



National Mechanisms for Reporting and Follow-up

**A PRACTICAL GUIDE TO EFFECTIVE STATE ENGAGEMENT
WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS**





NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP

A Practical Guide to Effective State Engagement with International Human Rights Mechanisms



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FOREWORD

The current international human rights protection framework empowers individuals worldwide, including those that are the most marginalized and disadvantaged, to claim their rights and seek redress. Since 1948 it has defined the relationship between Governments as duty bearers and individuals as rights holders—shaping States' responsibilities for respecting and protecting the human rights of those within their jurisdiction.

This framework continues to evolve, through new treaties and new monitoring mechanisms. This is a welcome development, as it strengthens and protects individual human rights and increases the avenues available to rights holders to seek redress.

For States, reporting and engaging with international human rights mechanisms offers a unique opportunity for self-assessment of the situation on the ground, including through data collection and analysis, and for legislative and policy review.

However, owing to the significant expansion of the system, States are faced with increasing requirements for implementing treaty obligations, reporting to the international and regional human rights systems and following up on the recommendations or decisions emanating from them. To meet these requirements, many States have increasingly adopted comprehensive, more efficient and sustainable approaches to reporting, engagement and follow-up through the establishment of a new type of governmental structure, known as a national mechanism for reporting and follow-up. States have also made public commitments to establish such mechanisms, especially in the context of the Human Rights Council's universal periodic review.

This *Practical Guide* and the accompanying *Study of State Engagement with International Human Rights Mechanisms* seek to identify key ingredients for a well-functioning and efficient national mechanism for reporting and follow-up, drawing on different State practices, while not proposing a one-size-fits-all solution.

National mechanisms for reporting and follow-up have the potential to become one of the key components of the national human rights protection system, bringing international and regional human rights norms and practices directly to the national level. The essence of the reporting process is nationally driven. National mechanisms for reporting and follow-up build national ownership and empower line ministries, enhance human rights expertise in a sustainable manner, stimulate national dialogue, facilitate communication within the Government, and allow for structured and formalized contacts with parliament, the judiciary, national

human rights institutions and civil society. Through such institutionalized contacts, the voices of victims and their representatives will also increasingly be heard. National mechanisms for reporting and follow-up would furthermore enhance the coherence and impact of each State's human rights diplomacy.

I hope you will find insights and inspiration in reading this *Practical Guide and Study*.

A handwritten signature in black ink, appearing to read 'Zeid Ra'ad Al Hussein', with a long horizontal flourish extending to the right.

Zeid Ra'ad Al Hussein
United Nations High Commissioner for Human Rights

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INTRODUCTION

This *Guide* seeks to provide **practical advice on the critical elements that States need to consider when establishing or strengthening their national mechanism for reporting and follow-up**, and illustrates this advice with examples of State practice. It is based on the more comprehensive *Study of State Engagement with International Human Rights Mechanisms* (HR/PUB/16/1/Add.1), which contains more detailed information on these practices.

The ongoing increase in ratifications, with the consequent rise in both State reports and individual complaints, as well as the growing number of special procedure mandates and related country invitations, have all led to **increasingly competing requirements for States**. For instance, they need to cooperate with and periodically report to all of these international human rights mechanisms (and when applicable regional ones too), implement treaty obligations, and track and follow up the implementation of the many recommendations emanating from these international mechanisms.

Timely reporting to these mechanisms, as well as **effective follow-up** on recommendations, benefit States. The creation of a **sustainable national capacity** for these tasks has become **crucial** to ensure that the periodic State reports are of a high quality. This will, in turn, improve the substantive quality of the interaction between the State and the international and regional human rights mechanisms, which will then be in a position to issue tailored and implementable recommendations.

In order to adequately address these ever-growing, multiple and varied requirements, a rapidly increasing number of States have adopted a comprehensive, efficient approach to reporting and follow-up, especially by setting up a **national mechanism for reporting and follow-up**, also referred to by the abbreviation “NMRF”.¹

Although such national mechanisms are not entirely new, **both States and the United Nations** have in recent years put **more focus on establishing and reinforcing such mechanisms**, in particular following the High Commissioner’s 2012 report on strengthening the United Nations human rights treaty body system (A/66/860), in which their establishment was recommended. Moreover, the **General Assembly**, in its **resolution 68/268** on strengthening and enhancing the effective functioning of the human rights treaty body system, recognizes that some States parties consider that they would benefit from improved coordination of reporting at the national level. Treaty bodies regularly emphasize that regular and timely reporting by State

¹ Previously also called standing national reporting and coordination mechanisms or interministerial committees/mechanisms on human rights.

parties is crucial and routinely highlight the lack of coordination and collaboration among government agencies in data collection and the inadequate technical capabilities for data collection, analysis and reporting.² They also recommend that State parties ensure that an efficient division of responsibilities and reporting is guaranteed through the establishment of effective coordination and reporting mechanisms.³ States have also repeatedly committed themselves to establishing such mechanisms in the context of the Human Rights Council's universal periodic review.

I. FREQUENTLY ASKED QUESTIONS

Question 1. What is a national mechanism for reporting and follow-up?

A national mechanism for reporting and follow-up is a **national public mechanism or structure** that is mandated to **coordinate and prepare reports to and engage with** international and regional human rights mechanisms (including treaty bodies, the universal periodic review and special procedures), and to **coordinate and track national follow-up and implementation** of the treaty obligations and the recommendations emanating from these mechanisms. It may be **ministerial, interministerial or institutionally separate**.

The national mechanism performs these functions in **coordination** with ministries, specialized State bodies (such as the national statistics office), parliament and the judiciary, as well as in **consultation** with the national human rights institution(s) and civil society. The national mechanism for reporting and follow-up is often based within the ministry of foreign affairs, or liaises closely with it, as this ministry is usually responsible for overseeing relations between the national public administration and the international and regional systems.

A national mechanism's **approach** is **comprehensive** and it engages broadly on all human rights, with all international and regional human rights mechanisms, and in following up on recommendations and individual communications emanating from all such human rights mechanisms.

While different in mandate, these international and regional mechanisms **are mutually reinforcing and constitute a complementary human rights protection system to State efforts at the national level**. Their recommendations or decisions provide the most authoritative and comprehensive overview of human rights issues

² See, for instance, CRC/C/HUN/CO/2, para. 68, CRC/C/15/Add.246, para. 75, and CRC/C/BGD/CO/4, para. 24.

³ See, for instance, CEDAW/C/DEN/CO/7, para. 15.

requiring attention at the national level, based on the legal obligations under international human rights law as well as the political commitments made by States, usually in the context of the Human Rights Council or the General Assembly.

Ideally, a national mechanism for reporting and follow-up should be **standing in nature and establish links** across different ministries, often through a network that facilitates communication and coordination. It does not necessarily need to be a separate institution.

A national mechanism is **a government structure** and thereby differs from a national human rights institution (NHRI), which is **independent** and has a mandate to promote and protect human rights at the national level and to submit recommendations to the Government.

It also differs from other national specialized bodies established through international human rights treaties, such as national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment established for the prevention of torture in places of detention, or independent mechanisms to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities. A national mechanism for reporting and follow-up, on the contrary, **does not directly implement human rights obligations** but prepares State reports and responses to communications, visits of independent experts, follow-up to facilitate implementation by line ministries, and manages knowledge around the implementation of treaty provisions and related recommendations and decisions by other parts of the governmental structure.

National human rights institutions and national mechanisms for reporting and follow-up: different but complementary

A **national human rights institution (NHRI)** is an independent, State-funded organization, with a constitutional or legislative basis and a mandate to promote and protect human rights at the national level. The annex to General Assembly resolution 48/134, also known as the “Paris Principles”, sets out the six key criteria and minimum conditions that NHRIs must meet: (a) independence guaranteed by statute or constitution; (b) autonomy from government; (c) pluralism, including in membership; (d) a broad mandate based on universal human rights standards; (e) adequate resources; and (f) adequate powers of investigation. NHRIs that are compliant with the Paris Principles are mandated to: (a) promote and protect human rights, based on as broad a mandate as possible; (b) submit recommendations and reports to the Government, parliament and any other competent body; (c) increase public awareness of human rights;

(d) promote conformity of national laws and practices with international human rights law; and (e) cooperate with the United Nations and other institutions.⁹

A national mechanism for reporting and follow-up on the other hand is a mechanism or structure that is fully part of the Government, with a mandate that is closely tied to reporting to and engaging with international and regional human rights mechanisms, as well as following up their recommendations or decisions. As a government mechanism or structure, its mandate derives from the State's obligations and commitments to implement and report on treaty obligations and recommendations from human rights mechanisms.

Governments should consult NHRIs in the preparation of their State reports to human rights mechanisms; however, NHRIs should not prepare the reports nor should they report on behalf of their Governments. NHRIs should by their very nature remain independent (often ensured by involving them in meetings of the national mechanism for reporting and follow-up, without membership status or voting rights). Moreover, the independent role of NHRIs is clear in that they can submit their own separate reports to treaty bodies and engage with the universal periodic review independently, through stakeholder reports and, if accredited with "A status" by the International Coordinating Committee of national institutions for the promotion and protection of human rights, through statements during the adoption of the review's outcomes, which national mechanisms for reporting and follow-up cannot do, as they are responsible for the State reports.

NHRIs and national mechanisms for reporting and follow-up are therefore **complementary elements of the national human rights protection system**, which also includes an independent and effective judiciary and a functioning administration of justice, a representative national parliament with parliamentary human rights bodies; and a strong and dynamic civil society.

⁹ For a map of such NHRIs, see www.ohchr.org/Documents/Issues/HRIndicators/NHRI_Dec2014_map.pdf (accessed 2 February 2016).

Q 2. How do national mechanisms for reporting and follow-up benefit States?

States have increasingly established national mechanisms for reporting and follow-up and recognized their important role. An **effectively functioning national mechanism benefits a State** in many ways, in that it:

- Establishes a national coordination structure, thereby creating national ownership of reporting and follow-up and regular interaction within ministries and with ministries engaging seriously in reporting and follow-up;
- Makes communication between ministries easier and more direct, thereby creating efficiencies and maximizing resources;

- Systematizes and rationalizes the engagement with international and regional human rights mechanisms, including the preparation of reports, and coordinates follow-up, thereby ensuring national coherence;
- Empowers ministerial focal points to communicate and explain the human rights system and its recommendations within their ministries, thereby actively contributing to the development of policies and practices;
- Allows for structured and formalized contacts with parliament, the judiciary, NHRI and civil society, thereby mainstreaming human rights at the national level, strengthening public discourse on human rights, and improving transparency and accountability; and
- Builds professional human rights expertise in every State.

Q 3. What are the main types of national mechanisms for reporting and follow-up?

State practice shows that there are four main types of national mechanisms, depending on their location and degree of institutionalization and status: ad hoc; ministerial; interministerial; and institutionally separate. The last three are referred to as *standing* mechanisms.

Ad hoc

An ad hoc mechanism:

- Is created purely for the purpose of completing a specific report and is disbanded when it delivers that report;
- Is established by an individual ministry or by an interministerial committee;
- Does not retain any institutional capacity, practices, network or knowledge, as it is disbanded after completing the task;
- Usually has no objective or mandate for the follow-up to recommendations from international and regional human rights mechanisms;
- May make use of standardized reporting and coordination practices.

Moving from an ad hoc to a standing mechanism (Bahamas)

At the time of data collection, the Bahamas convened ad hoc drafting committees that were tasked with producing individual human rights reports and disbanded immediately thereafter. Each ad hoc drafting committee was led by a lead ministry. Since 2014, the Bahamas has moved towards an interministerial national mechanism for reporting and follow-up, with the creation of a working group led by the Attorney General's Office and composed of designated focal points in ministries, the Department of Statistics, the police force, the defence force, the Office of the Attorney General, as well as civil society.

Ministerial

A ministerial mechanism:

- Is a standing mechanism based within a single government ministry;
- Is maintained by the relevant ministry beyond the completion of a report;
- Retains its institutional capacity, practices, network or knowledge for reporting and follow-up; however, it does so within one ministry;
- May be more or less effective depending on the degree of political will within the ministry.

Ministerial mechanism (Mexico)

The Directorate for Human Rights and Democracy in the Ministry of Foreign Affairs is responsible for coordinating international human rights reporting to the United Nations human rights mechanisms and to the inter-American human rights system. The Directorate coordinates communication and liaison with these international human rights bodies.

It includes two deputy directorates, each divided into specialized units that take responsibility for the production of specific reports. The specialized units of the Deputy Directorate for International Human Rights Policy focus on: civil and political rights; economic, social and cultural rights; vulnerable groups; and women's rights and gender equality. The specialized units of the Deputy Directorate for Cases, Democracy and Human Rights deal with cases before the inter-American human rights system, cooperation, and issues relating to migration and refugees. These units are responsible for convening ad hoc drafting committees, with representatives drawn from various other government agencies. They enable the Directorate to undertake intergovernmental coordination and coordination with parliament, NHRI, the judiciary and to a lesser extent civil society.

Interministerial

An interministerial mechanism:

- Is a standing mechanism convened across two or more ministries through a joint structure;
- Is often serviced by an executive secretariat in, for instance, the ministry of foreign affairs or the ministry of justice that coordinates information collection, services the meetings of the national mechanism and compiles a first draft of reports;
- Is mostly established through a formal legislative mandate;

- Regularly convenes its network of members as well as ministerial human rights focal points;
- Retains its institutional capacity, practices, network and knowledge for reporting and follow-up;
- Mainstreams human rights and builds key reporting and coordination capacities across multiple ministries;
- Tends to be less dependent for its effectiveness on the degree of political will within one particular ministry.

Interministerial mechanism (Portugal)

The National Human Rights Committee, created by resolution No. 27/2010 of the Council of Ministers in March 2010, is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. The Committee aims to define the position of Portugal in international forums and to implement its obligations under international human rights conventions.

Given the broad scope of international instruments on human rights that Portugal is a party to, the Committee coordinates all governmental action on human rights including implementing the international and regional reporting obligations of Portugal (to treaty bodies, special procedures, universal periodic review and the Council of Europe).

The Committee is chaired by the Ministry of Foreign Affairs. The Human Rights Division within the Ministry acts as the Committee's permanent secretariat. All ministers are represented on the Committee, in some cases at State secretary level. The National Statistics Office is also a member. In addition to its members, the Committee is supported by a network of human rights focal points in ministries. The Committee meets at least three times a year at plenary level and whenever needed at working group level. At least one of these three plenary meetings must be open to civil society. The Committee's main means of communication is e-mail. Its mailing list of members and ministerial human rights focal points is regularly updated by the secretariat.

Institutionally separate

An institutionally separate mechanism:

- Is a separate institution established by the Government and responsible for coordination, report writing and consultation;
- Is endowed with a separate budget, separate staff, and structured into internal directorates, programmes and subprogrammes;

- Is institutionalized and maintained by the Government beyond the completion of individual reports;
- Retains its skills and knowledge, and is able to control its own budget and appoint staff independently.

Institutionally separate mechanism (Morocco)

The Interministerial Delegation for Human Rights (Délégation interministérielle aux droits de l'Homme) was established in 2011 by decree No. 2-11-150. Given its cross-sectoral mission, it is led by an interministerial delegate appointed by the King and answerable directly to the Head of Government. The Delegation is responsible for coordinating national human rights policies and for ensuring interaction with international human rights mechanisms. It proposes measures to ensure the implementation of international human rights treaties ratified by Morocco, prepares periodic national reports to treaty bodies and the universal periodic review, and follows up the implementation of their recommendations, as well as those of special procedures. The Delegation also provides support to national non-governmental organizations (NGOs) working on human rights and promotes dialogue with international NGOs.

Decree No. 2-11-150 contains a number of articles that set out its structure. The Delegation has a highly formalized internal division of labour with three directorates, responsible, among other things, for coordination, interaction with human rights bodies, core report-writing facilitation and national consultation.

Q 4. What type of mechanism to choose?

Ad hoc versus standing mechanisms

In deciding whether a national mechanism for reporting and follow-up should be ad hoc or standing, the following considerations should be helpful:

- International and regional reporting requires political commitment, technical knowledge and dedicated resources and capacity.
- States that use ad hoc mechanisms to prepare their reports typically face the same capacity constraints every time they constitute a new drafting committee and face challenges caused by a lack of coordination and weak institutional memory.
- As treaty bodies often face a delay in considering the reports they have received, there is a higher risk that government drafters will no longer be available for the interactive dialogue, thereby weakening institutional memory.
- Research conducted by OHCHR in the context of its *Study of State Engagement with International Human Rights Mechanisms* has shown that none of the ad hoc mechanisms reviewed maintained a network of focal points across ministries

or departments for the purposes of reporting and follow-up. By contrast, most standing mechanisms did.

- Standing mechanisms make better use of resources, given the often complementary nature of the different reporting and follow-up needs triggered by the various human rights mechanisms.
- Standing mechanisms enable continued monitoring throughout the reporting cycles, including for the universal periodic review's midterm reports and the follow-up procedures established by the treaty bodies.
- Standing mechanisms enable active and systematic follow-up on implementation responsibilities; ad hoc structures do not.
- Standing mechanisms are more conducive to strengthening national coherence in the field of human rights.
- Standing mechanisms are more effective in sustaining links with parliament, the judiciary, NHRIs and civil society in relation to international human rights reporting and follow-up. They provide a predictable and reliable vehicle for civil society groups to channel their information into the reporting process and national dialogue, and prevent overstretched individual ministerial staff from becoming overwhelmed by multiple individual and fragmented approaches and communications (or requests for meetings) from civil society groups.
- United Nations and other capacity-building efforts in the area of State reporting and national follow-up to international and regional recommendations will be more sustainable and effective when they can be performed by progressively addressing the capacity needs of a standing national mechanism.

For these reasons, it is **recommended that authorities consider investing in the establishment and/or strengthening of a standing mechanism**. Such a mechanism would address the issues identified above, while establishing sustainable links across different ministries.

Which type of standing mechanism?

The data set of the *Study* has shown that there is not always a correlation between the type of standing mechanism and its effectiveness in reporting (i.e., submitting reports on time and clearing the backlog of overdue reports). Two interministerial mechanisms outperformed an institutionally separate one in terms of clearing the backlog, and a ministerial mechanism outperformed two other interministerial mechanisms.

Provided the mechanism is standing, it is rather less important that it should be ministerial, interministerial or institutionally separate.

Q 5. What type of mandate should a national mechanism for reporting and follow-up have?

A national mechanism for reporting and follow-up may be established by:

- Legislation (passed through parliament);
- Formal regulation (by the executive, but not through parliament);
- Policy mandate (formed after the adoption of an executive/ministerial policy provision).

With regard to policy mandates, a national human rights action plan can also be the source of a national mechanism's mandate (as is the case, for example, in Mauritius⁴), tasking it with developing indicators and benchmarks, and monitoring the performance of the State based on these benchmarks.

The *Study* has shown that some of the most effective mechanisms, in terms of reporting performance and inclusive consultations, were governed by relatively flexible policy mandates rather than detailed formal legislative mandates. In terms of durability, however, a comprehensive **legislative mandate would be the preferred option**, as executive decrees or policies are more susceptible to amendment.

A second, even more important factor is a common intragovernmental understanding of its role. The national mechanism needs to have the political clout and standing to ensure that feedback can be sought from and provided by the different institutions and ministries. Ministerial-level membership or support, either through the mechanism's central location within the executive or through the direct participation of ministers (for example, at plenary meetings or during draft report validation meetings), is an important factor in this regard and ensures crucial **political ownership** at the highest levels.

Q 6. How should the national mechanism for reporting and follow-up be structured and resourced?

The majority of national mechanisms for reporting and follow-up are dependent on their parent ministry or ministries for:

- o The provision of staff to undertake their various activities;
- o Budget allocations for their programmes and activities.

Only institutionally separate mechanisms control their own budgets and appoint their own staff.

⁴ See text box on implementation plans and national human rights action plans in chap. II, sect. D, below.

A budget and a structure that support key capacities (Morocco)

The Interministerial Delegation for Human Rights has a highly formalized internal division of labour that spans across three directorates, a general secretariat and a division of administrative and financial affairs, which is responsible for providing the necessary administrative, logistical and financial support for the day-to-day running of the Delegation.

The Delegation negotiates its budget directly with the Ministry of Finance on the basis of its strategic plan and its yearly action plan. Its budget is allocated separately from individual ministries. It covers its coordination, core facilitation and national consultation functions, and enables it to control the appointment of its own staff.

As a separate government entity, the Delegation can either recruit staff directly or second them from other government departments. This provides it with the ability to train its own staff and ensure that it retains key reporting and follow-up skills. In December 2015, the Delegation had 62 staff members and aimed to have a total of 70–80 full-time personnel by the end of 2016. It is housed in a separate building, which has three meeting rooms to facilitate consultations (with the largest seating up to 60 people). The building is being renovated to accommodate a documentation centre and create new offices and meeting rooms.

In most cases, the budget of the national mechanism for reporting and follow-up is covered by the budget of one or more ministries.

National mechanisms for reporting and follow-up and budgeting

Cambodia

In Cambodia, the five ministry-based structures tasked with meeting international human rights reporting obligations are allocated a budget through their parent ministry. All but one are well staffed, employing 25 to 50 staff members each.

Mexico

The Directorate for Human Rights and Democracy within the Ministry of Foreign Affairs has 41 staff members and has established specialized units focusing on specific rights. These units are responsible for convening ad hoc drafting committees, with representatives drawn from various other government agencies. The budget for the Directorate and the activities of the specialized units is funded by the Ministry.

OHCHR research has found that the effectiveness of national mechanisms for reporting and follow-up does not necessarily depend on their having their own budgets or direct control over the appointment of their staff. Impressive results can be achieved through **extensive planning**, if individual ministries make the necessary budget allocations to cover the work related to the national mechanism for the upcoming financial year (e.g., attendance at treaty body or universal periodic review meetings, or the collection of necessary information). This obviates the need for a substantial and separate budget, and for separate staff, and ensures maximum efficiency in the use of available resources.

Another decisive factor for effectiveness is the **continuity of staff** who are responsible for collecting information on specific rights, developing in-depth expertise on those rights and coordinating the national mechanism's work in relation to those rights. This continuity will build sustainable expertise, knowledge and professionalism at the country level. A stable secretariat, as well as a mechanism with a broad membership, supported further by a network of focal points in ministries can contribute to such sustainability.

United Nations capacity-building efforts for the establishment of a national mechanism for reporting and follow-up

OHCHR regularly receives requests for building State capacity in treaty body and universal periodic review reporting, but without a standing national mechanism that can retain institutional memory and capacity, this technical cooperation does not serve to build progressively stronger and sustainable capacity.

For this reason and based on the OHCHR experience in capacity-building, the establishment and/or strengthening of standing national mechanisms, with sustainable links across different ministries, is also seen as essential if OHCHR (or other United Nations agencies or other stakeholders offering technical assistance) is to efficiently assist in building national capacity and move from continuous ad hoc provision of training towards a lasting solution for States.

Among the many examples of technical assistance provided by OHCHR, its field presence in Haiti (Human Rights Section of the United Nations Stabilization Mission in Haiti) has supported the functioning of a preliminary national mechanism, the so-called inter-institutional human rights commission, since 2011 in the context of the country's first universal periodic review. In 2013, this ad hoc commission was institutionalized by ministerial decree and became the permanent Interministerial Human Rights Committee.

OHCHR has assisted the Committee since its establishment by participating in and providing advice at its meetings, and support for the development of its

2013–2016 workplan, technical assistance for the reporting to treaty bodies and the universal periodic review and for special procedure mandate holders' visits. This was realized through the establishment of good communication channels and working relations with the members of this Committee as well as with its leadership.

The OHCHR country office in Tunisia has supported the establishment of a permanent national mechanism. The mechanism will be under the auspices of the Prime Minister's Office and was institutionalized by decree. The mechanism was officially launched on 14 December 2015.

OHCHR has assisted in its establishment since May 2014 by helping in the compilation of recommendations to Tunisia from the universal periodic review, the treaty bodies and special procedure mandate holders, by facilitating exchanges of good practices, by providing training for relevant officials, through advocacy and by extending support for the drafting of the decree.

Moreover, the national mechanism should have **a gender balance in its staff composition**, i.e., it should reach gender parity, and its staff should integrate a **gender perspective in their work**. This means that they look at both gender-specific recommendations from human rights mechanisms (gender-based discrimination, violence against women and girls, sexual and reproductive health, girls' education, human trafficking, women's access to justice, etc.), and at the different impact of human rights issues (detention, torture, displacement, access to land, etc.) on women, men, girls, boys and others. In doing so, they will liaise with ministries dealing with women and gender issues as well as gender focal points from various ministries. Training or briefing sessions on gender integration should be organized to strengthen the capacity of staff.

II. KEY CONDITIONS FOR AN EFFECTIVE NATIONAL MECHANISM

If national mechanisms meet a number of conditions, States that established them consider **them as effective and a good practice** and beneficial at the national level in many ways.

The effectiveness of a national mechanism is understood to refer to its:

- **Reporting effectiveness** (timely reporting and reduction in backlog of overdue periodic State reports);
- Effectiveness in having specific capacities, i.e., the **ability to engage with human rights mechanisms, coordinate, consult and manage information**; and
- Effectiveness more broadly, i.e., the degree to which it can then **achieve certain outcomes** such as enabling a self-assessment by the State of its record in implementing treaties and United Nations and regional recommendations, building a *national framework for reporting and follow-up*, developing *expertise*, stimulating *national dialogue*, supporting *legislative and policy review*, strengthening *human rights-based governance*; and *identifying good practices*.

As mentioned earlier, firstly, **it is fundamental that a national mechanism for reporting and follow-up should be standing**, i.e., its structure should be maintained beyond the completion of a single report. It may be ministerial, interministerial or institutionally separate. Secondly, an effective national mechanism **may benefit from a comprehensive formal legislative or policy mandate**, as well as a common intragovernmental understanding of its role and political ownership at the highest level. Thirdly, the national mechanism should have **dedicated, capacitated and continuous staff**, building expertise, knowledge and professionalism at the country level.

In addition, an effective national mechanism should have the following **four key capacities**:

- (a) Engagement capacity
- (b) Coordination capacity
- (c) Consultation capacity
- (d) Information management capacity

A. Engagement

The engagement capacity of a national mechanism refers to its capacity to:

- Engage and liaise with international and regional human rights bodies (in the context of reporting, interactive dialogues or facilitation of visits by special procedure mandate holders or the Subcommittee on Prevention of Torture); and

- Organize and centrally facilitate the preparation of reports to international and regional human rights mechanisms, and of responses to communications and follow-up questions and recommendations/decisions received from such mechanisms.

National mechanisms for reporting and follow-up could strengthen this capacity through annual planning as well as standardized reporting guidelines and procedures.

Engagement capacity

Bahamas

In the Bahamas, the national mechanism, which is currently being established, seeks to (a) enlist members for the working group with the right expertise; (b) equip them with the necessary working knowledge and tools; (c) educate them about the international human rights mechanisms and human rights; (d) engage them through debate and assignments; (e) encourage and empower them to engage with their own constituencies on these issues (including beyond the workplace); and (f) start execution, i.e., prepare some reports and monitor implementation of previous recommendations addressed to the Bahamas.

Mexico

The Directorate for Human Rights and Democracy in the Ministry of Foreign Affairs established specialized units for specific rights, each of which takes responsibility for producing relevant reports. These units are responsible for convening ad hoc drafting committees, with representatives drawn from various other government agencies.

Morocco

The Interministerial Delegation for Human Rights has established institutionalized capacity for engagement through the creation of a separate directorate for interacting with international human rights mechanisms.

The Delegation has introduced a standardized set of steps to be followed in the production of reports with a clear division of labour. It produces an action plan and calendar of activities for the drafting of each report (a frame of reference), which it negotiates with the relevant ministries. This involves the creation of a task force out of a network of human rights focal points and identifies stakeholders that can contribute information to the report and sets out a time frame for the submission of this information. It also sets out the proposed steps in the report-writing process and the consultation mechanisms for refining and finalizing the report.

Checklist for strengthening the engagement capacity of national mechanisms for reporting and follow-up

- ☑ Establish an executive secretariat to support the work of the national mechanism
- ☑ Build the capacity of the executive secretariat for engagement with international human rights mechanisms, but also for drafting and presentation
- ☑ Establish a network of focal points in each ministry, appointed by each minister, for drafting and information-sharing purposes
- ☑ Establish standardized reporting guidelines and procedures for the national mechanism's members and focal points to follow
- ☑ Make an inventory of upcoming universal periodic review and treaty body reporting obligations, as well as forthcoming special procedure mandate holder visits and visits of the Subcommittee on Prevention of Torture
- ☑ Develop a workplan and calendar of activities together with timelines, assignment of responsibilities and estimated costs (of participation in dialogues, for example)
- ☑ Establish specific drafting groups from among the network of focal points (e.g., under the coordination of the mechanism's executive secretariat) organized for each of the human rights treaties ratified; or focusing on groups of rights; or for a specific upcoming report

B. Coordination

The coordination capacity of a national mechanism refers to its capacity and authority to disseminate information, and to organize and coordinate information gathering and data collection from government entities, but also other State actors such as the national office for statistics, parliament and the judiciary, for reporting and follow-up to recommendations.

Evidence has shown that ad hoc mechanisms are less likely to rely on an enduring network of ministerial human rights focal points for reporting and follow-up. Stabler mechanisms indicated a greater reliance on such networks and other routinized forms of coordination (such as interministerial committees and working groups).

National mechanisms are also able to effectively execute this coordination function when they enjoy high visibility and there is a common agreement on their role. Ministerial support, either through the mechanism's central location within the executive or through the direct participation of ministers or secretaries of State, for example at plenary meetings or during draft report validation meetings, would undoubtedly contribute to this.

Coordination capacity

Mauritius

The national mechanism consists of the Human Rights Unit, which is the coordination mechanism, and the Human Rights Monitoring Committee, a multi-stakeholder monitoring network. They were set up in 2010 and 2011, respectively, and both are within the Prime Minister's Office. They work very closely with the Attorney General's Office in the preparation of reports.

The Human Rights Unit draws up a calendar of consultations with all stakeholders keeping in mind the reporting deadlines. The Unit and the Attorney General's Office or relevant ministry take responsibility for data collection. The Unit contacts the focal points within each relevant ministry to request the necessary information. Once these focal points have been contacted, the onus is on their ministries to obtain the information from the local authorities and other bodies.

Mexico

Six months prior to the submission of a report, the Directorate for Human Rights and Democracy in the Ministry of Foreign Affairs sends out copies of the previous report and previous recommendations, a note with questions and observations regarding the content of the upcoming report; a logistical note with the page limit for the report and an explanation of how the relevant treaty body works; and a calendar with milestones and deadlines for the production of the report.

The Directorate's specialized units with rights-specific responsibilities have established networks of focal points to help coordinate the collection of information from 35 different federal institutions. The Directorate has further developed enduring coordination practices for obtaining and sharing information with the legislature (Senate and Chamber of Deputies) and the Supreme Court of Justice.

The Directorate has established a standing process vis-à-vis the Chamber of Deputies. For example, with regard to the universal periodic review, it alerted the Chamber 10 months in advance of the reporting process, and provided it with a draft of the report for comment. It also forwards treaty body recommendations to the Chamber and puts the Chamber in contact with the special rapporteurs.

The Directorate has also established a standing procedure for coordination with the Supreme Court of Justice to obtain statistical information on human rights cases, which has been operational since 2011.

Morocco

The Interministerial Delegation for Human Rights has established its own capacity for coordination by creating a separate directorate for intergovernmental coordination. The Directorate uses a network of focal points for the purpose of obtaining information for reporting and follow-up.

The Delegation coordinates with members of the judiciary separately via the Ministry of Justice and Liberties, and has produced guides on international treaties to which Morocco is a party, which are used for training judges and magistrates.

Republic of Korea

“Lead government agencies” coordinate the drafting of reports to the treaty bodies. They identify when reports are due, set up and disseminate the timetable for drafting the reports, and invite relevant stakeholders to submit information and to form part of the ad hoc drafting committees. The lead ministry then compiles the draft report, convenes the drafting committee and finalizes the draft report.

The lead government agencies for the core human rights treaties are:

- The Ministry of Justice for the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its first Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the universal periodic review and the national action plan;
- The Ministry of Health and Welfare for the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child and its first and second optional protocols;
- The Ministry of Foreign Affairs and Trade for the International Convention on the Elimination of All Forms of Racial Discrimination; and
- The Ministry of Gender Equality and Family for the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

Senegal

In Senegal, the judiciary is informed of the concluding observations and recommendations of the treaty bodies via the Ministry of Justice.

It is also important that national mechanisms for reporting and follow-up put in place procedures for coordination with local and subnational levels of government in order to capture efforts undertaken at those levels. Special procedure mandate

holders recognize that trends towards decentralization and greater responsibilities for local and subnational governments have meant that States' obligations under international human rights law rely increasingly on implementation by local and subnational government. For instance, the Special Rapporteur on adequate housing in a recent report recommended that States encourage local and subnational level governments to actively participate in all relevant international human rights mechanisms, including treaty body review and complaint procedures, the universal periodic review and special procedures, and that recommendations from international human rights mechanisms be communicated to local and subnational governments with requests for responses and follow-up action and disseminated to local communities in accessible form (see A/HRC/28/62).

Checklist for strengthening the coordination capacity of national mechanisms for reporting and follow-up

- ☑ Hold regular (plenary) meetings of the national mechanism
- ☑ Draw up a calendar of regular coordination meetings with all ministerial focal points and establish an e-mail list to allow for regular information sharing
- ☑ During the regular plenary and/or focal point meetings include debriefings by the head of delegation on the universal periodic review and interactive dialogues before treaty bodies and the recommendations received
- ☑ For an upcoming report, (a) hold a preparatory meeting of the national mechanism to explain how the relevant human rights mechanism works and outline the structure and content of the upcoming report; and (b) send a template/table to the members of the national mechanism and the focal points listing previous recommendations with the responsible line ministries, with a request for information and/or draft input for the periodic report, including word limits and submission deadlines
- ☑ Through the ministry of justice, transmit recommendations from human rights mechanisms to various levels of the judiciary and collect information on human rights-related cases from the courts
- ☑ Establish a standing procedure to interact with parliament, for example informing parliament on the reporting/review process, submitting draft reports for comments, forwarding recommendations, and liaising between parliament and special procedure mandate holders

C. Consultation

The consultation capacity of a national mechanism for reporting and follow-up refers to its capacity to foster and lead consultations with the country's NHRI(s) and civil society.

Reporting: the State responsibility to draft and to consult

While broad consultation for the preparation of a State report is required, the final report and its contents remain the sole responsibility of the State. Treaty bodies strongly encourage Governments to consult other key stakeholders broadly and meaningfully when preparing their State reports, as is required under other mechanisms, such as the universal periodic review. Key stakeholders are NHRIs, as well as civil society, e.g., NGOs, law societies, professional groups, academics and trade unions. Consultation can take diverse forms such as stakeholder participation in workshops or preparatory drafting meetings and requesting comments on draft State reports. However, this consultation does not preclude the same stakeholders from directly engaging with the international human rights mechanisms (for example, by submitting their own reports to treaty bodies or information for inclusion in the stakeholder reports of the universal periodic review).

As specified in 2013 in one of the general observations of the International Coordinating Committee of national institutions for the promotion and protection of human rights, NHRIs are encouraged to report independently from the Government. It states that while it is appropriate for Governments to consult NHRIs in the preparation of State reports to human rights mechanisms, NHRIs should neither prepare these reports nor report on behalf of the Government.

National consultations or other forms of regular dialogue, convened by the national mechanism and involving NHRIs and civil society, can provide an opportunity to openly discuss draft reports and responses to international and regional human rights bodies.

They should ideally allow for the involvement of those rights holders that are most affected, including disadvantaged and marginalized groups and individuals, which will assist the State in preparing periodic reports or responses that accurately provide information on measures taken in addressing issues identified by them. This, in turn, will greatly strengthen transparency and accountability.

Consultation capacity

NHRIs

In Mexico, the Directorate for Human Rights and Democracy sends all reports to the National Human Rights Commission for its review and also consults it regarding draft responses to treaty body recommendations. However, in order to preserve its independence from the Government, the Commission puts its

analysis and point of view in its own reports to treaty bodies. As a standard practice, the Commission is nevertheless invited to meetings of the Ministry of Foreign Affairs on human rights reporting, in which it participates strictly as an observer.

In Portugal, a standing invitation is extended to the Ombudsman (NHRI) to attend all meetings of the National Human Rights Committee.

In the Republic of Korea, the authorities are required to take into account the opinions of the National Human Rights Commission when preparing reports to international human rights bodies.

Civil society

Cambodia has five reporting mechanisms in five ministries, all regulated by decree or subdecree. Among those, the Human Rights Committee, established in 2000 and answerable to the Council of Ministers, is responsible for the submission of reports on the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the universal periodic review, and for liaising with special procedure mandate holders. It has a legal mandate to prepare national reports on the implementation of international human rights instruments, including in cooperation with ministries, institutions and civil society, to protect and develop human rights in Cambodia. The National Council for Children is tasked with reporting on the Convention on the Rights of the Child and the Disability Action Council with reporting on the Convention on the Rights of Persons with Disabilities. Both involve civil society in their work.

The Mauritius Council of Social Service (MACOSS), the umbrella civil society network with over 125 NGOs, is actively involved in policy advocacy and is represented on the Human Rights Monitoring Committee as the civil society focal point.

In Portugal, the National Human Rights Committee meets at least three times a year at plenary level and whenever needed at working group level. At least one of these three plenary meetings must be open to civil society. More frequent meetings, however, are held with civil society groups at working group level, often convened in response to requests from these groups (for example, on the rights of elderly people) or to discuss draft national reports to treaty bodies. The Committee also maintains an NGO mailing list. Any civil society organization can request to be included in this mailing list, thereby receiving invitations to Committee meetings and minutes of these meetings.

Checklist for strengthening the consultation capacity of national mechanisms for reporting and follow-up

- ☑ Draw up a calendar of consultations with all stakeholders keeping in mind reporting deadlines
- ☑ If institutionally separate, the national mechanism can create a separate directorate for coordination with the NHRI and civil society
- ☑ Otherwise, it can establish a “desk” for consulting with the NHRI and civil society during the drafting process
- ☑ Systematically include NHRI representatives in the national mechanism’s structure and working groups, and in plenary meetings (without voting rights in order to preserve their independence in line with the Paris Principles)
- ☑ Send draft reports to NHRIs for comments
- ☑ Establish an NGO contact network and mailing list
- ☑ Invite civil society to participate periodically in selected plenary or focal point meetings
- ☑ Hold subject-specific meetings with civil society (including in response to requests from civil society groups)
- ☑ Circulate the minutes of plenary meetings and/or meetings with civil society among the civil society network

D. Information management

The information management capacity of a national mechanism for reporting and follow-up refers to its capacity to:

- Track the issuance of recommendations and decisions by the international and regional human rights mechanisms;
- Systematically capture and thematically cluster these recommendations and decisions in a user-friendly spreadsheet or database;
- Identify responsible government ministries and/or agencies for their implementation;
- Develop follow-up plans, including timelines, with relevant ministries to facilitate such implementation; and
- Manage information regarding the implementation of treaty provisions and recommendations, including with a view to preparing the next periodic report.

In order to optimize the information management capacity, it is highly recommended that national mechanisms for reporting and follow-up include representatives of the national statistics office (as is done in Portugal, for example).

Information management capacity

Mexico

The Directorate for Human Rights and Democracy plays a key role in collecting and entering recommendations in a database and in identifying key institutions to provide information for follow-up reports. The Directorate, OHCHR-Mexico and the Centro de Investigación y Docencia Económicas developed a publicly accessible database with all 1700 human rights recommendations and observations relating to Mexico issued by international human rights mechanisms (www.recomendacionesdh.mx).

The Directorate is responsible for responding to follow-up questions and recommendations from treaty bodies and the universal periodic review. It coordinates these responses via its engagement with the same ad hoc committees responsible for drafting reports. The Ministry of Foreign Affairs identifies the key institutions that need to provide information for follow-up reports and contacts them individually, giving them a month to provide their input. It also coordinates with other State entities to monitor recommendations.

Portugal

The National Human Rights Committee circulates treaty body recommendations to all its members after each treaty body dialogue. Recommendations are also made publicly available via its website. After every dialogue, the Committee discusses the treaty body's observations and recommendations at its next plenary meeting, where the head of the national delegation is invited to provide a debriefing on the dialogue and recommendations.

The Committee frequently updates the list of recommendations made to Portugal by the treaty bodies, the special procedures and the universal periodic review of the Human Rights Council, the Council of Europe and other regional human rights mechanisms.

The Committee also uses an annual workplan, the last chapter of which contains pledges for action of individual members for the coming year (three pledges per member). At the end of the year, members are obliged to report back on what they have done to implement the pledges. This information is included in the Committee's annual report. The annual workplan and annual report are public documents available on the Committee's website^a and through social media. These two documents are sent to the foreign embassies in Lisbon. The annual workplan is also translated into English and sent to OHCHR.

^a www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/cndh.aspx.

Checklist for strengthening the information management capacity of national mechanisms for reporting and follow-up

- ☑ Cluster recommendations by theme, analyse and prioritize them, and circulate clustered and prioritized recommendations among members and focal points
- ☑ Keep those lists up to date
- ☑ Develop, based on these clustered and prioritized lists, a human rights recommendations implementation plan (word-processing file, spreadsheet or database) or a national human rights action plan and track its implementation
- ☑ If a database is used, keep it up to date, recording progress in the implementation of recommendations from human rights mechanisms, and make it public (e.g., Paraguay)
- ☑ During the regular plenary meetings ask members to report back at the end of the year on how their respective ministries have implemented recommendations addressed to them in the implementation plan or national human rights action plan and what they have done to implement their pledges under the universal periodic review
- ☑ Issue an annual report and make it public
- ☑ Create a website and/or social media presence
- ☑ If institutionally separate, include a separate directorate within the national mechanism responsible for tracking progress in the implementation of recommendations from human rights mechanisms

Specific factors contribute to the effective coordination of follow-up to international and regional human rights bodies' recommendations. **Clustering by theme and subsequent prioritization** of the large number of recommendations and decisions from the special procedures, treaty bodies, the universal periodic review and regional human rights mechanisms will facilitate national implementation and tracking of progress. Factors that may be taken into account when prioritizing clustered recommendations are: (a) has the issue at hand been identified by a treaty body as urgent?; (b) do other mechanisms also emphasize this issue?; (c) can implementation be realized without budget implications?; (d) is the issue a priority at the national level according to other stakeholders, including the general public, the media or civil society?; and (e) does the issue concern disadvantaged and marginalized groups or individuals?

Implementation plans and national human rights action plans

A national mechanism for reporting and follow-up is centrally placed not only to coordinate reporting but also to coordinate and track the follow-up to recommendations or decisions of international and regional human rights

mechanisms. An important means by which this can be done is a **human rights recommendations implementation plan**. Such a plan can help a national mechanism thematically cluster recommendations, identify which agencies/ departments are responsible for implementation and assign responsibilities as well as time frames, and track implementation, including through the use of indicators.

Another (more comprehensive) means to coordinate and track follow-up is the adoption of a **national human rights action plan**. The development of such an action plan should be based on wide consultations and a comprehensive baseline study. Recommendations of the international and regional human rights mechanisms are a useful guide and basis for the development of a national action plan and for identifying priorities. National action plans are comprehensive documents, making it easy to integrate clustered and prioritized recommendations from all mechanisms. Periodic monitoring, possibly by the national mechanism, then allows for adjustments to the goals, objectives, activities and time frames.

A national action plan can be the source of a national mechanism's mandate, as is the case in Mauritius. In 2012, following consultation by the Government with the private sector and civil society, a national action plan was adopted. It proposed the establishment of the two mechanisms within the Prime Minister's Office that currently constitute the national mechanism for reporting and follow-up: the Human Rights Monitoring Committee and the Human Rights Unit (see sect. B). The national action plan specified that the Human Rights Monitoring Committee should be tasked with assessing progress against indicators and benchmarks, and that these indicators were to be developed by the Human Rights Unit.

More information on national human rights action plans can be found in the *Handbook on National Human Rights Plans of Action*, Professional Training Series No. 10 (United Nations publication, HR/P/PT/10), available from www.ohchr.org/Documents/Publications/training10en.pdf (accessed 2 February 2016).

Databases and online platforms that cluster and keep track of recommendations and that are systematically and periodically updated with implementation information are important tools for national mechanisms to improve and streamline national implementation. Such tools strengthen the State's capacity for and commitment to follow-up and monitoring, while allowing it to evaluate, review and/or develop legislation, public policies, plans and programmes based on the periodic feedback on achievements and challenges. When publicly accessible, such tools will also greatly improve public accountability and transparency. The OHCHR Universal

Human Rights Index (<http://uhri.ohchr.org/>) and its jurisprudence database (<http://juris.ohchr.org/>) have strong potential as tools for communicating recommendations and decisions to the range of national authorities responsible for taking action, and for making these recommendation and decisions available to United Nations agencies and United Nations country teams so they can integrate them into their planning and programmes.

SIMORE – an online tool for monitoring implementation (Paraguay)

The Monitoring System of Recommendations (known by its Spanish acronym SIMORE) is an online tool developed in Paraguay to provide access to the recommendations made by both the United Nations human rights mechanisms and the Inter-American Court of Human Rights to Paraguay. The information contained in SIMORE is periodically updated so that the implementation of recommendations is monitored, challenges are identified and decision-making towards the protection of human rights is strengthened. SIMORE facilitates the drafting of periodic reports. It is located on the server of the Ministry of Foreign Affairs (www.mre.gov.py/mdhpy/Buscador/Home) and is publicly accessible. It is updated through a network of focal points in ministries that feed follow-up information directly into the database and is managed by an administrator in the Ministry of Foreign Affairs, who ensures uniformity in format and style.

The creation of SIMORE involved relevant ministries and public institutions and required the establishment of an inter-institutional network to avoid duplication and ensure effective implementation of the recommendations. It also required strengthening the capacities of staff on the integration of a human rights-based approach in policies and annual plans. OHCHR supported the establishment of SIMORE and is establishing a model generic database to be made available to States upon request.

National mechanisms for reporting and follow-up need to build capacity to **provide in-depth information**, not just on laws and policies (**structural indicators**) but on their actual implementation (**process indicators**) and on the results achieved for the beneficiaries (**outcome indicators**). This will require disaggregated data and indicators on the effective use of public resources for giving effect to relevant policies. This, in turn, requires familiarity with public resource management information (particularly in respect of economic, social and cultural rights).

Consequently, all States need to give consideration to building the capacity of their national mechanism to work closely with the national statistics office and to develop centralized information-gathering systems capable of collecting and

analysing information from a wide range of sources, for instance: (a) legal, policy, strategic planning and other administrative documents; (b) events-based data (including data collected by judicial or quasi-judicial mechanisms and relevant civil society organizations); (c) socioeconomic and administrative statistics (including administrative records, census data, statistical surveys, for example on victimization and living conditions); (d) perception and opinion surveys; and (e) public resource management documents (planning, resource mobilization, budgeting, spending and performance information).

National mechanisms for reporting and follow-up and the development of national human rights indicators

Based on *Human Rights Indicators: A Guide to Measurement and Implementation*,⁹ the Portuguese National Human Rights Committee decided, in 2012, to launch a pilot project and develop national indicators on the right to education. It established a working group to develop these indicators. The working group was chaired by the Ministry of Foreign Affairs and included representatives from the Ministry for Solidarity, Employment and Social Security, the Ministry of Education and Science, the Office for Comparative Law and Documentation in the Attorney General's Office, and the National Statistics Office. The work was completed in July 2013 and endorsed by the Committee at plenary level in September 2013.

Since then, the Committee has developed indicators on the right to liberty and security of persons, the enjoyment of the highest attainable standard of physical and mental health, and the prevention and combating of violence against women. It is currently working on indicators on the right to adequate housing and on the right to non-discrimination and equality.

The indicators have proven to be a useful instrument for Portugal to fulfil its reporting obligations.

⁹ United Nations publication, Sales No. 13.XIV.2.

These methodologies are elaborated upon in *Human Rights Indicators: A Guide to Measurement and Implementation*. The publication provides detailed descriptions of human rights indicators, related data sources and methods. It lists examples of generally available indicators for a number of human rights that are frequently referred to in core international human rights instruments. States and national participatory processes have been drawing on these lists to develop contextually relevant indicators, and strengthen human rights measurement and implementation of recommendations.

The role of United Nations resident coordinators and United Nations country teams

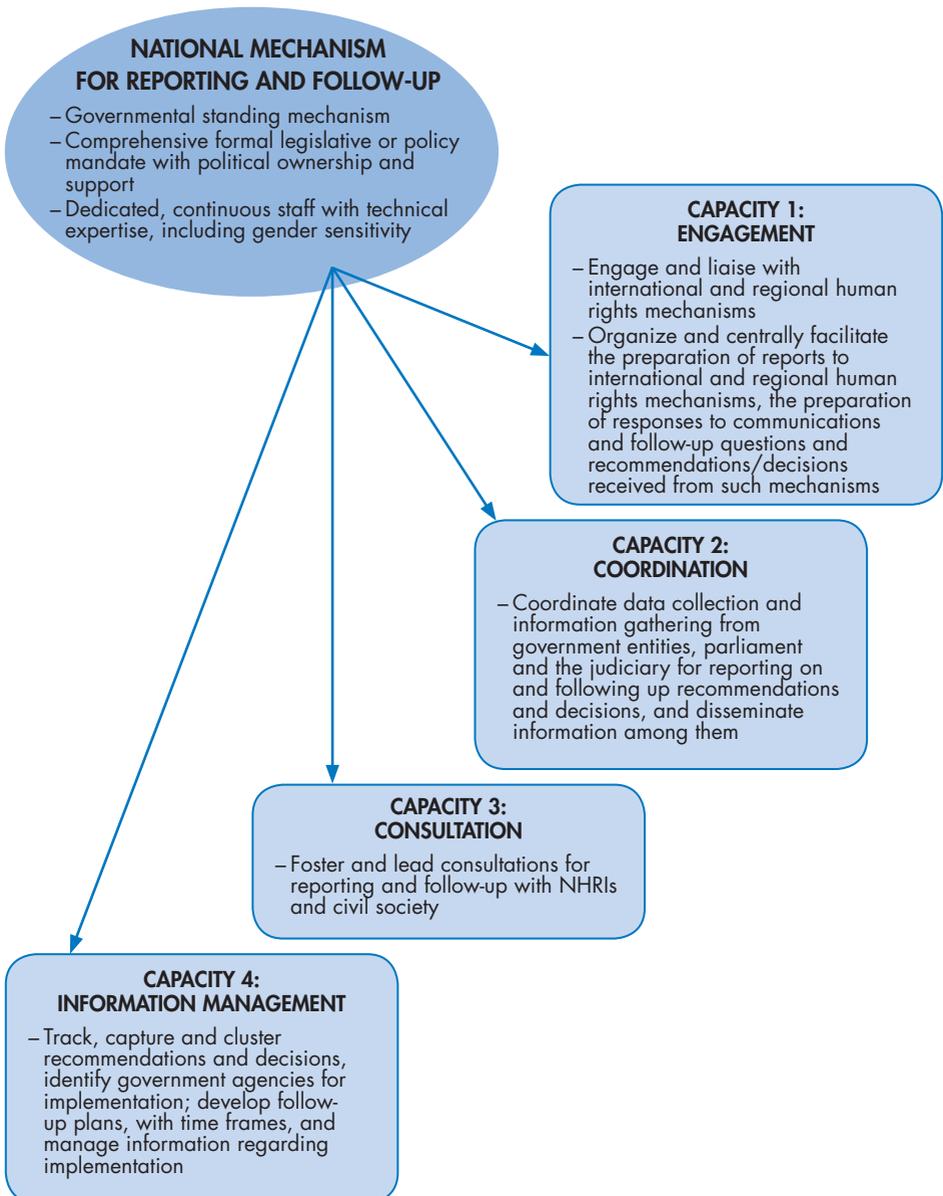
The United Nations human rights mechanisms serve as an entry point for engaging in a dialogue with Governments on human rights issues. The preparation and follow-up at the national level of the regular reporting processes of these human rights mechanisms can help to generate powerful momentum to address difficult issues, with significant potential to bring the Government, NHRIs, civil society and other stakeholders together around the same table to discuss human rights concerns.

The United Nations resident coordinators and country teams can exercise their convening role by facilitating a platform for a national dialogue on human rights, bringing together various stakeholders, including different government agencies, line ministries, State entities, regional and local authorities, parliament, the judiciary, the media, NHRIs, ombudspersons, NGOs, representatives of minorities, traditional and religious leaders, and civil society. This can be a critical first step in bringing about legislative, policy and programmatic change.

The United Nations country team can support the setting-up and effective functioning of a national mechanism for reporting and follow-up with the involvement of all key stakeholders. The Government can also be encouraged to draw up a national human rights recommendations implementation plan or a human rights action plan to address the recommendations of the human rights bodies, linking them to national development priorities, and setting specific timelines, indicators and benchmarks for success. And the United Nations country team can continuously advocate and track the national follow-up to the recommendations of the international human rights mechanisms.

The United Nations country team, through its common country assessment/ United Nations Development Assistance Framework process, should also ensure that national analysis, planning and programming reflect these clustered and prioritized recommendations, and support their integration in national development plans. Such efforts will also ensure that strategies and policies to implement the 2030 Agenda for Sustainable Development and its Sustainable Development Goals are human rights-based, address the promise of the 2030 Agenda to leave no one behind, and aim at progressively reducing inequalities.

NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP AT A GLANCE



CONCLUSION

A national mechanism for reporting and follow-up can play a critical role in reinforcing a State's human rights protection system. To realize its potential as an emerging key national human rights actor requires a transformation in how it is conceptualized. OHCHR research shows that ad hoc settings can no longer deal efficiently with the enormous volume of requirements of international and regional human rights mechanisms. Nevertheless, the research also demonstrates that the standing or institutional nature of such a mechanism, although it strengthens the ability of a State to cope with its reporting backlog, does not in and of itself guarantee its effectiveness. For instance, standing national mechanisms that had succeeded in developing their engagement capacity, but neglected coordination with other branches of the State architecture such as parliament and the judiciary, or consultation with NHRIs and civil society, proved to be similarly ineffective in meeting their broad remit, which should extend beyond the narrow scope of reporting to international and regional human rights mechanisms. National mechanisms need to develop much deeper sets of complementary capacities for engagement, governmental coordination, consultation with other national stakeholders and information management that serve to strengthen national human rights-based governance and accountability.

States that established standing national mechanisms have reported key overall gains and optimized benefits from engaging with international and regional human rights mechanisms, including improved information management at the national level and higher-quality reports. These mechanisms have the potential to ensure effective mainstreaming of human rights into States' policies in various relevant areas, leading towards improved realization of human rights and fairer and more sustainable development.

In the long term, it is expected that an effective national mechanism will serve to achieve the following national outcomes:

- (a) **Self-assessment** by the State of its performance in implementing treaty provisions, recommendations and decisions and, generally, in realizing human rights and identifying the remaining gaps and challenges;
- (b) Support for human rights **legislative, policy and programme review**, as needed and decided upon by the national authorities;
- (c) Building of a reliable, continuous and sustainable **national framework for reporting and follow-up**;
- (d) Improved participatory, inclusive and accountable **human rights-based governance**;

- (e) Enhancement of **knowledge, professionalization and sustainability of improved nationally owned and developed human rights expertise within government structures**;
- (f) Stimulation of regular **national dialogues** with all relevant stakeholders on the international and regional human rights obligations and commitments in preparation of periodic State reports, reinforcing national ownership of human rights;
- (g) **Identification of good practices and expert advice** through active engagement with the international and regional human rights system.

