/04/2024).

<sup>352</sup> OHCHR, 'Summary of stakeholders' information'. ohchr.org. 2021, p.4. URL: <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 12/04/2024).



As the National report suggests, the GoN believes in a participatory approach for various developmental stages. They have dialogues with stakeholders to hear their suggestions on the recommendations given during the UPR review cycle. These dialogues are not only restricted to Government representatives but also Parliamentarians. It takes place through different mechanisms such as workshops and seminars, publications and meetings. Despite this positive approach, influential actors like the NHRC fail to persuade legislative measures necessary for the implementations of these recommendations<sup>353</sup>. Many recommendations suggested by NHRC for implementation have been overlooked and “NHRC has received very few communication so far illustrating reasons or limitations of GoN”<sup>354</sup>.

Stakeholders often voice concerns about accountability and transparency, highlighting the necessity of adhering to international legal requirements. This entails encouraging openness and participation in the commissioner selection process in addition to guaranteeing efficient accountability and restitution<sup>355</sup>. Concerns concerning regulations allowing government interference in CSOs operations and limitations on international funding for CSOs are also voiced by stakeholders. Besides, stakeholder conversations around the National Integrity Policy and new laws are also requested<sup>356</sup>.

The stakeholder dynamics with Parliamentarians are renowned for their openness. Indeed, according to our interview with INSEC, Parliamentarians frequently engage in official and informal discussions with stakeholders, depending on whether the stakeholders have approached them<sup>357</sup>. This component makes communication between the two sides easier. This allows CSOs and other key stakeholders to directly voice their concerns with lawmakers, giving them the opportunity to convey these issues as they consider legislative decisions. This interaction between the two sides is admirable, because it allows measures for implementation to be addressed directly.

<sup>353</sup> Interview with INSEC, April 15, 2024.

<sup>354</sup> UNDP, ‘The NHRI Nepal Joint Submission for The Third Cycle Universal Periodic Review of Nepal’. undp.org, 2020. URL: <https://www.undp.org/sites/g/files/zskgke326/files/migration/np/UNDP-NP-UPR-report-NHRC-2020.pdf> (accessed 13/04/2024).

<sup>355</sup> OHCHR, ‘Summary of stakeholders’ information’. ohchr.org. 2021, p.5. URL: <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 12/04/2024).

<sup>356</sup> Ibid.

<sup>357</sup> Interview with INSEC, April 15, 2024.

Even though the Nepali government prioritizes involving stakeholders in the implementation of UPR recommendations through a participatory approach, challenges like a lack of legislative measures, problems with transparency, and limitations on CSOs may prevent these efforts from being fully realized.

### **5.2.5. Engagement of Parliamentarians with the UPR : Best practices**

Before making recommendations to strengthen the role of Parliamentarians in the UPR, it is important to note the best practices of the engagement of Nepalese Parliamentarians.

First, 36 Federal and Provincial Parliamentarians participated in the “Parliament Support Project” organized by the UNDP from 2018 to 2022. This project helped them to “scrutinize the Universal Periodic Review (UPR) reporting of the Government of Nepal”<sup>358</sup>. This notably enabled them to make 33 recommendations to the government and to strengthen their capacities and commitment to the UPR.

Then, according to the National report submitted for the third cycle, the Law, Justice and Human Rights Committee of the House of Representatives was consulted for its preparation<sup>359</sup>. This represents a best practice because by consulting Parliamentarians to prepare this report, the government is encouraging them to review the parliamentary actions taken to implement the UPR recommendations of the previous cycle.

Furthermore, the presence of the Law, Justice and Human Rights Committee of the House of Representatives which deals, among other things, with issues related to human rights is a good practice because it allows Nepal to have a body which will be interested in dealing with UPR recommendations.

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<sup>358</sup> UNDP, ‘Parliament Support Project (PSP)’. undp.org, 2021. URL : <https://www.undp.org/sites/g/files/zskgke326/files/migration/np/factsheet-ppsp-2021.pdf> (accessed 10/04/2024).

<sup>359</sup> OHCHR, ‘National report Nepal’. ohchr.org. 2020. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 10/04/2024).

Besides, the Human Rights Committee of the Nepal Parliament is in charge of monitoring the treaty duties and political pledges made by each government in the framework of the UPR. These bodies act upon suggestions that have been received by their states during the UPR cycles. The Nepal Parliament's Social Justice and Human Rights Committee also indicated that it offers suggestions for the government's stance before international organizations, especially the HRC<sup>360</sup>.

One noteworthy convention in Nepal is the discussions that Parliamentarians hold with stakeholders. According to information from the INSEC interview, Parliamentarians from Nepal are eager to talk with interested parties and will support causes that are brought before them<sup>361</sup>.

Moreover, various discussions like strategic action plan for implementing the recommendations received by Nepal in the UPR, which was conducted in Kathmandu on November 29 and UPR-Info Workshop on UPR's Recommendations Implementation Plan in Nepal were conducted after the third cycle to ensure the participation of stakeholders and government officials. These programs have contributed to better awareness of the UPR mechanisms which essentially helped to improve their involvement at different levels.

Finally, the presence of the NHRC is also important because it is critical in protecting human rights and promoting accountability in the country. As an independent statutory authority, the NHRC is responsible for investigating claims of human rights breaches, monitoring government conformity with international human rights norms, and advocating for the preservation of individual rights. They carry out their duties by presenting a yearly report on their operations to the President, who then arranges for that report to be presented to the Federal Parliament through the Prime Minister<sup>362</sup>.

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<sup>360</sup> Inter-Parliamentary Union, 'Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General'. ipu.org. 2018. URL : <https://www.ipu.org/file/5054/download> (accessed 20/04/2024).

<sup>361</sup> Interview with INSEC, April 15, 2024.

<sup>362</sup> National Human Rights Commission - Nepal, 'About Us'. nhrcnepal.org. URL : <https://www.nhrcnepal.org/aboutus> (accessed 20/04/2024).

To summarize, there are some good practices in the engagement of Nepalese Parliamentarians in the UPR, but this engagement can greatly be improved.

### **5.2.6. Recommendations for Nepal**

Along with Nepal's good practices, there are a few suggestions that may be made to improve parliamentary engagement and increase the UPR mechanism's efficacy and influence on the nation's human rights development.

First of all, section 5.2.2.3 indicates that the state delegation did not include a parliamentary representation<sup>363</sup> even though many accepted recommendations call for parliamentary action, making parliamentary members' roles extremely important. Members in Nepal's Federal Parliament are obligated to communicate with constituents before making significant legislative decisions, and their exclusion from state delegations affects their ability to participate in the UPR process. To achieve changes inside the state for the acceptance of these ideas, their invaluable support and contribution are required. Thus, our suggestion in this regard would be to have a minimum of one Parliamentarian representing the state delegation in each cycle. Ideally, a Parliamentarian should head the delegation. At a minimum, Parliamentarians should be present as observers to take note of the discussions taking place during the UPR.

It is also desirable to make sure that Parliamentarians actively participate in developing the National report, instead of just being consulted. Their involvement would improve the identification of recommendations and required ideas made during each cycle, as they are important advocates within the state and the intermediary between the stakeholders and the government. This could therefore enhance the process of putting these suggestions into practice, making it more successful and efficient overall.

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<sup>363</sup> OHCHR, 'National report Nepal'. ohchr.org. 2020, p.2. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 20/04/2024).

Besides, according to Nepal's National report, the committee in charge of formulating and overseeing the National report does not include any Parliamentarians<sup>364</sup>. The committee's membership is limited to government representatives and relevant stakeholders. According to Human Rights Resolution 22/15, 26/29, 30/14 and 35/29, parliamentary involvement in Human Rights problems related to UPR cycles is critical. As stated in the document, approximately 60-70% of the recommendations require parliamentary action<sup>365</sup>; thus, having a Parliamentarian for the National report Committee is critical; preferably, a member of the Law, Justice, and Human Rights Committee within the Parliament, who is well aware of the impending concerns regarding these matters.

Then, parliamentary turnover is frequently a significant issue that influences parliamentary involvement in the UPR process, as indicated in Section 5.2.4.1. A number of meetings and discussions on the monitoring and implementation stage of UPR have been held for government officials as well as other stakeholders<sup>366</sup>. This frequently results in Parliamentarians not taking the issue seriously<sup>367</sup>. To ensure that Parliamentarians are aware of and comprehend their part in this process, the same strategy should be employed with them. This can help members learn from experts on these issues and emphasize the significance of the advice the state receives during each cycle. Consequently, we suggest that holding regular workshops like this for Parliamentarians will increase their involvement in this process.

Despite attempts to raise awareness about the necessity of adopting the UPR recommendations, we would like to urge Parliamentarians and key stakeholders to work together to address human rights issues that require parliamentary action and legislative

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<sup>364</sup> OHCHR, 'National report Nepal'. ohchr.org. 2020. URL : <https://www.ohchr.org/en/hr-bodies/upr/np-index> (accessed 01/04/2024).

<sup>365</sup> OHCHR, 'Human Rights Council resolution 35/29 on the role of parliaments in the work of Human Rights Council'. ohchr.org. URL: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV\\_UPR\\_Parliaments\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/NV_UPR_Parliaments_EN.pdf) (accessed 13/04/2024).

<sup>366</sup> UPR Info, 'UPR-Info Workshop on UPR's Recommendations Implementation Plan in Nepal\*'. upr.info, 2022. URL : <https://www.upr-info.org/en/news/upr-info-workshop-uprs-recommendations-implementation-plan-nepal> (accessed 08/04/2024).

<sup>367</sup> Interview with INSEC, April 15, 2024.

reforms. This collaborative effort will enhance the issue, making it a priority to address within the state.

The Nepal Supreme Court has the authority to interpret the Constitution, rule on the validity of laws approved by Parliament, and settle cases involving jurisdictional conflicts between the national and local governments<sup>368</sup>. To avoid conflicts and duplication of duties, the constitution ought to clearly define the responsibilities of the Judiciary and Parliament. Protecting the rule of law from political interference requires judicial independence. Therefore, we recommend that the appointing, promoting, and transferring judges will be overseen by a separate organization (such as the Judicial Council) to prevent intervention from the executive or Parliament. For these reasons, we support the two roles being distinct.

Additionally, we would recommend improving coordination between government liaison bodies and parliamentary committees like the Law Justice and Human Rights Committee for integrated implementation of resolutions of the Human Rights Council. In the same context, a government liaison office aiming to serve the purpose of human rights activities could be set up; ideally within the framework of the Ministry of Law, Justice and Parliamentary Affairs, that could further streamline and enhance the legislative support for human rights actions. This would promote transparency and strengthen the development of human rights-based action plans, thus reinforcing Nepal's adherence to human rights standards<sup>369</sup>.

We encourage key stakeholders such as INSEC to take the initiative in these collaborative efforts by not only engaging with Parliamentarians on various human rights issues, but also including them in various discussions held by them and collaborating consistently over each UPR cycle to ensure that recurring recommendations are not repeated and necessary actions are taken to address them.

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<sup>368</sup> Law Commission Nepal, 'Supreme Court', lawcommission.gov.np. URL: <https://lawcommission.gov.np/en/?p=882> (accessed 10/06/2024).

<sup>369</sup> Kathmandu Post, 'Wishy-washy parliamentary committees', kathmandupost.com. URL: <https://kathmandupost.com/columns/2023/01/24/wishy-washy-parliamentary-committees> (accessed 10/06/2024).

Although parliamentary turn over is a barrier to promoting and implementing recommendations made during each cycle, the lack of importance given to these concerns frequently results in setbacks. When dealing with domestic concerns that demand parliamentary action, internal obstacles and political instability are prioritized<sup>370</sup>. As a result, we urge that Parliamentarians demonstrate greater political willingness to face and deal with these issues.

As previously stated, Nepal lacks a National Mechanism for Reporting and Follow-up (NMRF)<sup>371</sup>. Although Nepal has systems in place to monitor and implement UPR recommendations, such as the National Action Plan, they serve as policy guidelines rather than monitoring tools. We believe that having a national framework to monitor and analyze progress on suggestions made during UPR cycles would result in more effective implementation by the state. Having this independent institution ensures that all proposals made during each cycle are thoroughly reviewed, and they can aid legislators by providing potential solutions to these challenges. As vital as it is to set goals such as the National Action Plan, it is also important to have a regulatory body in place to ensure that the required goals are met and progress is made between cycles. This may tackle the recurrence of multiple recommendations that have arisen throughout previous cycles.

Another area of concern is the role of the National Human Rights Commission in Nepal. Despite maintaining its standing throughout the controversies surrounding the appointment of office-bearers<sup>372</sup>, they still do not fulfill the international requirement for such an institution. The NHRC, as an autonomous and integral entity within the state, must carry out its tasks. It is critical that they use their experience and insights to aid legislators and make them prioritize the issues at hand. As a result, we urge that the NHRC improve its current state and establish a fair and transparent method to monitor various human rights abuses inside the state. It is also recommended that they exercise their function more

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<sup>370</sup> Interview with INSEC, April 15, 2024.

<sup>371</sup> Ibid.

<sup>372</sup> OHCHR, 'Nepal: UN experts express concerns for independence and integrity of the NHRCI'. ohchr.org, 2021.URL: <https://www.ohchr.org/en/press-releases/2021/04/nepal-un-experts-express-concerns-independence-and-integrity-nhrc> (accessed 14/04/2024).

effectively and bridge the gap between concerns that must be handled by bringing them to the notice of legislators.

Section 5.2.3 examined numerous challenges that were encountered while monitoring and allocating sufficient resources, as well as providing assistance for recommendations that were adopted. The section demonstrates that, despite the fact that these legislative provisions have been implemented, they are not having the anticipated impact due to a lack of efficiency in monitoring their enforcement at the regional level. As a result, we urge that, at the regional level, Parliaments and parliamentary human rights committees collaborate with the necessary regional bodies to monitor the implementation of regional human rights court decisions<sup>373</sup>.

Violence against women is a persistent problem in Nepal, accounting for over 38% of all issues, excluding human trafficking concerns. As this is a recurring issue, we suggest developing a document outlining the standard operating procedures to be followed in combating violence against women, as well as organizing training and awareness-raising programs for key stakeholders such as civil society and Parliamentarians<sup>374</sup>.

From a broader view, we can observe that many recommendations have been repeated over the last three cycles. This could be due to a variety of reasons, both known and unknown; therefore, implementing a system for monitoring international human rights recommendations with the goal of strengthening the current national mechanism for reporting and following up on recommendations would be a useful addition to addressing these issues<sup>375</sup>. Target-specific processes can compartmentalize problems and concentrate on the area of expertise.

In conclusion, strengthening Nepal's institutional framework and parliamentary participation is critical to carrying out the recommendations of the UPR and promoting the

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<sup>373</sup> Westminster Foundation of Democracy, 'STRENGTHENING PARLIAMENTARY CAPACITY FOR THE PROTECTION AND REALISATION OF HUMAN RIGHTS'. wfd.org. URL: <https://www.wfd.org/sites/default/files/2022-05/research-wfd-strengthening-parliamentary-capacity-for-the-protection-and-realisation-of-human-rights-synthesis-report.pdf> (accessed 14/04/2024).

<sup>374</sup> OHCHR, 'Nepal: UN experts express concerns for independence and integrity of the NHRCI'. ohchr.org, p.21. URL: <https://www.ohchr.org/sites/default/files/2022-03/Good-Practices-Desk-Review.pdf> (accessed 15/04/2024).

<sup>375</sup> Ibid.



advancement of human rights progress. A National Mechanism for Reporting and Follow-up should be established, the National Human Rights Commission should be given more authority, and cooperation between parliaments and regional bodies for monitoring should be encouraged. Other important recommendations include guaranteeing parliamentary representation in state delegations and encouraging parliamentary involvement through workshops and committee memberships. Preventative steps like creating standard operating procedures and holding awareness campaigns are also necessary to solve long-standing issues like violence against women. Nepal may increase the effectiveness of the UPR process and demonstrate its commitment to human rights by considering implementing these suggestions into practice.

## 6. General recommendations to strengthen the engagement of Parliamentarians in the UPR process

Based on our desk research, interviews, and the recommendations identified for Nepal and Côte d'Ivoire to strengthen human rights through parliamentary engagement in the UPR, we have identified certain recommendations that can be generalized and thus applied by the majority of UN countries and different UPR stakeholders.

First of all, policy research can contribute to enhancing parliamentary engagement in the UPR mechanism, by adopting an approach that accentuates the relevance of UPR recommendations to their legislative priorities, through a targeted analysis of the ongoing parliamentary initiatives that connect to the recommendations. This will demonstrate the relevance of the UPR issues to parliamentary agendas and capture their attention. By aligning and targeting research efforts with parliamentary priorities, these actors can become more accessible and prone to be involved in the human rights processes. Accordingly, entry points, including parliamentary committees for human rights, should be found to effectively engage with Parliamentarians on UPR-related issues. Moreover, information should be presented in a clear and concise manner, with actionable insight and concrete steps to inspire Parliamentarians. Further, UPR Info could establish a dedicated channel for policy research sharing with Parliaments and parliamentary individuals.

Secondly, we saw that parliamentary mandates do not coincide with the UPR cycles, leading new Parliamentarians to arrive in the middle of a cycle without knowing what was discussed. According to Mr. Huizenga, a plan should be established to ensure that Parliamentarians remain engaged throughout a full cycle of the UPR<sup>376</sup>. In addition, it is important to organize some workshops for parliamentary staff because they are the institutional memory of Parliament and can transmit important information on the UPR and on parliamentary procedures to new Parliamentarians<sup>377</sup>. We therefore recommend that UPR Info and the IPU organize more workshops with parliamentary staff and that MPs participate in training organized by UPR stakeholders when the opportunity arises. Regarding the workshops organized by UPR Info for MPs, we recommend that it organizes workshops at the beginning of each new legislature so that new MPs are aware of the UPR and get involved at an early stage of the cycle. Secondly, it's important to hold a workshop at the start of each UPR cycle to inform MPs about the next steps of the UPR and the role they can play in this mechanism. Finally, a workshop should be organized after the country review to help Parliamentarians implement the recommendations. The first workshop could be organized by UPR Info to provide information on the UPR in its entirety. The following more specific workshops could be organized by national stakeholders such as NHRIs and CSOs, in collaboration with UPR Info if possible.

Then, we recommend that countries that do not already have one set up a parliamentary human rights committee equipped with all the necessary functions to ensure respect of human rights in the country. This type of parliamentary committee will allow the country to have a framework dedicated to human rights issues, and in particular the UPR recommendations. Furthermore, we recommend that it be consulted, as well as the CSOs, for the preparation of the National report submitted before the review, and that it maintains contacts with the government via the NMRF, to be created if none exist and in which it must actively engage. We also recommend that this parliamentary committee collaborates regularly with the country's NHRI if it exists and with the CSOs. In its relations with NHRIs (which

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<sup>376</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>377</sup> Ibid.

must be created and respect the Paris principles), we recommend that it apply the Belgrade principles.

If such a parliamentary committee cannot be created, we still recommend that MPs collaborate with CSOs and NHRIs and take the initiative to take an interest in the UPR process. Their consultation for the preparation of the National report before their country's review is essential. As discussed with Mr. Huizenga, it is important for the National report to be seen by Parliamentarians, and ideally for them to be able to modify it if the country's constitution allows<sup>378</sup>.

It might also be interesting to leave a section which the government cannot modify in the National report and dedicated to parliamentary comments on, for example, challenges encountered in implementing UPR recommendations. This could allow them to feel more involved with the UPR and to learn more about the issues addressed. We then recommend that they encourage the government to consult other stakeholders in the UPR, such as the CSOs, before submitting the National report. During the review, we recommend that the government consult Parliament on recommendations requiring parliamentary action before deciding which recommendations it will support or note. After the review, we recommend that Parliamentarians discuss with the government and the leader of the national delegation to debrief the outcomes of the UPR Working Group process and we recommend that they discuss the UPR recommendations in parliamentary debates. We also suggest that they oversee the government's action when it implements UPR recommendations and that they take part in this implementation. It would be useful for Parliamentarians to push their State to develop a national action plan specifying, among other things, the modalities for implementing the UPR recommendations.

According to Mr. Huizenga, the IPU is trying to help Parliamentarians engage in the implementation of recommendations but some recommendations are not SMART and are not written with Parliamentarians in mind, making it difficult to identify the UPR stakeholders needed for their implementation<sup>379</sup>. He therefore suggested improving the formulation of the

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<sup>378</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>379</sup> Ibid.

recommendations by clustering them according to the type of stakeholder needed to implement them, so that Parliamentarians know directly which recommendations require parliamentary action to be implemented<sup>380</sup>. We therefore recommend that States and other UPR stakeholders systematically organize this type of clustering when drafting their recommendations for other States and this should be incorporated into the States National Action Plan.

We recommend that States include Parliamentarians from both ruling and opposition parties in the national delegation they send during the UPR process as they may have different views on the human rights situation<sup>381</sup>. Ideally, we recommend that they allow this delegation to be headed by a Parliamentarian in order to strengthen their role in the UPR. The State could also let a MP present the National report. As a last resort, we recommend that they participate in the Working Group session as observers. According to our interview with Mr. Huizenga, the fact that Parliamentarians are present at their country's review enables them to see how their government presents the report, how it is received by the council, what feedback is given to the report, and which areas need further action<sup>382</sup>. It allows them to be more involved in the UPR and to see where their role is important. If Parliamentarians cannot travel to Geneva, an online transcription and recording of their country's review should be organized by Parliament so that they can follow it remotely.

Once Parliamentarians have been made aware of the UPR, they should in turn actively seek to get involved by familiarizing themselves with the information available on OHCHR websites concerning parliamentary engagement<sup>383</sup>, taking into account that most UPR recommendations require parliamentary action<sup>384</sup>, and, for instance, encouraging their governments to include a section, either in the report or as an annex that permits to offer a parliamentary judgment or perspective<sup>385</sup>, seeking updates on the implementation status of

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<sup>380</sup> Ibid.

<sup>381</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>382</sup> Ibid.

<sup>383</sup> OHCHR, 'Parliaments'. ohchr.org. URL : <https://www.ohchr.org/en/hr-bodies/upr/parliaments> (accessed 01/03/2024).

<sup>384</sup> IPU & OHCHR, 'Parliamentary engagement on human rights: Identifying good practices and new opportunities for action'. ohchr.org, p. 4. URL : [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good\\_practices\\_recommendations.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good_practices_recommendations.pdf) (accessed 12/04/2024).

<sup>385</sup> Ibid, p.3.

recommendations<sup>386</sup>, or conducting in-depth research on human rights issues. We also suggest that Parliamentarians engaged in human rights and more precisely in the UPR mechanism, first create a national network, before contributing to the international one offered by the IPU. They can also use regional networks (such as the African Parliamentary Union) to exchange best practices. Besides, we recommend that the HRC continue to produce studies or resolutions on parliamentary engagement in the UPR in order to share at the international level what Parliamentarians do as work within the framework of the UPR.

Furthermore, to obtain evidence-based information and effectively represent the people on human rights topics, Parliamentarians should strengthen their efforts to establish strong links with stakeholders including academia, civil society, and public at large<sup>387</sup>.

Accordingly, every role Parliamentarians have should be highlighted and brought forward. There is a tendency, observed during interviews and in the recommendations we identified, to overly concentrate attention on the Parliament's role for the adoption of laws, neglecting in some way their budget allocation and oversight role, that is equally important. Therefore, in the vulgarization of recommendations, those roles should be taken into account as well. As previously noted in our limitations section, while the recommendations we've pinpointed as necessitating direct parliamentary action primarily involve their legislative duties, other recommendations indirectly involving them highlight the significance of their oversight and budgetary responsibilities, which can play a more prominent role in complementing the comprehensive implementation process. Thus, for example, in the methodology provided by UPR Info to UPR stakeholders, it would be interesting to encourage them to draft more recommendations that target Parliament's other roles, thanks to the use of verbs such as “allocate”, “resource” or “oversight”.

Then, we recommend that CSOs and NHRIs carry out regular advocacy activities with Parliamentarians in their country to inform them of the UPR process and that they link the recommendations to the SDGs to which Parliamentarians are most sensitive during their

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<sup>386</sup> Ibid, p.4.

<sup>387</sup> IPU & OHCHR, ‘Parliamentary engagement on human rights: Identifying good practices and new opportunities for action’. ohchr.org, p. 5. URL : [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good\\_practices\\_recommendations.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good_practices_recommendations.pdf) (accessed 12/04/2024).

activities with Parliamentarians, in order to reach them more effectively. We also recommend that CSOs, when they have the means to do so, raise Parliamentarians' awareness of the subjects covered by the UPR recommendations repeated in each cycle. Then, we recommend that CSOs and NHRIs popularize the recommendations for Parliamentarians at the end of each UPR cycle. We also recommend that CSOs and NHRIs share their assessment of the implementation of the recommendations with Parliamentarians and invite them to participate in the drafting of the mid-term report. Thus, we recommend that Parliamentarians maintain a constant dialogue with CSOs and NHRIs and schedule sessions to debate the reports or recommendations made by these stakeholders to the UPR.

We recommend that CSOs and NHRIs from all countries share their good practices with each other to raise awareness among Parliamentarians of the importance of their engagement in the UPR. To do this, we recommend that UPR Info or any other body capable of doing so create a platform allowing CSOs and NHRIs to share their good practices on a voluntary basis.

Further, we recommend that the IPU, as a major place for meetings between Parliamentarians, organize regular information sessions on the UPR for all Parliamentarians. Indeed, as discussed with Mr. Huizenga, the IPU organizes online briefings with countries recently reviewed or soon to be reviewed<sup>388</sup>. This enables Parliamentarians to discuss their experience of the UPR and share best practices. In addition, the IPU organizes workshops on the UPR with Parliamentarians from OIF and Commonwealth member countries. We therefore recommend that the IPU extend these workshops to a maximum number of Parliamentarians from all countries, as Western countries, for example, often have the impression that human rights are a matter for other countries and that they have little to improve in their own countries, leading them to pay less attention to the UPR<sup>389</sup>.

Finally, we generally recommend examining the good practices of the other countries and the ones contained in reports produced by different organizations – including UPR Info and the HRC resolutions – and seek to enhance their practices where necessary. Accordingly,

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<sup>388</sup> Interview with Mr. Huizenga, May 16, 2024, Head of the Human Rights Program, Inter-Parliamentary Union.

<sup>389</sup> Ibid.

we suggest that Parliamentarians engage in conversations with international partners and other countries to share their best practices. Ultimately, we recommend that the Parliaments work on systematically sharing its good practices with both UPR Info and IPU to give visibility to those good examples<sup>390</sup>.

To summarize, we recommend that Parliamentarians become more engaged in each stage of the UPR in order to strengthen human rights in their country and ensure the success of the UPR.

## 7. Conclusion

In conclusion, this collaborative research project examines the role of Parliamentarians in advancing human rights through their engagement in the UPR process with a special focus on Côte d'Ivoire and Nepal. The objective of this project is to gain insights on existing systems within these countries and through our analyses identify challenges that hinder parliamentary engagement in the UPR. This report emphasizes the importance of parliamentary engagement in promoting human rights at the domestic level by conducting an in-depth study of recommendations requiring parliamentary action and detailed case studies of Côte d'Ivoire and Nepal. Interviews with relevant stakeholders were also used to gather high-quality information.

The research conclusively shows that strengthening parliamentary participation in the UPR process is crucial for effective implementation of human rights recommendations. The suggestions in this report provide an approach for using parliamentary mechanisms to uphold human rights standards, strengthen accountability, and foster collaboration among Parliamentarians, civil society organizations, and National Human Rights Institutions.

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<sup>390</sup> IPU & OHCHR, 'Parliamentary engagement on human rights: Identifying good practices and new opportunities for action'. ohchr.org, p. 4. URL : [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good\\_practices\\_recommendations.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Parliaments/Good_practices_recommendations.pdf) (accessed 12/04/2024).

One of the key recommendations is the establishment of parliamentary human rights committees equipped with the necessary functions to address human rights issues. These committees serve as vital platforms for parliamentary oversight, engagement with relevant stakeholders, and the implementation of UPR recommendations. Moreover, continuous and qualitative collaboration between MPs, CSOs, and NHRIs is crucial for fostering a holistic approach to human rights promotion.

It is critical that Parliamentarians participate in the UPR process by taking part in drawing up the National Report, reviewing recommendations, and participating in legislative discussions. Parliamentarians play an important role in introducing measures to ensure compliance with international human rights norms, and they should compile their own reports on UPR implementation efforts. Furthermore, their involvement in the state delegation and Working Group sessions is critical to ensure parliamentary oversight and responsibility during the UPR process.

Then, it is important that CSOs and NHRIs establish strong working relationships with Parliamentarians, initiate advocacy campaigns, and share best practices to improve parliamentary engagement in human rights promotion. UPR Info could organize platforms for the voluntary sharing of best practices to allow information exchange and capacity building among stakeholders.

Country-specific recommendations provided for Côte d'Ivoire and Nepal highlight the importance of tailored approaches to parliamentary engagement in the UPR process. From ensuring parliamentary representation in state delegations to establishing national mechanisms for follow-up and reporting, these recommendations underscore the need for context-specific strategies to effectively integrate Parliamentarians into the UPR process.

To summarize, this research emphasizes the importance of increasing parliamentary participation in the UPR process in order to boost domestic human rights promotion efforts. Countries can maximize the capacity of Parliamentarians to advance human rights, establish accountability, and build reliable UPR implementation systems by implementing the principles indicated above. Members of Parliament, civil society organizations, and



International organizations working together can make significant strides toward the achievement of various human rights.

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## 9. Appendices

### 9.1. Appendix relating to keywords and their use in the UPR Info's Database

The list of keywords used in the database is as follows :

#### Individual verbs :

"ratify" OR "establish" OR "accede" OR "revise" OR "align" OR "comply" OR "reform" OR "modify" OR "revoke" OR "prohibit" OR "adopt" OR "abolish" OR "repeal" OR "decriminalize" OR "criminalize" OR "define" OR "incorporate" OR "harmonize" OR "vote" OR "amend" OR "legislate" OR "enforce" OR "enact" OR "penalize" OR "adoption" OR "define" OR "allocate" OR "resource" OR "scrutinize" OR "review" OR "monitor" OR "investigate"

#### Combination of words :

"bring" AND "line"

"take" AND "measures"

"legislation" AND "measures"

"rescind" AND "law"

"draft" AND "law"

"ensure" AND "legislation"

"provide" AND "resources"

"increase" AND "resources"

"introduce" AND "law" AND "legislation"

"introduce" AND "law" AND "legal"

"introduce" AND "legislation" AND "legal"

"introduce" AND "law" AND "legislative"

"introduce" AND "legal" AND "legislative"

"introduce" AND "legislation" AND "legislative"

"introduce" AND "law" AND "legislation" AND "legal" AND "legislative"

"introduce" AND "law" NOT "legal" NOT "legislation" NOT "legislative"

"introduce" AND "legal" NOT "law" NOT "legislation" NOT "legislative"

"introduce" AND "legislation" NOT "law" NOT "legal" NOT "legislative"

"introduce" AND "legislative" NOT "law" NOT "legal" NOT "legislation"

"pass AND legislation NOT law"

"pass" AND "law" NOT "legislation"

"pass" AND "law" AND "legislation"

"pass" AND "laws"

The blue category is equivalent to the legislative role of Parliaments.

The green category is equivalent to the oversight role of Parliaments.

The yellow category is equivalent to the budget allocation role of Parliaments.

When a recommendation corresponds simultaneously to two roles of Parliament, the two colors have been integrated. For example, a recommendation with the two verbs “review” and “adopt” will take the blue and green colors.

When the words "take" and "measures", which as explained in the limitations of the methodology can be ambiguous, are accompanied by another keyword, the color corresponds to the category of this other keyword which is not ambiguous. For example, recommendation 140.67 supported by Côte d'Ivoire and reading as follows: "Review all legal provisions that impede the equal participation and advancement of women in public and political affairs, take appropriate measures to guarantee better participation of women in public affairs and encourage women to stand for election to political positions" includes the keywords "take" and "measures" as well as "review". The color chosen is therefore green which corresponds to the oversight role of Parliament.

Moreover, some recommendations may have a verb corresponding to a color but not be in that color. For example, recommendation 127.53 of Gambia’s third cycle reads: "Modify or repeal the laws that restrict freedom of expression and complete the process of legislative reform in line with the review carried out by the national media law review committee". Despite the presence of the verb "review", this recommendation remains in blue because it

corresponds to the legislative role of Parliament. Particular attention was therefore given to each individual recommendation.

## 9.2. Recommendations requiring parliamentary action received by Côte d'Ivoire during the third UPR cycle

The colors correspond to the explanation given in Appendix 9.1.

Title	Recommendation	Recommending State	Action Category	Response	Issues
140.158	Outlaw domestic violence and penalize marital rape	Iceland	5 - Specific action	Supported	Women's rights Rights of the Child
140.160	Take steps to criminalize domestic violence and repeal all discriminatory laws that impede the advancement of women in public and political affairs	India	4 - General action	Supported	Women's rights Rights of the Child
140.174	Criminalize explicitly domestic violence and conjugal rape	Paraguay	5 - Specific action	Supported	Women's rights Rights of the Child
140.31	Accelerate the ongoing process to harmonize national legislation with the provisions of international human rights treaties	Zimbabwe	4 - General action	Supported	International instruments
140.85	Allocate greater resources to combat sexual violence, including by armed forces personnel, and to prosecute perpetrators	Australia	5 - Specific action	Supported	Women's rights Rights of the Child
140.97	Continue efforts to reform the judiciary and penitentiary system	Morocco	2 - Continuing action	Supported	Justice
140.88	Consider the adoption of additional measures aimed at reinforcing the independence of the judiciary	Brazil	3 - Considering action	Supported	Justice



140.125	Adopt all necessary measures to provide a safe environment for freedom of expression for those who protect and promote human rights, in particular human rights defenders and journalists, including measures to investigate and prosecute all acts of violence against them	Argentina	4 - General action	Supported	Human rights defenders Freedom of opinion and expression Freedom of the press
140.12	Intensify efforts to accede to the International Convention for the Protection of All Persons from Enforced Disappearance	Iraq	4 - General action	Supported	Enforced disappearances International instruments
140.110	Ensure freedom of expression and assembly, prosecute and convict perpetrators of harassment and threats against independent journalists and bloggers, and take effective measures to enforce the act on the protection of human rights defenders	Czechia	4 - General action	Supported	Freedom of opinion and expression Human rights defenders Freedom of the press
140.107	Investigate thoroughly allegations of torture and ill-treatment by the police, security and defence forces and prosecute the perpetrators	Zambia	5 - Specific action	Supported	Human rights violations by state agents Torture and other CID treatment
140.146	Continue strengthening the right to education for persons with disabilities by ensuring that they are integrated in the traditional school system and they participate actively in community life, and allocate sufficient resources to this end	Djibouti	2 - Continuing action	Supported	Right to education Disability rights
140.115	Align all provisions in the Criminal Code and the law on the press which currently restrict the right to freedom of expression with international and regional human rights law, in line with Sustainable Development Goal 16	Netherlands	5 - Specific action	Supported	Freedom of opinion and expression International instruments Freedom of the press Right to development

140.24	Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Sierra Leone	5 - Specific action	Supported	Death penalty International instruments
140.191	Enforce Law No. 98-757 of 23 December 1998 on the punishment of certain forms of violence against women and raise awareness of the harmful effects of female genital mutilation and the penalties incurred by perpetrators of female genital mutilation	Australia	5 - Specific action	Supported	Torture and other CID treatment Women's rights Rights of the Child
140.75	Amend provisions in the Criminal Code and the law on the press to provide the right to freedom of expression without fear of reprisals, arrest or detention	Maldives	5 - Specific action	Supported	Freedom of opinion and expression Freedom of the press
140.37	Reform the Independent Electoral Commission and ensure the free, open and transparent nature of future elections, in compliance with the decisions of the African Court on Human and Peoples' Rights	Croatia	5 - Specific action	Supported	Elections
140.73	Investigate all allegations of extrajudicial killings, enforced disappearance and torture carried out by the police, security and defence forces, bring the perpetrators to justice and compensate the victims	Czechia	4 - General action	Supported	Enforced disappearances Human rights violations by state agents Torture and other CID treatment Extrajudicial executions
140.170	Adopt and implement new laws aimed at promoting the empowerment of women, including their political participation	Canada	5 - Specific action	Supported	Women's rights
140.36	Adopt a national policy on the promotion and protection of the rights of children and young people	Bulgaria	5 - Specific action	Supported	Rights of the Child

140.212	Continue the work on the continental and subregional initiatives in the area of statelessness through the adoption and implementation of the national action plan on statelessness, in accordance with the commitment made in the Abidjan Declaration and target 16.9 of the Sustainable Development Goals	Switzerland	2 - Continuing action	Supported	Right to development
140.41	Adopt measures to guarantee appropriate financial resources for and the full independence of the National Human Rights Council	Ghana	4 - General action	Supported	National Human Rights Institution
140.82	Adopt the legislative and political measures necessary to combat domestic and gender violence, ensuring legal and psychosocial protection to victims	Chile	4 - General action	Supported	Women's rights Rights of the Child
140.54	Adopt laws on the protection of human rights defenders and the protection of witnesses and victims in judicial proceedings relating to the conflict	Paraguay	5 - Specific action	Supported	Justice
140.83	Adopt the necessary measures for the implementation of the crime of torture as a specific crime, in accordance with the provisions of the Convention against Torture	Uruguay	5 - Specific action	Supported	Torture and other CID treatment International instruments
140.28	Adopt measures to effectively implement the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention)	Uganda	5 - Specific action	Supported	International instruments Internally displaced persons
140.21	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Portugal	5 - Specific action	Supported	Enforced disappearances International instruments
140.20	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Portugal	5 - Specific action	Supported	International instruments ESC rights - general

140.26	Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities	Togo	5 - Specific action	Supported	Disability rights International instruments
140.89	Adopt the necessary measures to guarantee the independence of the judicial system and the impartiality of its decisions, respect for human rights by law enforcement authorities and the fight against corruption	Ecuador	4 - General action	Supported	Justice
140.1.3	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Togo	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.1.4	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Montenegro	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.1.7	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Brazil	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.32	Take the necessary measures to ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Argentina	4 - General action	Supported	Enforced disappearances International instruments
140.1.1	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Chile	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.1.2	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Senegal	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention

140.1.5	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Germany	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.1.6	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Denmark	5 - Specific action	Supported	International instruments Torture and other CID treatment Detention
140.19	Ratify the third Optional Protocol to the Convention of the Rights of the Child on a communications procedure	Portugal	5 - Specific action	Supported	International instruments Rights of the Child
141.7.2	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Senegal	5 - Specific action	Supported	Migrants International instruments Labour rights
141.7.3	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Rwanda	5 - Specific action	Supported	Migrants International instruments Labour rights
141.7.4	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Azerbaijan	5 - Specific action	Supported	Migrants International instruments Labour rights
141.7.5	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Madagascar	5 - Specific action	Supported	Migrants International instruments Labour rights
141.7.1	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Paraguay	5 - Specific action	Supported	Migrants International instruments Labour rights
140.9.1	Ratify the Second Optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Paraguay	5 - Specific action	Supported	Death penalty International instruments

140.9.2	Ratify the Second Optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Togo	5 - Specific action	Supported	Death penalty International instruments
141.4	Continue with the ongoing efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ghana	2 - Continuing action	Supported	Migrants International instruments Labour rights
140.22	Adopt concrete measures to ensure the application of the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and continue implementing the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness	Chad		Supported	International instruments
141.5	Ratify the main human rights treaties to which it is not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Honduras	5 - Specific action	Supported	International instruments Migrants Labour rights
140.3	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously recommended, as well as the International Convention for the Protection of All Persons from Enforced Disappearance	Czechia	5 - Specific action	Supported	Enforced disappearances International instruments Torture and other CID treatment

140.29	Ratify key human rights treaties, including the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ukraine	5 - Specific action	Supported	International instruments Enforced disappearances International humanitarian law Torture and other CID treatment
140.25	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention on the Rights of Persons with Disabilities	Spain	5 - Specific action	Supported	International instruments Rights of the Child ESC rights - general
140.100	Take measures to improve the situation in prisons and to reduce overcrowding	Spain	4 - General action	Supported	Detention
140.111	Take measures to guarantee that the next elections are credible and transparent	France	4 - General action	Supported	Elections
140.113	Take all appropriate measures to ensure that the upcoming electoral process is transparent and inclusive	Italy	4 - General action	Supported	Elections
140.35	Take appropriate measures to provide sufficient financial resources and full independence to the National Human Rights Council	Bulgaria	4 - General action	Supported	National Human Rights Institution
140.193	Take further measures to protect and promote the rights of women and children, particularly access for girls to schools	Bhutan	4 - General action	Supported	Right to education Women's rights Rights of the Child

140.195	Continue to take effective measures in order to end child labour, for example in the agriculture and mining sectors	Germany	2 - Continuing action	Supported	Rights of the Child Labour rights Business and human rights
140.169	Take further measures aimed at eliminating harmful practices, especially female genital mutilation, that violate the rights of women and girls	Namibia	4 - General action	Supported	Torture and other CID treatment Women's rights Rights of the Child
140.69	Take measures to protect persons with albinism in law and in practice against all kinds of discrimination and human rights violations	Portugal	4 - General action	Supported	Minority rights
140.109	Take measures and provide the necessary means to facilitate access to justice for victims of sexual violence and improve legal and judicial support for these victims	Belgium	4 - General action	Supported	Access to justice Women's rights Rights of the Child Gender-based violence
140.110	Ensure freedom of expression and assembly, prosecute and convict perpetrators of harassment and threats against independent journalists and bloggers, and take effective measures to enforce the act on the protection of human rights defenders	Czechia	4 - General action	Supported	Freedom of opinion and expression Human rights defenders Freedom of the press
140.67	Review all legal provisions that impede the equal participation and advancement of women in public and political affairs, take appropriate measures to guarantee better participation of women in public affairs and encourage women to stand for election to political positions	Bulgaria	3 - Considering action	Supported	Women's rights Elections



140.179	Strengthen measures to combat discrimination and violence against women, including through the implementation of relevant laws, eliminating any loopholes in national legislation that might undermine the protection of women's rights and addressing discriminatory stereotypes that affect women	Rwanda	4 - General action	Supported	Women's rights
140.47	Provide the necessary resources to the national programme for strengthening and promoting human rights	Jordan	4 - General action	Supported	National Human Rights Institution General
140.52	Ensure the full cooperation of the National Rights Council and provide it with commensurate resources	Namibia	4 - General action	Supported	National Human Rights Institution
140.143	Increase significantly financial resources in the health sector	Democratic Republic of Congo	4 - General action	Supported	Right to health
Title	Recommendation	Recommending State	Action Category	Response	Issues
142.14	Repeal circular No. 10 of 26 of September 2017 on the punishment of offences committed by minors	Belgium	5 - Specific action	Noted	Rights of the Child
142.10	Take the necessary measures to modify the provisions of article 36 of the Criminal Code, as well as the other provisions of its legislation that are discriminatory on the grounds of sexual orientation and gender identity	Argentina	4 - General action	Noted	Sexual Orientation and Gender Identity
142.3	Enact legislation protecting the rights of lesbian, gay, bisexual, transgender and intersex individuals, including expanding non-discrimination laws to include discrimination based on sexual orientation and gender identity	Iceland	5 - Specific action	Noted	Sexual Orientation and Gender Identity Disability rights

142.5	Ensure that law enforcement officers comply with laws protecting the rights of lesbian, gay, bisexual, transgender and intersex individuals and undertake awareness-raising campaigns to combat the stigmatization of lesbian, gay, bisexual, transgender and intersex persons	Iceland	4 - General action	Noted	Human rights education and training Sexual Orientation and Gender Identity
142.8	Repeal the provisions in the penal legislation which are discriminatory on the grounds of sexual orientation or gender identity, in particular article 360 of the Criminal Code	Chile	5 - Specific action	Noted	Sexual Orientation and Gender Identity
142.13	Amend provisions in the Criminal Code and the law on the press that unduly restrict freedom of expression, such as criminal libel and penalties for insulting the Head of State	United States	5 - Specific action	Noted	Freedom of opinion and expression Freedom of the press
142.7	Amend article 360 of the Criminal Code and other provisions of its legislation which discriminate against persons on the grounds of sexual orientation and gender identity, in line with Sustainable Development Goals 5 and 10	Netherlands	5 - Specific action	Noted	Sexual Orientation and Gender Identity International instruments Right to development
141.11	Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections	United Kingdom	5 - Specific action	Noted	Treaty bodies
142.6	Amend all legislation that discriminates on the basis of sexual orientation or gender identity, including article 360 of the Criminal Code, and take concrete steps to protect lesbian, gay, bisexual, transgender and intersex individuals from acts of violence, discrimination and harassment	Ireland	5 - Specific action	Noted	Sexual Orientation and Gender Identity

141.1	Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization	Denmark	5 - Specific action	Noted	International instruments Indigenous peoples Labour rights
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### 9.3. Recommendations requiring parliamentary action received by Nepal during the third UPR cycle

The colors correspond to the explanation given in Appendix 9.1.

Title	Recommendation	Recommending State	Action Category	Response	Issues
159.176	Amend the Citizenship Act to enable citizenship documentation at birth and to repeal gender discriminatory provisions	Germany	5 - Specific action	Supported	Women's rights
159.29	Strictly comply with international human rights standards in elaborating, implementing and revising policy and legislation	Ukraine	4 - General action	Supported	International instruments
159.159	Fully enforce the law and strengthen policy measures with a view to eliminating harmful traditional practices	Bahamas	4 - General action	Supported	Torture and other CID treatment Indigenous peoples
159.135	Decriminalize abortion and concretely protect the rights and sexual and reproductive health of women and girls	France	5 - Specific action	Supported	Women's rights Rights of the Child
159.25.8	Further strengthen the National Human Rights Commission, including through the adoption of appropriate legislation	Sri Lanka	5 - Specific action	Supported	National Human Rights Institution
159.168	Expedite the adoption of a national action plan on gender empowerment and include measures to combat gender-based violence	Cyprus	5 - Specific action	Supported	Women's rights

159.98	Revise the Human Trafficking and Transportation (Control) Act to bring the definition of human trafficking into line with international law and to include all aspects of human trafficking	Armenia	5 - Specific action	Supported	Trafficking Labour rights
159.103	Harmonize the Foreign Employment Act and the Human Trafficking and Transportation (Control) Act to ensure consistency with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	United Kingdom	5 - Specific action	Supported	Women's rights Rights of the Child Trafficking International instruments Labour rights Migrants
159.189	Allocate sufficient funds and facilities for shelters and one-stop crisis management centres for victims and survivors of all forms of gender-based violence and trafficking in persons	Myanmar	5 - Specific action	Supported	Women's rights Trafficking
159.67	Pass a bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in order to ensure the effective functioning of the Commission	Norway	5 - Specific action	Supported	Enforced disappearances Justice
159.193	Amend the provisions of its normative framework that contravene the Convention on the Elimination of All Forms of Discrimination against Women in order to guarantee a non-discriminatory approach to the granting of citizenship	Panama	5 - Specific action	Supported	International instruments Women's rights
159.72	Amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, thereby addressing the demands of victim groups, to ensure victims of conflict-era violations and abuses are meaningfully engaged in the transitional justice process	United Kingdom	5 - Specific action	Supported	Enforced disappearances Justice
159.172	Adopt policies to protect and provide justice for women and girls, especially those from minority communities	Estonia	5 - Specific action	Supported	Women's rights Minority rights Rights of the Child

159.9	Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections	United Kingdom	5 - Specific action	Supported	Treaty Bodies Elections
159.3	Ratify the Treaty on the Prohibition of Nuclear Weapons	Honduras	5 - Specific action	Supported	International instruments International humanitarian law
159.199	Take additional measures to tackle the increase of violence against women and girls in order to fight against the increase of these cases registered over the last years, including domestic violence, and to continue to prohibit harmful practices with no legal sanction – the law on violence using acid is a good example	Spain	3 - Considering action	Supported	Women's rights Rights of the Child
159.71	Adopt, on the basis of transparent and inclusive consultations, a holistic transitional justice strategy, combining fact-finding, justice, reparations and guarantees of non-repetition, as well as institutional reforms	Switzerland	5 - Specific action	Supported	Justice
159.217	Adopt complementary measures to strengthen the national action plan for eradicating the worst forms of child labour before 2028, prioritizing the eradication of the most dangerous conditions of labour for children	Spain	4 - General action	Supported	Rights of the Child Labour rights
159.169	Adopt comprehensive legislation banning gender-based discrimination; take effective measures to end gender-based violence, trafficking in women and girls, and sexual exploitation; provide sufficient numbers of safe shelters and other necessary services for victims	Czechia	4 - General action	Supported	Women's rights Trafficking Rights of the Child
159.7	Ratify the main international treaties on human rights that have still not been ratified to ensure progress on Sustainable Development Goals 5, 11, 13 and 16	Paraguay	5 - Specific action	Supported	International instruments Right to development

159.173	Adopt legislation that prohibits all forms of violence against women and girls to ensure that all cases are investigated and perpetrators brought to justice and that victims receive compensation, as well as strengthen awareness- raising programmes on harmful practices related to women and girls, like chhaupadi, child marriage, dowries, son preference, polygamy and witchcraft	Finland	5 - Specific action	Supported	Women's rights Rights of the Child Human rights education and training
159.63	Bring the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in line with the Supreme Court's ruling of 26 February 2015 to deliver meaningful results on truth, justice and reconciliation	Canada	5 - Specific action	Supported	Enforced disappearances Justice
159.178	Take measures to further promote gender equality	India	4 - General action	Supported	Women's rights
159.25.5	Strengthen further the National Human Rights Commission and continue to take measures for protecting women rights	Pakistan	4 - General action	Supported	Women's rights
159.42	Take the necessary measures to advance in the fight against discrimination in all its forms, in particular racial and caste discrimination	Argentina	4 - General action	Supported	Racial discrimination
159.23	Continue to take measures necessary for aligning the National Human Rights Commission Act with the elevated status of the National Human Rights Commission	Georgia	2 - Continuing action	Supported	National Human Rights Institution
159.68	Take necessary measures to guarantee the independence of the Truth and Reconciliation Commission and to ensure that perpetrators of human rights violations are brought to justice	Republic of Korea	4 - General action	Supported	Justice
159.220	Take the necessary measures to protect ethnic and caste minorities, namely from excessive use of force by the police and alleged torture in custody, and punish perpetrators	Portugal	4 - General action	Supported	Torture and other CID treatment Minority rights Racial discrimination Human rights violations by state agents

159.183	Prevent and combat all forms of violence against women and girls, including child, early and forced marriage and other harmful practices, and take further measures to fight domestic violence	Italy	5 - Specific action	Supported	Women's rights Rights of the Child
159.66	Take appropriate measures to effectively address the cases related to violations of human rights and international humanitarian law that occurred during the conflict and provide justice to the victims	Italy	4 - General action	Supported	Justice International humanitarian law
159.105	Continue to take measures to further strengthen implementation of the Right to Employment Act and the contributory social security system and, in particular, implement targeted interventions for vulnerable groups	Bhutan	2 - Continuing action	Supported	Labour rights ESC rights - general
159.83	Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, especially women human rights defenders, free from persecution, intimidation and harassment, and to relax the requirements for registering NGOs	Latvia	4 - General action	Supported	Civil society Women's rights Human rights defenders
159.140	Take all necessary measures to strengthen the promotion and protection of the human rights and dignity of older persons, particularly in the current situation of extreme vulnerability they face in the context of the COVID- 19 pandemic	Argentina	4 - General action	Supported	Detention
159.80	Take all necessary measures, in particular at the legislative level, in order to protect the rights of persons from religious minorities and in order to guarantee freedom of religion or belief in law and in practice, in accordance with international human rights law	Haiti	4 - General action	Supported	Freedom of religion and belief Minority rights Racial discrimination Freedom of opinion and expression Freedom of association and peaceful assembly

159.150	Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to the Dalit community, underrepresented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions	Finland	4 - General action	Supported	Right to education Women's rights Indigenous peoples Minority rights Rights of the Child Disability rights Labour rights
159.214	Ensure that existing legislation prohibiting child labour is fully implemented and its enforcement monitored	Marshall Islands	4 - General action	Supported	Rights of the Child Labour rights
159.74	Ensure that legislation on cybersecurity guarantees the rights of access to information and freedom of expression	Chile	4 - General action	Supported	Freedom of opinion and expression Freedom of association and peaceful assembly
159.219	Ensure that the rights of indigenous communities regarding the use of their land are upheld through the revision of the legislation on this matter	Marshall Islands		Supported	Right to land Indigenous peoples
159.93	Continue to strengthen efforts to prevent trafficking in persons, slavery, sexual exploitation and forced labour, and ensure effective implementation of standard operating procedures to address early identification of trafficking victims and provide adequate resources to rehabilitation centres for trafficking victims	Fiji	2 - Continuing action	Supported	Trafficking Labour rights
Title	Recommendation	Recommending State	Action Category	Response	Issues
159.19.2	Accede to the Rome Statute of the International Criminal Court and incorporate its provisions into national legislation, as previously recommended	Estonia	5 - Specific action	Noted	International instruments Justice



159.57	Revise the draft anti-torture bill to comply fully with international standards, including by removing the statute of limitations and providing for all five forms of reparation	Ireland	5 - Specific action	Noted	Torture and other CID treatment
159.175	Abolish the statute of limitations for rape, bring existing legislation on rape into accordance with international standards, and enforce legislation on domestic violence and harmful practices	Germany	5 - Specific action	Noted	Women's rights Rights of the Child
159.76	Repeal or amend sections 155, 156 and 158 of the Penal Code so it is consistent with the International Covenant on Civil and Political Rights	Denmark	5 - Specific action	Noted	International instruments
159.19.3	Ratify and fully align its national legislation with all the obligations under the Rome Statute of the International Criminal Court, as previously recommended	Latvia	5 - Specific action	Noted	International instruments Justice UPR process
159.31	Amend the legislation that generates discrimination on grounds of sexual orientation and gender identity and review the definition of marriage in the Civil Code to guarantee equal access to this right	Uruguay	5 - Specific action	Noted	Sexual Orientation and Gender Identity
159.2	Accede to the Convention on Cluster Munitions	Holy See	5 - Specific action	Noted	International instruments Labour rights
159.89	Reform the Electronic Transactions Act to eliminate the criminalization of speech	United States	5 - Specific action	Noted	Freedom of opinion and expression
159.19.1	Accede to the Rome Statute of the International Criminal Court	Cyprus	5 - Specific action	Noted	International instruments Justice
159.37	Adopt marriage equality legislation, extending full marriage rights to same-sex couples	Iceland	5 - Specific action	Noted	Sexual Orientation and Gender Identity
159.46	Amend the Civil Code in order to recognize marriages of same-sex couples by strengthening the principles enshrined in the 2015 Constitution to protect the lesbian, gay, bisexual, transgender and intersex community	Spain	5 - Specific action	Noted	Sexual Orientation and Gender Identity

159.86	Amend article 26 of the Constitution to include the right to choose or change one's religion or belief, in accordance with article 18 of the International Covenant on Civil and Political Rights	Netherlands	5 - Specific action	Noted	Freedom of religion and belief International instruments Freedom of opinion and expression
159.4	Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Mongolia	5 - Specific action	Noted	International instruments Torture and other CID treatment Rights of the Child Detention
159.18.1	Ratify the Rome Statute of the International Criminal Court	France	5 - Specific action	Noted	International instruments Justice
159.18.2	Ratify the Rome Statute of the International Criminal Court	Switzerland	5 - Specific action	Noted	International instruments Justice
159.107	Ratify the ILO Domestic Workers Convention, 2011 (No. 189)	Namibia	5 - Specific action	Noted	Labour rights International instruments
159.106	Ratify the ILO Violence and Harassment Convention, 2019 (No. 190)	Namibia	5 - Specific action	Noted	International instruments Labour rights
159.36	Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing direct and indirect discrimination and multiple and intersecting forms of discrimination	Guyana	5 - Specific action	Noted	Women's rights

159.11	Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, introduce new legislation criminalizing torture, ill-treatment and enforced disappearance in all settings and ensure prompt, impartial and independent investigations into all relevant cases and bring perpetrators to justice	Czechia	5 - Specific action	Noted	Enforced disappearances International instruments Torture and other CID treatment Detention
159.16.1	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance	France	5 - Specific action	Noted	Enforced disappearances International instruments
159.16.2	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Japan	5 - Specific action	Noted	Enforced disappearances International instruments
159.231	Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol	Namibia	5 - Specific action	Noted	Asylum-seekers - refugees International instruments Migrants Statelessness and the right to nationality
159.230	Adopt national legislation in accordance with international standards relating to the protection of refugees and put mechanisms in place to ensure respect for the principle of non-refoulement	Afghanistan	5 - Specific action	Noted	Asylum-seekers - refugees Migrants
159.17.3	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Honduras	5 - Specific action	Noted	Enforced disappearances International instruments
159.12.1	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Afghanistan	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention

159.12.2	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Cyprus	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.3	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Denmark	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.4	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Germany	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.5	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Senegal	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.6	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Spain	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.7	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Switzerland	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention
159.12.8	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Timor-Leste	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention

159.20.3	Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Honduras	5 - Specific action	Noted	Migrants International instruments Labour rights
159.13	Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol in conformity with the Sustainable Development Goal 16	Paraguay	5 - Specific action	Noted	International instruments Torture and other CID treatment Detention Right to development
159.229	Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, developing a formal recognition system and complying with the principle of non-refoulement	Holy See	5 - Specific action	Noted	Asylum-seekers - refugees International instruments Statelessness and the right to nationality
159.20.4	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the 1951 Convention relating to the Status of Refugees	Mexico	5 - Specific action	Noted	Asylum-seekers - refugees Migrants International instruments Labour rights Statelessness and the right to nationality
159.6	Ratify the Arms Trade Treaty, the Convention on Cluster Munitions, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Treaty on the Prohibition of Nuclear Weapons	Panama	5 - Specific action	Noted	International instruments Labour rights Public security

159.8	Ratify the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	Switzerland	5 - Specific action	Noted	International humanitarian law International instruments
159.170	Eliminate the statute of limitations for rape and other sexual and gender-based violence in order to bring legislation into line with international standards	Denmark	5 - Specific action	Noted	Women's rights
159.49	Take further measures to combat climate change and natural disasters	Bangladesh	4 - General action	Noted	Environment and human rights Right to development