
**IMPROVING IMPLEMENTATION AND FOLLOW-UP
*TREATY BODIES, SPECIAL PROCEDURES, UNIVERSAL PERIODIC REVIEW***

SUMMARY OF RECOMMENDATIONS

The Open Society Justice Initiative, the Brookings Institution, and UPR-Watch hosted a two-day conference on 22-23 November on improving the implementation at national level of the findings and recommendations of three of the United Nations' human rights mechanisms—treaty bodies, Special Procedures, and the Universal Periodic Review (UPR). The five-year review of the Human Rights Council (HRC), the ongoing reform of the treaty bodies, and the upcoming second cycle of the UPR provide timely opportunities to protect and strengthen these mechanisms' role in closing the implementation gap.

Speakers offered concrete data and observations as to the accomplishments and challenges of each of these mechanisms and presented recommendations for how to more effectively translate their work into enhanced human rights protection on the ground. Conference participants included current and former treaty body members and Special Procedures mandate holders, senior UN staff, diplomats, human rights advocates, and members of national human rights institutions (NHRIs).

The primary recommendations arising out of the conference are summarized below. A more extensive report of proceedings will be available in January 2011.

I. Improving Follow-Up of the Mechanisms

- Make treaty body, UPR and Special Procedure recommendations more specific and actionable and disseminate them as widely as possible in local languages.

Treaty Bodies

- Appoint new and additional follow-up rapporteurs with adequate resources to monitor implementation of treaty body Concluding Observations and Views. These resources should include support for in country follow-up missions.
- Improve the visibility, accessibility and accuracy of information pertinent to state implementation. State replies need to be more precisely classified by OHCHR and clearer criteria should be developed for what constitutes satisfactory implementation.

- Continue efforts to harmonize treaty body working methods and develop common methods for follow-up across treaty bodies. Consideration should particularly be given to the proposed creation of a dedicated Treaty Body Follow-Up Coordination Unit, or senior coordinator responsible for follow-up, within OHCHR.
- Develop a digest of remedies jurisprudence, in order to improve the specificity and practicability of implementing treaty body Views. Similarly, prioritize treaty body Concluding Observations to enhance implementation on the ground and assist follow-up rapporteurs in their monitoring efforts.

Special Procedures

- Prioritize follow-up visits and communications with countries visited to assess status of implementation of recommendations. Extra resources should be allocated to support these purposes.
- Present preliminary findings and recommendations at the close of a visit and make them as specific as possible to allow immediate attention to follow-up and implementation by all key actors, including civil society and NHRIs.
- OHCHR should compile and systematize government responses to Special Procedures communications in a regularly updated and publicly accessible database.
- States should be encouraged to submit reports on implementation of a mandate holder's recommendations at least one year following a country visit.

Universal Periodic Review

- Implementation of outcomes of the first UPR must be a priority for the second cycle of the UPR. In order to facilitate the provision of assistance for effective follow-up and implementation, states should submit national action plans that outline timeframes, responsible agencies, and consultative processes for UPR recommendations.
- Consolidate and organize UPR recommendations thematically.
- Have states report on an interim basis to the HRC about implementation of UPR recommendations, as several states have begun to do.
- The UPR is a valuable political process that should not replace country specific scrutiny by the HRC, Special Procedures, or treaty bodies.

II. Improving Collaboration

Collaboration Amongst Treaty Bodies, Special Procedures, and the UPR

- Treaty bodies and Special Procedures should invoke and follow up on UPR recommendations in their reporting and recommendations. Similarly, the UPR should continue to refer to treaty body and Special Procedures findings and recommendations as part of the review process.
- Include recommendations that have already been issued by treaty bodies and Special Procedures in states' outcome reports, but distinguish them clearly from the recommendations issued by peers during the UPR.
- Provide information on the non-implementation of treaty body Views as part of the UPR process. Presently, OHCHR does not include this information in its reports to the UPR.

- Invite Special Procedures mandate holders to participate in UPR sessions as it relates to their country visits and reports.
- With additional support from OHCHR, institutionalize cooperation between the treaty bodies and the Special Procedures so that they may address, where appropriate, lack of or partial implementation of their respective decisions and recommendations.

Human Rights Council

- HRC members must “fully cooperate” with the body. This includes full cooperation with Special Procedures and treaty bodies, including country visits, standing invitations, prompt and serious replies to communications, ratifications and withdrawal of reservations to treaties, and timely reporting. A state’s record of cooperation should be considered when running for a seat on the Council.
- In cases of urgent concern, five or more Special Procedures mandate holders should be able to trigger special sessions of the Human Rights Council.
- Devote more time to discuss state follow-up to Special Procedures recommendations and call attention to those states that fail to implement recommendations. Similarly, devote greater attention to implementation of treaty body Concluding Observations and Views.
- Ensure space for interventions by NHRIs during Council sessions.
- In increasing its coordination with treaty bodies and Special Procedures, the Human Rights Council must continue to respect the autonomy of each mechanism as independent components of the UN human rights system.

Enhanced Cooperation Throughout the UN System

- Resources allocated to human rights mechanisms must be increased in order to effectively mainstream human rights throughout the UN system. Collaboration among and between these mechanisms and other UN agencies must also be enhanced.
- Improve cooperation between UN Country Teams and human rights mechanisms to ensure information sharing, effective monitoring, and technical assistance to support implementation. Because UN Country teams are essential for effective follow-up and implementation, the Secretary General, in collaboration with the High Commissioner for Human Rights, should issue a directive that mechanisms’ findings and recommendations be included in all UN country specific work.
- Special Procedures mandate holders and treaty body members, with support from OHCHR, should inform and seek information from relevant UN agencies to improve information sharing, best practices, and targeting of technical assistance. The creation of a dedicated unit or senior coordinator for follow-up within OHCHR would facilitate these efforts.

III. Implementation at the National Level

States

- Reply promptly to follow-up inquiries of treaty bodies and Special Procedures, and develop a national action plan for implementation following the UPR process. As

part of this process, identify what technical assistance is required from international agencies and/or other states.

- Appoint a properly resourced national agent and/or legislative body responsible for monitoring the implementation of recommendations and decisions by international human rights mechanisms.
- Establish formalized channels of communication between government agencies and among executive, legislative, and judicial branches to facilitate inter-agency cooperation and clarify implementation responsibilities.
- National consultation is critical to the quality of state reporting before human rights mechanisms. States should consult widely with civil society and NHRIs in undertaking their reporting procedures.

NHRIs and Civil Society

- Special Procedures and treaty bodies should systematically engage national and legislative human rights institutions (NHRIs, ombudspersons, and/or parliamentary committees) to ensure better understanding of local context, monitor follow up and facilitate implementation.
- In bridging the gap between international and national systems, NHRIs play a critical role in calling attention to human rights concerns. NHRIs should increase public education and awareness of Special Procedures, treaty bodies, and UPR as tools for facilitating improved implementation of international norms.
- NHRIs should follow up on the implementation of observations and recommendations; in so doing, they should remain closely engaged with treaty body members and Special Procedures mandate holders. Likewise, Special Procedures and treaty bodies must engage national and legislative human rights institutions to ensure better understanding of local contexts and facilitate implementation.
- Common criteria need to be elaborated for how NHRIs can best engage in monitoring implementation. Guiding principles should likewise be developed for legislative and/or parliamentary human rights monitoring.
- International and local NGOs and NHRIs should work with current members of treaty bodies and Special Procedures to host follow-up missions.