

# FACTSHEET ON SMART RECOMMENDATIONS TO ADDRESS DESCENT-BASED DISCRIMINATION IN THE UPR PROCESS

This factsheet by Amnesty International gives a brief introduction to states, civil society organizations, community groups, activists, and concerned individuals on how to formulate more useful recommendations to address descent and caste-based discrimination when engaging with the Universal Periodic Review (UPR).

## ABOUT THE UPR

The UPR is an important cyclical mechanism of the UN Human Rights Council (HRC) in which other States review the human rights record of every UN Member State roughly every five years.<sup>1</sup> During the review, States receive recommendations from other States. The receiving State (the “State under Review”) either supports or notes these recommendations.

If a State supports a recommendation made during its UPR, it commits to implementing that recommendation before the next review. Civil society organizations, community groups, and concerned individuals play a key role in the UPR process. The information they provide from the ground gives an alternative point of view to States’ own analyses. They can also suggest recommendations to improve the human rights situation that States can then make during a review.

As these recommendations are the main tool through which the UPR can contribute to improving human rights in the State under Review, States need to make well-structured recommendations that clearly define the actions needed that could lead to improved protection of human rights on the ground. One easy way to do this is to use the **SMART** methodology that is presented below.

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<sup>1</sup> The cycle of reviews last 4.5 years and there is usually a six-month break between cycles.

# WHAT ARE SMART RECOMMENDATIONS?

**SMART** stands for **SPECIFIC, MEASURABLE, ACHIEVABLE, RELEVANT**, and **TIME-BOUND**. While the term has its origins in corporate management, it has also been recognized as a useful approach in the development and public policy sectors. Since these criteria are specially used for objective setting, this factsheet will demonstrate how they can be applied to UPR recommendations to advance the promotion and protection of non-discrimination and access to information.

## SMART UPR RECOMMENDATIONS<sup>2</sup>

To make sure your UPR recommendations are precise and action-oriented, each one should be guided by the following criteria:

### **SPECIFIC**

The specific dimension is meant to address a well-defined action concerning a specific right or violation. A specific recommendation should address the following question: Are the violations and the solutions clearly identifiable in the recommendation?

### **MEASURABLE**

A measurable recommendation is a recommendation that can be assessed. A measurable recommendation should address the following questions: How can I know whether the recommendation was implemented or not? If so, to what extent was it implemented – partly or fully? Did the implementation have the intended effect?

### **ACHIEVABLE**

The achievable aspect is determined by the capacity of a State to comply with the recommendation. Such a limit should be defined only by material means, not by political will. An achievable recommendation should address the following question: Is the recommendation something that the State in question could realistically achieve within the next five years, given budgetary and human resource constraints?

### **RELEVANT**

Relevance refers to the link between the recommendation and the current situation in the country. Relevance also refers to the link between the recommendation and the improvement of human rights on the ground. A relevant recommendation should address the following questions: Is the recommendation providing a solution to an important human rights concern in the State in question? Is it something that local actors and rights-holders would like to see implemented?

### **TIME-BOUND**

Time-bound is related to a time frame during which the recommendation is expected to be implemented. It is understood that all recommendations should be implemented by the next review, but shorter deadlines can be suggested. Is there a clear date that can be identified by which a proposed action should be taken?

<sup>2</sup> This box is adapted from UPR Info, The Butterfly Effect: Spreading Good Practices of UPR Implementation, 2016, [upr-info.org/sites/default/files/documents/2016-11/upr\\_info\\_the\\_butterfly\\_effect\\_2016.pdf](http://upr-info.org/sites/default/files/documents/2016-11/upr_info_the_butterfly_effect_2016.pdf), p. 8.

## WHY MAKE SMART RECOMMENDATIONS?

The UPR can provide a valuable opportunity for states and civil society to engage in constructive dialogue on how to improve human rights situations. Civil society organizations, community groups, and concerned individuals who plan to engage in advocacy before the review can suggest UPR recommendations in their UPR submissions and these can then be used for advocacy with recommending States.

### **Suggesting SMART recommendations is important for two main reasons:**

- (i) SMART recommendations are easier to monitor and this will help you and other civil society actors in your role of holding the State you work on accountable for its human rights commitments
- (ii) SMART recommendations that set out clear actions can help frame the contribution of civil society organizations if they act as implementing partners.

## RELEVANCE TO DESCENT AND CASTE-BASED DISCRIMINATION

The right to equality and non-discrimination plays an enabling role in achieving all human rights. It is closely connected to civil and political rights as well as to economic, social, and cultural rights.

Equality and non-discrimination of all allows access to resources and development including, but not limited to, housing, healthcare, education, water and sanitation, security, political representation, and the process of decision-making in state and private institutions. These rights are unequivocal and necessary to foster dignity and justice. Those living with systemic and intergenerational discriminations are likely to face multiple and disproportionate types of oppression alongside extreme poverty and inequalities.

An estimated 260 million people are affected by descent-based discrimination.<sup>3</sup> Although a significant amount of these populations reside in South Asia, descent and caste-based discrimination remains a pressing human rights issue for many States around the world and requires continued advocacy and campaigning, including for states to make meaningful and SMART UPR recommendations aimed towards improving the protection of descent-based groups and addressing descent and caste-based discrimination in the UPR. These SMART recommendations are intended to protect and promote the rights of minorities.

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<sup>3</sup> <https://doi.org/10.1016/j.worlddev.2018.06.003>

# WHAT TO CONSIDER WHEN USING THE SMART TECHNIQUE?

Human rights concerns can be very diverse, and it is unlikely that a general recommendation will address all the complexities they present. It is useful to keep this in mind when attempting to apply the SMART technique, as it facilitates more deliberate structuring of the recommendations making them both more practical and impactful. However, it is important to use it strategically as some contexts may present complications that need flexibility and ingenuity that go beyond the scope of the SMART technique.

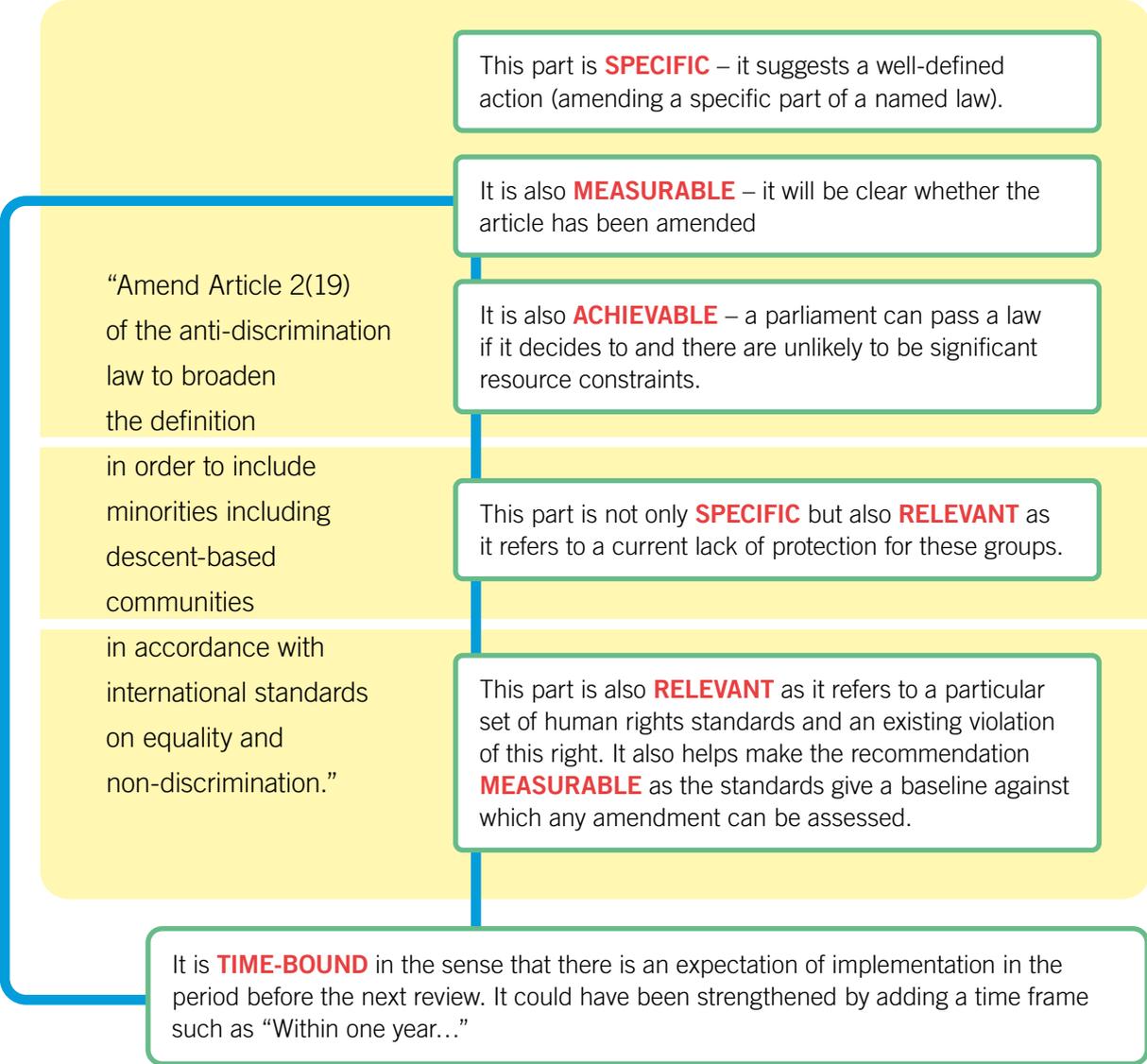


Figure 1: The parts of a SMART recommendation

# APPLYING THE SMART TECHNIQUE FOR UPR RECOMMENDATIONS BASED ON DESCENT AND CASTE

## 1. SPECIFIC

Recommendations will be more effective if they refer to a specific problem or concern and suggest a clear solution or remedy. This could involve naming issues, rights, violations, legislation, policies and the specific steps to be taken. It is good practice to start the recommendation with an appropriate action verb that would help achieve the proposed solution.



Continue to guarantee the rights of religious and ethnic minorities.

Ensure access to justice in particular women and girls, including those belonging to ethnic minorities, and religious minorities.



Without delay, fully integrate the Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal system and stipulate legislative measures to eradicate descent-based discrimination, including full criminalization of perpetrators of hate crimes against descent-based groups.

Ensure fair and time-bound investigation, trial, and adjudication of cases involving minority populations, including those based on caste, to ensure effective and timely access to justice.

## 2. MEASURABLE

Making the realization of a recommendation measurable can make it effective. This can be done by clarifying the steps needed to be taken. Simply stating a goal that is to be achieved without identifying steps can make the recommendations less measurable. A recommendation can also be made more measurable if you add a reference to a baseline against which progress can be assessed. For example, this could be a relevant international standard, an indicator of one of the UN's Sustainable Development Goals, or a numerical target to be reached.



Ensure equal educational opportunities are offered to all students regardless of background.

Continue to make efforts to diversify representation in political positions.



Proportionately increase the annual budget allocation by 10% for affirmative action programmes in secondary and collegiate education specifically targeting communities affected by descent and caste-based discrimination, in particular women and girls.

Reserve 10% of seats under proportional representation in the House of Representatives to be represented by minorities including descent-based groups.

### 3. ACHIEVABLE

The achievability of recommendations varies and is dependent on resources and political will. Setting out actionable recommendations with a series of small steps leading to larger change can be a way to counter pushback in terms of achievability. Bringing national legal structures in line with international human rights standards is an obligation for States and can often be achieved within short time frames. Given the challenges in identifying elements for this category, we have not provided any examples of recommendations to avoid.



Conduct a timely and regular census to capture the disaggregated data of descent-based groups including women and girls to inform policy, programmes, and schemes in areas such as education, healthcare, housing, water and sanitation, and livelihood opportunities.

Submit reports including information on caste and descent-based groups to human rights mechanisms within the deadline, and submit the overdue report to the Committee on the Elimination of Racial Discrimination as soon as possible, and no later than one year from the review.<sup>4</sup>

### 4. RELEVANT

It is useful to make recommendations with clear links between what is proposed and the human rights context in the country as well as progress in the human rights situation in the country. For example, for a country where hate crimes against minorities are a pressing human rights concern, a recommendation to strengthen legislation and mechanisms would not be relevant if no mechanism exists yet. However, a recommendation to create such a mechanism would be relevant. Another aspect to consider is whether the recommendation addresses an issue of importance to local civil society actors and rights-holders.



Continue implementing the legal, policy, and administrative measures to protect the rights of ethnic and caste minorities from excessive use of force by the police.

Set up efforts to decrease the number of torture incidents in custody caused by police force.



To implement protection of descent-based groups, amend policy and legislation to include legal and disciplinary actions against police involved in caste-based atrocities and hold them accountable through fair, independent, and timely investigations.

Implement specialized training to challenge and address caste-based bias and prejudice for both incoming and existing police officers to aid them to increase their awareness and commitment to principles of housing, healthcare, education.

<sup>4</sup> The first part of this recommendation deals with timely reporting to relevant treaty bodies; the second part would only be relevant if there is a known overdue report.

# 5. TIME-BOUND

It is useful to include language that indicates a timeline for implementing the recommendation. While recommendations are expected to be implemented in the period before the following review, an incremental timeline for the various steps would strengthen the recommendation.



Ensure the effective investigation and sanctioning of all cases of violence against minorities.

Set up efforts to improve public attitude toward discriminated populations.



Institute without delay an immediate and voluntary requirement for police officers to follow up directly with victims and arrest perpetrators of caste-based discrimination crimes within 24 hours of the incident and prepare case file for the magistrate for judicial redress.

Conduct public awareness campaigns to eliminate caste-based hierarchies and ensure that educational curricula do not propagate these hierarchies by implementing a curriculum review before the next review.



**Amnesty International is a global movement of more than 10 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.**