



# National Mechanisms for Reporting and Follow-up

A STUDY OF STATE ENGAGEMENT  
WITH INTERNATIONAL  
HUMAN RIGHTS MECHANISMS



UNITED NATIONS



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



# **NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP**

## **A Study of State Engagement with International Human Rights Mechanisms**



UNITED NATIONS

New York and Geneva, 2016

---

## NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

\*

\* \*

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a figure indicates a reference to a United Nations document.

HR/PUB/16/1/Add.1

© 2016 United Nations  
All worldwide rights reserved

# CONTENTS

INTRODUCTION .....	1
<b>Part One FINDINGS OF RESEARCH ON NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP .....</b>	<b>4</b>
I. BENEFITS OF A NATIONAL MECHANISM FOR REPORTING AND FOLLOW-UP .....	4
II. MAPPING EXISTING NATIONAL MECHANISMS .....	7
A. Functions of existing national mechanisms .....	7
B. Types of national mechanisms .....	9
C. Reporting effectiveness .....	10
III. KEY CONDITIONS FOR AN EFFECTIVE NATIONAL MECHANISM .....	12
A. Ad hoc versus standing .....	12
B. Mandate .....	13
C. Resources .....	15
D. Capacities .....	16
IV. LONG-TERM OUTCOMES .....	27
V. CONCLUSION .....	28
<b>Part Two DESCRIPTION OF NATIONAL MECHANISMS BY TYPE.....</b>	<b>29</b>
I. AD HOC MECHANISMS.....	29
II. MINISTERIAL MECHANISMS .....	32
III. INTERMINISTERIAL MECHANISMS.....	38
IV. INSTITUTIONALLY SEPARATE MECHANISMS.....	47



# INTRODUCTION

This publication presents the findings of research by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on national mechanisms for reporting and follow-up, and seeks to inform and provide States and other stakeholders with an analysis of existing practices. It may assist States in choosing the optimal configuration and model for their own national mechanism for reporting to the treaty bodies and the universal periodic review, as well as for engaging with special procedures and facilitating follow-up to recommendations and decisions of all regional and international human rights mechanisms.

## *Methodology*

Following a request for information on measures and practices related to national mechanisms for reporting and follow-up, OHCHR received input from 23 Member States, to which it added information from another 3. It subsequently analysed the establishment and maintenance of their national mechanisms and focused on eight detailed case studies.<sup>1</sup> The case studies covered Africa (Mauritius, Morocco and Senegal), Asia (Cambodia and Republic of Korea), Central America and the Caribbean (Bahamas and Mexico) and Europe (Portugal). Study visits were undertaken to Cambodia, Morocco and Senegal. Supplementary information was collected through surveys, interviews and focus groups as well as field observation.

Drawing on this wealth of information, the functions and tasks of the existing national mechanisms for reporting and follow-up were mapped. Then the range of national mechanisms was studied, on the basis of their location and degree of institutionalization, from ad hoc arrangements to fully institutionalized mechanisms. The national mechanisms in the eight case studies were analysed to establish whether there was a clear relationship between the type of mechanism (on the basis of its degree of institutionalization) and its effectiveness in reporting to the treaty bodies.<sup>2</sup> The research looked at the total delays of all the reports submitted or due in connection with the ratified treaties (excluding optional protocols) between the mechanisms' establishment and 2014. On this basis the average delay per report was calculated.

---

<sup>1</sup> The case studies are described in full in part two below.

<sup>2</sup> In results-based management, effectiveness refers to the extent to which the objectives of an intervention were achieved, or are expected to be achieved, taking into account their relative importance.

## Summary of key finding

For this *Study*, an **effective national mechanism for reporting and follow-up** was understood to lead to timely reporting and a reduction in backlogs in periodic State reports. The findings revealed that there was not always a direct correlation between the mandate, the institutional set-up or the resources of a national mechanism and any reduction in the State's reporting backlog or increase in timely reporting. It thus became clear that there is no one-size-fits-all model. However, other criteria did contribute to a national mechanism's effectiveness.

Firstly, the research brought to the forefront that 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 **benefits 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, it should have **a dedicated, capacitated and continuous staff**, building expertise, knowledge and professionalism at the country level.

Moreover, an analysis of the empirical data revealed that an effective national mechanism should have the following **four key capacities**:

- **Engagement capacity:** the capacity to (a) 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 (b) 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.
- **Coordination capacity:** the 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.

- **Consultation capacity:** the capacity to foster and lead consultations with the country's national human rights institution (NHRI) and civil society.
- **Information management capacity:** the 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.

The effectiveness of a national mechanism for reporting and follow-up also relates to the degree to which it can **achieve systematic and sustainable 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 policy and legislative reviews; strengthening human rights-based governance; and identifying good practices.



## Part One

# FINDINGS OF RESEARCH ON NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP

## I. BENEFITS OF A NATIONAL MECHANISM FOR REPORTING AND FOLLOW-UP

The Universal Declaration of Human Rights was adopted by the General Assembly in 1948. The Declaration laid the groundwork for the human rights architecture that developed in the following decades. Three major international mechanisms make up the United Nations human rights architecture:

- The human rights treaty bodies, which are independent expert mechanisms whose mandates stem from the international human rights treaties;
- The universal periodic review, a peer review by States; and
- The special procedures, which are mechanisms of the Human Rights Council.

In most parts of the world, regional mechanisms for human rights that complement the international ones have also emerged in recent decades.

These international human rights mechanisms all have different mandates, procedures and activities, which, in turn, shape the ways in which States, as duty bearers, rights holders, other national stakeholders and the United Nations country team engage with them. Some deal with early warning and urgent actions on imminent threats of human rights violations (e.g., rapid communications with Governments to prevent or respond to violations), while regular periodic reporting processes aim to contribute to longer-term changes in legal and policy frameworks to create an enabling environment for the protection of human rights.

States are required to report regularly both to the treaty bodies and to the Human Rights Council on their progress in meeting their human rights obligations or commitments. This gives States an important opportunity for:

- Critical self-assessment and monitoring their own progress;
- Identifying challenges and shortcomings in implementation;
- Identifying marginalized and disadvantaged groups;

- Planning and developing human rights-based legislation and policies;
- Establishing strategic national partnerships, including with national human rights institutions and civil society; and
- Receiving advice at the international level in order to benefit from comparative experiences.

Reporting and engagement also raise awareness among public officers and civil servants, civil society and the general public, thereby stimulating a healthy and sustainable national dialogue that strengthens the national human rights protection system.

Periodic reports under the nine core international human rights treaties are due, on average, every four to five years. Consequently, if a State has ratified all nine core treaties and the two optional protocols with a reporting procedure, it is bound to submit approximately 20 reports to treaty bodies in a ten-year period, i.e., two a year in theory. Today only 16 per cent of States are able to meet all their reporting obligations under the United Nations mechanisms on time.

In addition to the preparation of national reports to treaty bodies, there are reporting obligations to the universal periodic review established by the Human Rights Council, other areas of work of the United Nations (including sustainable development, public health, environment, labour rights), as well as regional human rights mechanisms.

All three main United Nations human rights mechanisms adopt recommendations to States based either on the reporting process or on country visits (as is the case with the special procedures and the Subcommittee on Prevention of Torture, which is one of the treaty bodies). In addition, all but two treaty bodies consider complaints by individuals who allege their rights have been violated. Specific conditions, known as admissibility criteria, apply depending on the treaty in question. The views or decisions adopted on individual complaints by the treaty body may contain recommendations to the State party. The treaty body may ask the State party to report back on action taken to implement the recommendations contained in its decision or views under its follow-up procedure.

With the ever-growing size and complexity of the international and regional human rights machinery owing to the ongoing increase in ratifications, and the consequent rise in both State reports and individual complaints, as well as the growing number of special procedure mandates and related country invitations, States are faced with increasingly competing requirements. 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.

Even if a State has the capacity and political will, these requirements are formidable and often lead to late reporting or no reporting at all, as well as to partial or no responses to recommendations or decisions. Timely reporting to these mechanisms, as well as effective follow-up on recommendations and decisions, benefits States, in particular as this offers them an opportunity for strengthening their own capacity to deal with human rights questions, and stimulate national dialogues, reflection, assessment and cooperation with all stakeholders.

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

A national mechanism for reporting and follow-up systematizes and rationalizes the preparation of reports to international and regional human rights mechanisms and coordinates national follow-up to recommendations. It facilitates all other forms of engagement with these mechanisms. It ensures coordination between different government entities, thereby building national ownership and coherence, empowering line ministries and developing sustainable expertise. It ensures consultation with the national human rights institution (NHRI) and civil society, which serves to strengthen participatory, inclusive and accountable human rights-based governance. A national mechanism for reporting and follow-up is also uniquely placed to take the lead in clustering and prioritizing recommendations, in the coordination and development of a specific implementation plan for the follow-up to recommendations from all international and regional human rights mechanisms, with specific timelines, indicators and benchmarks for success or a comprehensive national human rights action plan, including implementation of treaty provisions and recommendations from the United Nations and regional human rights mechanisms.

## II. MAPPING EXISTING NATIONAL MECHANISMS

### A. Functions of existing national mechanisms

Based on the country research described above, the functions and tasks of national mechanisms for reporting and follow-up were broadly classified as follows

#### 1. Engage with international and regional human rights mechanisms

- The national mechanism for reporting and follow-up is often the vehicle for communicating with international and regional human rights mechanisms, handling all communication, responding to urgent actions, facilitating visits, etc., usually through the ministry for foreign affairs;
- The national mechanism informs State bodies, stakeholders and the public at large regarding upcoming human rights reviews by international and regional mechanisms, including with a view to facilitating a national dialogue on the human rights situation to ensure a better preparation of the State report and to maximize the benefit of engagement with these mechanisms.

#### 2. Collect information

- The national mechanism for reporting and follow-up coordinates the collection of information and statistical data for inclusion in reports, in accordance with the guidelines issued by the international and regional mechanisms.

#### 3. Report / submit information to international and regional human rights mechanisms

- The national mechanism for reporting and follow-up facilitates the drafting of State reports and other submissions to:
  - Treaty bodies (common core document and updates, initial reports, periodic reports, reports requested under formal follow-up procedures, correspondence related to individual communications, decisions and views)
  - The universal periodic review (report)

- o Special procedures (responses to communications, visit reports, responses to questionnaires sent by mandate holders and facilitation of visits)
- o Regional human rights bodies (report and communications)

#### **4. Share information with stakeholders and facilitate their involvement**

- The national mechanism for reporting and follow-up interacts with stakeholders for the purposes of reporting to international and regional mechanisms, as well as on the implementation of recommendations:
  - o The judiciary (including collecting and disseminating judicial decisions relevant to international human rights law)
  - o The legislature (parliamentary committees or similar bodies)
  - o NHRI and specialized bodies
  - o Civil society, including NGOs and groups of rights holders

#### **5. Coordinate the follow-up by the State to recommendations from international and regional human rights mechanisms**

- The national mechanism for reporting and follow-up guides the implementation by the State of recommendations by:
  - o Thematically clustering recommendations
  - o Analysing each recommendation
  - o Identifying the State actor responsible for their implementation
  - o Facilitating the preparation of a national implementation plan or national human rights action plan

#### **6. Track progress in the implementation by the State of recommendations from international and regional mechanisms**

- The national mechanism for reporting and follow-up tracks the implementation by relevant State actors of the recommendations, including through the use of a database;

- The national mechanism feeds the information on implementation back into the next reporting cycle and makes it available to civil society and rights holders.

## B. Types of national mechanisms

The research revealed four main types of national mechanisms on the basis of their location and degree of institutionalization. They range from *ad hoc* arrangements to fully *institutionalized* mechanisms.

### 1. 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. A mechanism of this type is established by an individual ministry or by an interministerial committee. It does not retain an enduring set of practices (such as an organizational substructure or a network) after completing the report.

It is important to emphasize, however, that not all mechanisms in this category failed to make use of standardized reporting practices. The mechanisms in the Bahamas, Lithuania and the Republic of Korea, all of which were categorized as ad hoc arrangements, implemented standardized reporting and coordination practices. The mechanisms in South Africa and Switzerland, by contrast, did not report using standardized practices and responsibility for the production of reports rested with individual line ministries.

### 2. Ministerial

A ministerial mechanism is based within a single government ministry, and takes responsibility for coordination, report writing and consultation. It is categorized as a standing mechanism because it creates dedicated structures and practices that are subordinate to and maintained by a government ministry, and it is maintained by that ministry beyond the completion of an individual periodic report.

### 3. Interministerial

An interministerial mechanism is a standing mechanism convened across two or more ministries, and takes responsibility for the functions of coordination, report writing and consultation. Unlike a *ministerial* mechanism, it is not subordinated to a single ministry. Instead a joint structure is established between two or more ministries. It is serviced by an executive secretariat (generally including the regular

convening of a network of human rights contacts or focal points) and again endures beyond the completion of an individual periodic report.

#### 4. Institutionally separate

An institutionally separate mechanism is responsible for all of the functions of coordination, report writing and consultation. It has a separate budget, separate staff, and is structured into internal directorates, programmes and subprogrammes. This type of national mechanism is standing by definition as it is institutionalized and maintained by the Government beyond the completion of individual reports.

#### Types of national mechanisms for reporting and follow-up

Ad hoc		Standing	
<b>1. Ad hoc</b>	<b>2. Ministerial</b>	<b>3. Interministerial</b>	<b>4. Institutionally separate</b>
<ul style="list-style-type: none"> <li>• Lithuania</li> <li>• South Africa</li> <li>• Switzerland</li> <li>• <b>Bahamas</b></li> <li>• <b>Republic of Korea</b></li> </ul>	<ul style="list-style-type: none"> <li>• Denmark</li> <li>• Spain</li> <li>• United States of America</li> <li>• <b>Cambodia</b></li> <li>• <b>Mexico</b></li> </ul>	<ul style="list-style-type: none"> <li>• Austria</li> <li>• Cameroon</li> <li>• Chile</li> <li>• Costa Rica</li> <li>• Democratic Republic of the Congo</li> <li>• Finland</li> <li>• Greece</li> <li>• Honduras</li> <li>• Latvia</li> <li>• Republic of Moldova</li> <li>• Venezuela (Bolivarian Republic of)</li> <li>• <b>Mauritius</b></li> <li>• <b>Portugal</b></li> <li>• <b>Senegal</b></li> </ul>	<ul style="list-style-type: none"> <li>• Serbia</li> <li>• <b>Morocco</b></li> </ul>

Note: Countries listed in bold are part of the case studies.

It is clear from this typology of current mechanisms that only the second, third and fourth types (ministerial, interministerial and institutionally separate) are *standing* mechanisms. (For an overview, see part two below.)

### C. Reporting effectiveness

The national mechanisms were grouped according to type in order to establish whether there was a clear relationship between each type (identified on the basis of its degree of institutionalization) and its effectiveness in reporting to the treaty bodies.

The research looked at the total delays of all the reports submitted or due in connection with the ratified treaties (excluding optional protocols) between the mechanisms' establishment and 2014. On this basis the average delay per report was calculated. Average delays ranged from 7 to 66 months per submitted report once the mechanisms were set up versus 10 to 114 months before their establishment. Overall, reporting delays decreased with the establishment of the national mechanisms.

A detailed document review of the case studies and interviews with senior government officials, NHRIs, parliamentarians, civil society and United Nations representatives in these countries, nevertheless, cast doubt on the implicit assumption made at the outset of the research that there would be a direct relationship between the effectiveness of a mechanism and its degree of institutionalization.

In fact, there is not always a direct correlation between the type of mechanism and its effectiveness in reporting. Two of the interministerial mechanisms "outperformed" the institutionally separate mechanism. Portugal, which has cleared its entire backlog of reports since the establishment of its interministerial mechanism, averaged the shortest delays in submitting its reports, with an average delay of 7.4 months per report. The Republic of Korea averaged an 11.2 month delay in the submission of its reports and had one report outstanding (delayed by 3 months). By contrast, the institutionally separate mechanism of Morocco had an average delay in the submission of its reports of 14.8 months and also had three reports outstanding (delayed by a total of 72 months).

The ministerial mechanism of Mexico "outperformed" the interministerial mechanisms of Mauritius and Senegal. Mexico, since the establishment of its mechanism in 1998 (the Directorate in its Ministry of Foreign Affairs), has had an average delay of 21.1 months per report. In October 2014 it had two reports outstanding (delayed by a total of 33 months). The interministerial mechanism of Mauritius had an average delay of 25.5 months per report and had one report outstanding (delayed by 54 months). In Senegal, reports have been delayed on average by 27.5 months. Senegal also had four reports outstanding in October 2014.

The average reporting delays incurred by Cambodia, whose mechanism was classified as a ministerial mechanism, and by the ad hoc mechanism of the Bahamas were very similar. Cambodia had had an average reporting delay of 66.2 months per report since the establishment of its multiple mechanisms for reporting and follow-up, against 68.1 months for the Bahamas. One of the key differences between the two, however, was that by October 2014 the Bahamas



had ratified five core treaties (but no optional protocols) and four of its five reports were overdue (with their delays totalling 274 months), whereas Cambodia had ratified eight core treaties (and four optional protocols) and had only two reports outstanding (delayed by a total of 48 months).

Differences in the number of reporting requirements were clearly significant and something that should be taken into consideration when explaining reporting effectiveness. For instance, both Morocco and Mexico had more reports to submit than the Republic of Korea. Mexico had ratified nine core human rights treaties and seven optional protocols and Morocco nine core treaties and six optional protocols, whereas the Republic of Korea had ratified seven core treaties and three optional protocols. The reporting performance of Portugal since the establishment of its National Human Rights Committee had been sustained despite its slightly more extensive reporting obligations relative to Morocco: Portugal had ratified nine core treaties and seven optional protocols (the same number as Mexico).

Since the findings revealed that there is not always a direct correlation between the type of mechanism and its effectiveness in reporting, other elements were reviewed. The following chapter will address these elements.

### **III. KEY CONDITIONS FOR AN EFFECTIVE NATIONAL MECHANISM**

#### **A. Ad hoc versus standing**

States that use ad hoc mechanisms to prepare their reports typically face the same capacity constraints every time they constitute a new drafting committee, as there is no accumulation of experience. They may also face challenges caused by a lack of coordination and weak institutional memory.

Under the typology presented, only ministerial, interministerial and institutionally separate mechanisms are *standing*. The research has shown that none of the ad hoc mechanisms maintained an enduring network of focal points across ministries or departments for reporting and follow-up. By contrast, most of the standing (i.e., ministerial, interministerial or institutionally separate) mechanisms did.

The challenges are exacerbated when there is a long time lag between the submission of a report and its consideration by a treaty body, in which case States commonly find that some or most of the drafters are no longer available at the time of the dialogue on the reports they prepared. This reduces both the benefit and the quality of the consideration of the State reports and weakens institutional memory, and the capacity of their replacements will need to be built up once again. Since most States parties submit their reports late, it may be many years before their next report to a treaty body needs to be prepared and the need to rebuild capacity will present itself again at that time. To a lesser extent, the turnover of the officials that deal with individual communications also affects the capacity of States to provide their observations on the admissibility and the merits of these communications and to respond to the views of the treaty bodies. The establishment of standing mechanisms makes the preparation of reports and engagement with human rights mechanisms on other issues less burdensome and more sustainable.

## **B. Mandate**

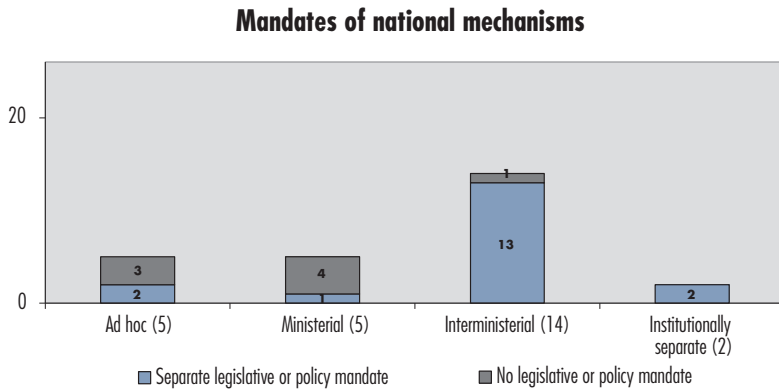
National mechanisms for reporting and follow-up may be established by legislation (passed through parliament), by a formal regulation (by the executive) or by a policy mandate (formed after the adoption of an executive/ministerial policy provision).

With regard to their mandate, the High Commissioner's 2012 report on strengthening the United Nations treaty body system (A/66/860) included recommendations. The High Commissioner encouraged States to establish or reinforce a standing mechanism, if possible by law, with a mandate to:

- Respond to all their international and regional human rights reporting obligations to the treaty bodies, the universal periodic review and the special procedures as well as to regional bodies;
- Coordinate the implementation of their recommendations;
- Respond to the individual communications procedures of the treaty bodies and other international and regional bodies; and
- Establish and execute the modalities for systematic engagement with national stakeholders, including NHRIs, civil society and academia.

## Data analysis

Of the 26 mechanisms studied, 18 were governed by a legislative or policy mandate.



The findings can be broken down by type of mechanism as follows

- Two out of the five *ad hoc* mechanisms had a separate, formal legislative mandate (Lithuania and the Republic of Korea, which both mandated ad hoc inter-institutional working groups/interministerial drafting committees to draft reports);
- One out of the five *ministerial* mechanisms had a separate legislative mandate (Cambodia, which has in fact established five separate mechanisms by legislative mandate). In general, the work of ministerial mechanisms was covered by the broad mandates of the ministry of foreign affairs in which they were located;
- Thirteen of the 14 *interministerial* mechanisms had a formal legislative or policy mandate;
- Both *institutionally separate* mechanisms were established via a formal legislative mandate.

In other words, three quarters of standing mechanisms were governed by either a formal legislative or a policy mandate. However, 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.

In addition, political ownership is important for a mechanism's sustainability, as the 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.

## **C. Resources**

The majority of ministerial and interministerial mechanisms are dependent on their parent ministry or ministries for the provision of staff to undertake their various activities. They are also dependent on the budget allocations granted by their parent ministry or ministries for their programmes and activities. Only institutionally separate mechanisms control their own budgets and appoint their own staff.

The case study of Portugal, where the mechanism enjoys the support of all ministers, seems to suggest that much can be achieved by national mechanisms even if they do not have their own budget or dedicated staff. Provided that the mechanism entails a coordination structure and engages in substantial planning, it can fulfil its mandate without a separate budget.

The case studies of both Portugal and Mexico also seem to suggest that control over the appointment of the mechanism's staff has less impact on its effectiveness than 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.

When establishing its National Human Rights Committee, Portugal decided to use existing resources differently. The Committee's work was undertaken by staff of the Human Rights Division of the Ministry of Foreign Affairs in addition to their existing workloads. The activities in the Committee's annual workplan were covered by the budgets of individual ministries and, despite austerity measures, the Committee was still able to undertake its work as a result of very careful planning and budgeting. It provided all ministries with sufficient advance warning (of almost a year and a half) of upcoming meetings in order to give them sufficient opportunity to budget and plan for their participation.

Other case studies, however, show the limits of what can be achieved without any staff or with seconded staff who are given significant reporting responsibilities that are difficult to reconcile with their existing workloads. Adequate resourcing, in particular continuous staffing, will build sustainable expertise, knowledge and professionalism at the country level.

### **Gender composition**

Parity in itself does not guarantee gender equality, but it is inherent in the human rights principles of equality and non-discrimination. It is first and foremost a matter of rights, as women and men must be able to participate equally in public life and be represented in decision-making without discrimination. Secondly, parity helps ensure that the work of the mechanism benefits from a diversity of perspectives, as well as from the different experience and sets of skills that men and women can bring. Equal representation is necessary for normative legitimacy in human rights work.

In conclusion, first, standing mechanisms are significantly more effective than ad hoc mechanisms, but the establishment of an institutionally separate mechanism is not a precondition for effectiveness. Secondly, an effective mechanism should have a comprehensive formal legislative or policy mandate, as well as a common intragovernmental understanding of its role. Thirdly, the mechanism should have dedicated, capacitated and continuous staff, building expertise, knowledge and professionalism at the country level, and, ideally, ensure gender parity in its composition.

## **D. Capacities**

To fully realize their potential in the national human rights protection system, the role of national mechanisms for reporting and follow-up must be viewed as extending beyond the narrow remit of reporting to international and regional human rights mechanisms.

For this to happen, national mechanisms need to develop capacities for engagement, coordination, consultation and information management which serve to strengthen national effectiveness, coordination and, ultimately, human rights-based governance and national accountability.

## 1. Engagement capacity

The engagement capacity of a national mechanism refers to its capacity to: (a) 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 (b) 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.

The national mechanism 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. At times it is based in the office of the prime minister or the ministry of justice, which centrally facilitates engagement with the human rights mechanisms. In other cases, the central facilitation changes, with ministries taking the lead on certain subjects (e.g., the ministry of family and youth preparing reports to the Committee on the Rights of the Child or the Committee on the Elimination of Discrimination against Women, while the ministry of foreign affairs would still be the entity engaging internationally). The research has shown that, whatever the set-up, it is important for a national mechanism to have an institutional capacity to facilitate the drafting of multiple periodic reports, including through annual planning, standardizing reporting procedures and retaining key drafters within drafting committees. It has been found that the use of consultants to draft reports cannot substitute for nor contribute to the building of State capacity for reporting.

None of the ad hoc mechanisms, which by definition lack institutionalized capacity and continuity, stated that it was also responsible for writing the reports to the universal periodic review and the special procedures. This compared unfavourably with standing mechanisms, which were much more likely to be responsible also for writing reports to the universal periodic review and special procedures and to regional human rights mechanisms. The research indicated that having the institutional capacity to write the reports gives standing mechanisms a clear advantage over ad hoc ones in eliminating reporting backlogs.

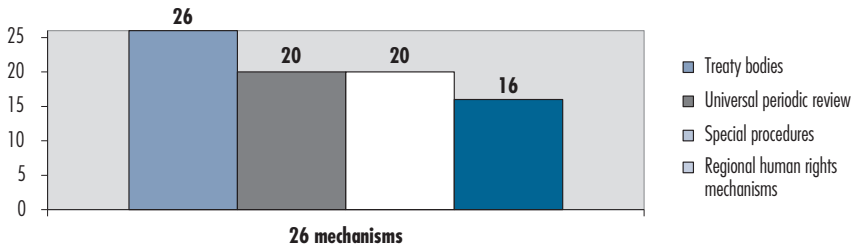
### *Data analysis*

Of the 26 national mechanisms studied:

- All 26 indicated that they were responsible for writing reports to the treaty bodies

- Twenty were also responsible for reporting to the universal periodic review
- Twenty were also responsible for replying to and engaging with special procedure mandate holders
- Sixteen were also responsible for writing reports to regional human rights mechanisms

### Engagement with international and regional human rights mechanisms



The findings can be broken down by type of mechanism as follows

- All five *ad hoc mechanisms* studied had drafted treaty body reports. They were established by ministries and given responsibility for drafting such reports. Separate ad hoc committees were established to draft reports for the universal periodic review. However, the drafting of communications to special procedures was always undertaken by the ministry of foreign affairs itself. No ad hoc mechanism was responsible for reporting to regional human rights mechanisms
- All five *ministerial mechanisms* studied were responsible for writing reports to treaty bodies and to the universal periodic review. Four were also responsible for drafting communications to special procedures (Denmark, Mexico, Spain, United States of America), and three for writing reports to regional human rights mechanisms (Denmark, Mexico, Spain)
- All 14 *interministerial mechanisms* studied were responsible for writing the reports to the treaty bodies, as well as for drafting communications to special procedures. Thirteen were also responsible for producing reports for the universal periodic review (in the Republic of Moldova, the Ministry of Justice was responsible for drafting this report), and 12 were responsible for writing reports to regional human rights mechanisms. (The situation in Cameroon and the Democratic Republic of the Congo is unknown)

- Both *institutionally separate mechanisms* were responsible for writing reports to treaty bodies, the universal periodic review and special procedure mandate holders (that of Morocco is also responsible for writing reports to regional human rights mechanisms)

## 2. Coordination capacity

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.

*Intragovernmental coordination* implies that the activities of and contributions from multiple ministries and different tiers of governance (such as central, provincial/State, district, municipal) are coordinated for the purpose of providing input for self-assessment and policy review. It covers fulfilling reporting obligations as well as implementing recommendations from international and regional human rights mechanisms.

*Coordination with parliament and the judiciary* is undertaken to obtain data and information to facilitate reporting and, in the case of parliament, to encourage accountability through self-assessment and legislative and policy review.

### (a) Intragovernmental coordination

The research has identified various means through which governmental activities are coordinated. These include the holding of regular coordination meetings with all ministerial focal points, the use of e-mail lists and other online platforms, and the use of national human rights action plans and the development of a workplan for the national mechanism.

The findings appear to show that ad hoc mechanisms are less likely to rely on a network of ministerial human rights focal points. In fact, no ad hoc mechanism had established an enduring network of focal points; by contrast, most standing mechanisms had. More enduring forms of mechanisms indicated a greater reliance on such networks.

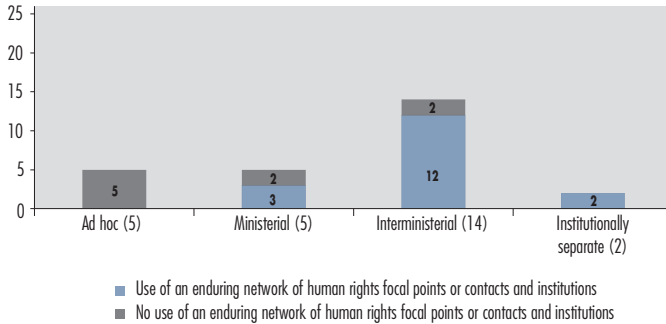


## Data analysis

Of the 26 national mechanisms studied:

- Seventeen stated that they made use of a network of human rights focal points or contacts within government ministries and institutions

**Network of human rights focal points**



The findings can be broken down by type of mechanism as follows

- None of the five *ad hoc mechanisms* made use of an *enduring* network of human rights focal points or contacts within government ministries and institutions
- Three of the five *ministerial mechanisms* made use of an enduring network of human rights focal points or contacts within government ministries and institutions (Cambodia, Mexico, United States of America)
- Twelve of the 14 *interministerial mechanisms* made use of a network of human rights focal points or contacts within government ministries and institutions (Austria, Chile, Costa Rica, Democratic Republic of the Congo, Finland, Greece, Honduras, Latvia, Mauritius, Portugal, Senegal, Venezuela (Bolivarian Republic of))
- Both *institutionally separate mechanisms* stated that they made use of a network of human rights focal points or contacts within government ministries and institutions (Morocco, Serbia)

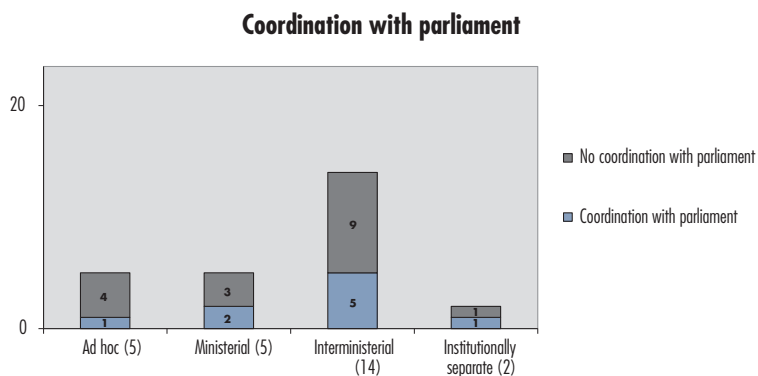
## (b) Coordination with parliament and the judiciary

### Data analysis

The research has shown little coordination by national mechanisms for reporting and follow-up with parliaments and the judiciary, regardless of type, although standing mechanisms performed marginally better than ad hoc mechanisms.

Of the 26 national mechanisms studied:

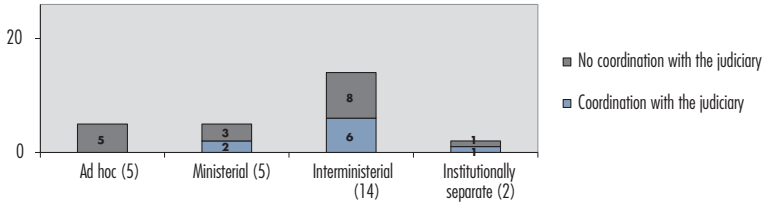
- Eight were responsible for coordinating with parliamentarians and parliamentary committees
- Nine were responsible for coordinating with the judiciary



For coordination with parliament, the findings can be broken down by type of mechanism as follows:

- One of the five *ad hoc mechanisms* routinely engaged with parliament in the writing of treaty body reports (South Africa)
- Two of the five *ministerial mechanisms* indicated that they routinely engaged with parliament (Mexico, Spain)
- Five of the 14 interministerial mechanisms engaged with parliament (Austria, Cameroon, Finland, Republic of Moldova, Venezuela (Bolivarian Republic of)), another 6 did not, with the remainder unknown
- One of the two *institutionally separate mechanisms* engaged with parliament (Morocco)

### Coordination with the judiciary



For coordination with the judiciary, the findings can be broken down by type of mechanism as follows:

- None of the *ad hoc mechanisms* routinely coordinated with the judiciary
- Two of the five *ministerial mechanisms* indicated that they routinely coordinated with the judiciary (Mexico, Spain)
- Six of the 14 *interministerial mechanisms* routinely engaged with the judiciary (Austria, Cameroon, Finland, Latvia, Mauritius, Venezuela (Bolivarian Republic of)), 5 did not, with the remainder unknown
- One of the two *institutionally separate mechanisms* routinely engaged with the judiciary (Morocco)

### 3. Consultation capacity

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 and civil society.

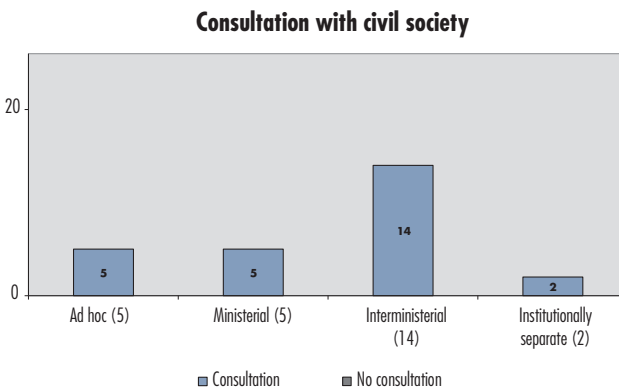
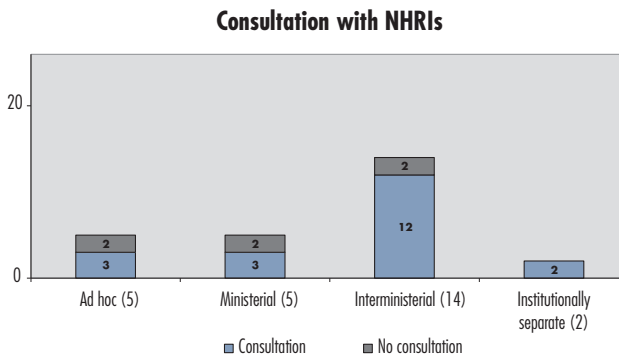
Effective mechanisms facilitate the realization of human rights on the ground, active participation in governance, and dialogue around international human rights commitments, recommendations and their implementation. Consultations that involve NHRIs and civil society are convened and provide an opportunity to openly discuss draft reports.

The research has revealed much higher levels of consultation between national mechanisms and NHRIs and civil society than coordination with the judiciary and parliaments. All national mechanisms, irrespective of type, consulted civil society but standing mechanisms were more likely to consult NHRIs than ad hoc mechanisms.

## Data analysis

Of the 26 national mechanisms studied:

- Twenty were responsible for consulting NHRIs
- All stated that they were responsible for consulting civil society



The findings can be broken down by type of mechanism as follows

- All five *ad hoc mechanisms* engaged in consultation with civil society. Three are in countries that have an NHRI and they engaged with it
- All five *ministerial mechanisms* stated that they consulted civil society. Three are in countries that have an NHRI and they engaged with it
- All 14 *interministerial mechanisms* indicated that they engaged with civil society; 12 of them also engaged with NHRIs
- Both *institutionally separate mechanisms* indicated that they consulted NHRIs and civil society

#### 4. Information management capacity

The information management capacity of a national mechanism refers to its capacity to: (a) track the issuance of recommendations and decisions by the international and regional human rights mechanisms; (b) systematically capture and thematically cluster these recommendations (for example, in a spreadsheet or database); (c) identify responsible government ministries and/or agencies for their implementation; (d) develop follow-up plans, including timelines, with relevant ministries to facilitate such implementation; and (e) manage information regarding the implementation of treaty provisions and recommendations, including with a view to preparing the next periodic report.

This capacity implies the systematic collection and management of information and knowledge regarding the progressive implementation by the State of recommendations from international and regional human rights mechanisms, including with a view to preparing the next periodic report. It also implies the ongoing assessment of progress of specific activities.

The research has shown that no *ad hoc* mechanism monitored the implementation of the recommendations of treaty bodies, the universal periodic review and special procedures. By contrast, nearly all standing mechanisms stated that they were responsible for monitoring this. Moreover, most standing mechanisms also monitored the implementation of the recommendations of regional human rights mechanisms. Only about a third of the standing mechanisms monitored the implementation of a national human rights action plan.

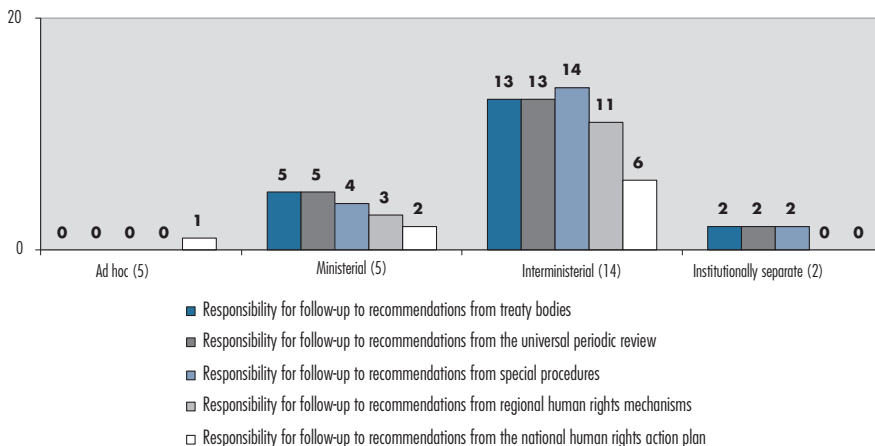
In OHCHR results-based management, “performance monitoring” refers to a continuing function that uses systematic collection and analysis of data on the basis of specified indicators to provide management and the main stakeholders of an ongoing intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated resources. It is an ongoing tracking of activities and progress for short/medium corrective action and accountability of implementation.

## Data analysis

Of the 26 national mechanisms studied:

- Twenty were responsible for coordinating follow-up to recommendations from treaty bodies
- Twenty indicated that they were responsible for coordinating follow-up to universal periodic review recommendations
- Twenty were responsible for coordinating follow-up to recommendations from special procedure mandate holders
- Nine were responsible for monitoring the implementation of a national human rights action plan
- Fourteen were responsible for coordinating follow-up to recommendations from a regional human rights mechanism

### National mechanisms and coordination of follow-up



The findings can be broken down by type of mechanism as follows

- None of the ad hoc mechanisms were responsible for monitoring and following up on the implementation of decisions and recommendations of treaty bodies, the universal periodic review, special procedures or regional human rights mechanisms. Responsibility for follow-up always rested with the ministry of foreign affairs. One ad hoc mechanism monitored the recommendations of international human rights bodies that had been incorporated into national human rights action plans. (The Republic of Korea had established a national action plan for human rights, which included recommendations of international human rights bodies. Lithuania and South Africa had outdated plans—from 2002 and 1998, respectively—and the Bahamas and Switzerland had not established such plans<sup>3</sup>)
- All five *ministerial mechanisms* were responsible for monitoring and following up on the implementation of decisions and recommendations of treaty bodies, and for the universal periodic review. Four were also responsible for coordinating the follow-up to recommendations from special procedure mandate holders. (The exception was Cambodia.) Three were responsible for following up the recommendations of regional human rights mechanisms (the exceptions being the United States of America, which has not ratified the American Convention on Human Rights, and Cambodia). Two indicated that they were also responsible for following up the recommendations in the national human rights action plan (Mexico, Spain)
- Thirteen of the 14 *interministerial mechanisms* were responsible for monitoring and following up on the implementation of decisions and recommendations of treaty bodies (in Senegal individual ministries were responsible). Thirteen were also responsible for coordinating the follow-up to the recommendations by the universal periodic review (in the Republic of Moldova, the Ministry of Justice was responsible). All 14 were responsible for coordinating the follow-up to recommendations from special procedure mandate holders. Eleven were also responsible for coordinating the follow-up to recommendations from regional human rights mechanisms (the situation in Cameroon, the Democratic Republic of the Congo and Senegal is unknown), and six also for monitoring recommendations included in the national human rights action plan (Finland, Honduras, Mauritius, Portugal, Republic of Moldova and Venezuela (Bolivarian Republic of)); none of the remaining States had an up-to-date national human rights action plan or any such plan at all)

<sup>3</sup> See [www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx](http://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx) (accessed 22 February 2016) for a list of national plans of action for the promotion and protection of human rights.

- Both *institutionally separate mechanisms* indicated that they were responsible for coordinating the follow-up to recommendations from treaty bodies, the universal periodic review and special procedures (Morocco and Serbia). Neither Morocco nor Serbia had established a national human rights action plan

The study also examined the capacity of national mechanisms to establish and maintain information-gathering systems with a view to reporting to international human rights bodies. Only one mechanism was responsible for maintaining an information-gathering system for periodic reports to treaty bodies and the universal periodic review (Honduras).

#### IV. LONG-TERM OUTCOMES

In the long term, it is expected that an effective national mechanism for reporting and follow-up will lead to the following national outcomes:

- **National framework:** national mechanisms lead to the establishment of a reliable, continuous and sustainable national framework for reporting and follow-up, and can potentially become a catalyst and a pillar of an effective national human rights protection system. They will also enhance knowledge, professionalization and sustainability of improved nationally owned and developed human rights expertise within government structures;
- **Structured national dialogue:** national mechanisms stimulate regular national dialogues among government departments, parliament, the judiciary, NHRIs and civil society regarding the implementation of international and regional human rights obligations and commitments subscribed to by the State, in preparation of periodic State reports and follow-up to recommendations from the international and regional human rights mechanisms;
- **Regular self-assessment:** national mechanisms facilitate the ability of all branches of government (the executive and agencies responsible for policy implementation, the legislature and the judiciary) to assess the State's performance in implementing treaty provisions, United Nations and regional recommendations and decisions and, generally, in realizing human rights and identifying the remaining gaps and challenges;
- **Policy and legislative review:** national mechanisms draw attention to and facilitate the review of domestic human rights legislation and policies that are inconsistent or incompatible with international human rights law and the commitments made by the State. This includes reflecting on the



appropriateness of sectoral laws and policies, such as health or education policies, or analysing budgetary allocations for health or education;

- **Human rights-based governance:** national mechanisms contribute to improved participatory, inclusive and accountable human rights-based governance;
- **Benefiting from international good practices and advice:** national mechanisms facilitate the adaptation by the State of experiences of other countries and benefit from expert advice by members of treaty bodies and special procedure mandate holders, as well as from the recommendations of the universal periodic review and regional human rights mechanisms. This presupposes that the national mechanism communicates with these international human rights bodies regarding the implementation of international human rights commitments, obligations and recommendations emanating from treaty bodies, the universal periodic review and special procedures.

## V. CONCLUSION

A national mechanism for reporting and follow-up can play a critical role in reinforcing the State's human rights protection system in many ways. 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.

By and large, national mechanisms are developing these key capacities. With political will and ownership significant further progress can be made in a short period of time.

## Part two

### DESCRIPTION OF NATIONAL MECHANISMS BY TYPE

#### I. AD HOC MECHANISMS

##### **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. This working group is 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.

The working group meets every week, every other week from 2016 onwards, with drafting groups meeting as needed. Specific ministries and departments are assigned to lead the drafting of a periodic report to a specific treaty body (for example, the Department of Social Services leads the drafting process of reports to the Committee on the Rights of the Child). Once a month, the working group reviews recommendations issued by the international human rights mechanisms with a view to monitoring their implementation.

##### **Lithuania**

Human rights reporting is coordinated by the Ministry of Foreign Affairs. Responsibility for the preparation of initial and periodic reports is assumed by the ministry responsible for the implementation of the relevant convention. This institution/ministry convenes an inter-institutional working group. However, these working groups appear to be ad hoc as they are convened only for the purposes of completing specific reports.

The inter-institutional working groups use a set of standardized practices and have significant powers

---

\* Countries indicated with an asterisk are part of the case studies.

- They draw up a work schedule, work methods and deadlines to ensure the gathering of the required information in collaboration with other ministries and government agencies
- After producing a draft report, they coordinate with government ministries/institutions and NGOs
- They also approve the final draft
- They then make the approved report available to NGOs

## Republic of Korea\*

The National Human Rights Policy Council was established in 2006 by Presidential Directive No. 176. It is chaired by the Minister of Justice and includes the vice-ministers of several ministries (including the Ministry of Foreign Affairs and Trade, the Ministry of Health and Welfare, and the Ministry of Defence). The Council is funded via the budget of the Ministry of Justice and its administrative work is undertaken by that Ministry. It does not have a separate budget or separate staff.

Its primary responsibility is to facilitate the development and adoption of a national human rights action plan for the Republic of Korea and monitor and report on the implementation of this five-year plan. The second national action plan for 2012–2016 incorporates the implementation of the international human rights reporting obligations of the Republic of Korea and all corresponding recommendations adopted by it. It also includes the objective of “writing, submitting and preparing for the deliberations pertaining to the national report to be given to international organizations related to human rights” and sets out specific reporting activities and time frames in this regard. As the Council is responsible for adopting and implementing the national action plan, it appears to be implicitly responsible for overseeing these reporting obligations to international human rights bodies.

However, in practice, treaty body report writing is coordinated by the lead government agency responsible for the relevant human rights treaty, and not by the Council. The common core document for the United Nations human rights treaty bodies, too, is produced by a lead agency, namely the Ministry of Foreign Affairs, which acts in consultation with relevant ministries. The Council is not responsible for the intragovernmental coordination of reporting or for coordination with other government entities and civil society. Nor is it responsible for communicating with international human rights bodies or for facilitating national consultations.

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.

The lead government agency identifies when reports are due, sets up and disseminates the timetable for drafting the report, and invites relevant stakeholders to submit information and to form part of an ad hoc drafting committee. The lead ministry then compiles the draft report, convenes the drafting committee and finalizes the draft report. It hosts consultations with coordinating NGOs and thereafter sends the report for review to the National Human Rights Commission. The result of the NGO consultations and the opinion of the National Human Rights Commission are reviewed by the lead ministry. Once the necessary changes have been made, the lead ministry finalizes the report and translates it into English and submits it to the Ministry of Foreign Affairs. The Ministry reviews the report again and submits it to the United Nations via the Permanent Mission in Geneva.

The lead government agency designated for each international human rights treaty also coordinates efforts to monitor the implementation of decisions and recommendations made by treaty bodies and human rights mechanisms. Lead agencies are responsible for drafting responses to communications issued by treaty bodies and also for translating concluding observations and the decisions of treaty bodies.

## South Africa

South Africa reported that it is in the early stages of creating a national mechanism, as it does not currently have one. The Treaty Section within the Department of

International Relations and Cooperation acts as the central focal point for treaty body reporting. The actual production of reports is the responsibility of line ministries. They are reportedly required to compile the relevant reports and then provide copies to the Treaty Section. Consequently, no standardized reporting or coordinating practices were reported.

## Switzerland

Switzerland does not currently have a national mechanism for reporting and follow-up. There is no standardized procedure for compiling reports. The federal department within whose remit the implementation of the relevant treaty falls coordinates and prepares the periodic reports to the relevant treaty body.

In some cases, the first step is to write an initial draft, which is then sent to other departments of the Federal Government or cantons, municipalities and NGOs. Responsibility for reporting at the federal level is divided between four departments (the Department of Foreign Affairs, the Department of Justice, the Department of the Interior and the Department of the Economy).

## II. MINISTERIAL MECHANISMS

### Cambodia\*

Between 1999 and 2009 Cambodia created five separate ministerial structures with responsibility for meeting its international human rights reporting obligations:

- (a) The National Council for Children, created in 1999, based in the Ministry of Social Affairs, Veterans and Youth Rehabilitation, reports on the Convention on the Rights of the Child;
- (b) The Human Rights Committee, established in 2000, is answerable to the Council of Ministers, and is responsible for submitting 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;
- (c) The National Council for Women established in 2001, based in the Ministry of Women's Affairs, reports on the Convention on the Elimination of All Forms of Discrimination against Women;

- (d) The Disability Action Council, created in 2009, based in the Ministry of Social Affairs, reports on the Convention on the Rights of Persons with Disabilities; and
- (e) The Interministerial National Preventive Mechanism, created in 2009 and based in the Ministry of the Interior, reports on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Each is made up of representatives of ministries and other bodies. There is no centralized coordination between these structures. None has institutionalized coordination with the legislature or the judiciary, although the Disability Action Council and the National Council for Children involve civil society in their work.

All are regulated by decree or subdecree. The Committee has a legislative mandate to prepare national reports on the implementation of international human rights instruments. Its mandate also includes cooperation with ministries, institutions and civil society to protect and develop human rights in Cambodia. Similarly, the legislative mandates of both the National Council for Women and the National Council for Children include the preparation of reports on the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child (and its first two optional protocols) and monitoring their implementation. The legislative mandates of the Disability Action Council and the Interministerial National Preventive Mechanism do not make reference to the international treaties that fall within their remit or to any coordination or reporting responsibilities in this regard. Consequently, the first three have mandates for coordination and reporting, whereas the mandates of the last two make no reference to reporting to the Committee on the Rights of Persons with Disabilities or the Committee against Torture.

The five mechanisms are allocated a budget through their parent ministry. All but the Interministerial National Preventive Mechanism are well staffed. The Committee employs 52 staff members; the National Council for Women employs 29 staff (its budget is supplemented by donors and international organizations); the National Council for Children has 25 staff (its budget is supplemented by international donor funds); the Disability Action Council has 28 staff (its budget too is supplemented by donor funds and NGO member fees). The Interministerial National Preventive Mechanism, by contrast, employs only 2 staff: the chief secretary and the administrator.

The reporting process for all five mechanisms starts with the identification of the subjects to be covered in the report and of the ministries responsible for collecting the necessary information. A draft report is then produced and subsequently discussed at a meeting with focal points from all member ministries. Thereafter, a draft of the report is sent to the president of the relevant mechanism and it is revised. At this point, the National Council for Children (not the other four mechanisms) convenes a consultation workshop to discuss the draft report with a cross section of stakeholders, including civil society. Finally, the report is submitted to the Council of Ministers. A closed-door meeting is held between the relevant mechanism and the Deputy Prime Minister in charge of the Council of Ministers. Once approved by the Deputy Prime Minister, the report is submitted to a full session of the Council of Ministers for formal approval and sent to the Ministry of Foreign Affairs for transmission to OHCHR.

All five mechanisms have standing coordination arrangements with relevant ministries and government agencies. Most attempt to ensure coordination via the appointment of focal points within ministries. These focal points are responsible for collecting the information required for periodic reporting from within their ministries and for channelling this information back to the mechanisms. However, there is no centralized structure for coordinating their individual work and for ensuring that activities undertaken by one mechanism are not duplicated by another.

Each of the five mechanisms is responsible for responding to relevant treaty body follow-up questions and coordinating follow-up to concluding observations and recommendations individually. None has a dedicated information-gathering system for capturing information on the implementation of relevant treaties.

## Denmark

The task of promoting and protecting human rights is decentralized and involves a large number of ministries and public authorities. The Ministry of Foreign Affairs coordinates the preparation of “most” reports to treaty bodies with the relevant governmental institutions. However, it does not have a specific mandate for human rights reporting. There appears to be no dedicated structure separate from or subordinate to the Ministry of Foreign Affairs with responsibility for reporting.

The Ministry of Foreign Affairs did state, however, that it followed a set of systematic procedures for report writing. These include:

- Holding preparatory meetings with ministries and public authorities to reach agreement on a workplan;
- Receiving contributions from relevant departments and liaising with the authorities and other stakeholders;
- Consolidating reports.

## 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. Its mandate is based on article 28 (I) of the Law of Federal Public Administration and article 29 of the Internal Regulations of the Ministry of Foreign Affairs. The budget for the Directorate and the activities of its specialized units is funded by the Ministry of Foreign Affairs.

The Directorate has 41 staff members and 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 civil and political rights unit coordinates the production of reports on the implementation of the International Covenant on Civil and Political Rights; the economic, social and cultural rights unit coordinates reports to the Committee on Economic, Social and Cultural Rights; and the women's rights unit is responsible for coordinating reporting on the Convention on the Elimination of All Forms of Discrimination against Women. 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.

The units convene ad hoc drafting committees, with representatives drawn from various other government agencies. They enable the Directorate to undertake governmental coordination, coordination with parliament and the judiciary, and consultations with the NHRI and to a lesser extent civil society. For specific human rights treaties governmental coordination is formalized with specialized State entities:



- Reports on the Convention on the Elimination of All Forms of Discrimination against Women are coordinated with the National Institute for Women;
- Reports on the International Convention on the Elimination of All Forms of Racial Discrimination are coordinated with the National Council to Prevent Discrimination and the National Commission for the Development of Indigenous Peoples;
- Reports on the Convention on the Rights of the Child are coordinated with the National System for the Comprehensive Development of the Family.

In addition, the Directorate's rights-specific specialized units have established networks of focal points to help coordinate the collection of information from 35 different federal institutions.

The reporting process starts with the Directorate identifying upcoming reporting obligations. It asks relevant ministries/agencies to appoint focal points to take responsibility for liaising with the Ministry of Foreign Affairs. It convenes ad hoc treaty-specific drafting committees to write the actual reports. The Ministry of Foreign Affairs calls on the relevant institutions to attend at least one meeting, where the structure, content, responsibilities and timeline regarding the report are outlined. Six months prior to the submission of a report the Directorate 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 for the production of the report. So it sets out clear reporting procedures and offers guidelines for reporting, which include a basic plan and production deadlines. This is followed by a period in which the Ministry of Foreign Affairs receives questions for clarification from relevant members of the executive or of the legislature.

Once relevant data and comments are received from government ministries and institutions, the specialized units within the Directorate analyse this information and produce a first draft of the report.

According to the Directorate, the first draft is then sent to all participating institutions for their validation and is updated, after which point the NHRI, the judiciary and civil society are consulted to obtain their inputs on the final draft. Once the information obtained from these sources is validated, the report is revised and submitted to the relevant international human rights body.

The Directorate has established a standing process for engaging with the Chamber of Deputies. It alerts the Chamber 10 months in advance of the universal periodic review's report, provides a draft of the report to the Chamber for comment, and also forwards treaty body recommendations and puts the Chamber in contact with special rapporteurs.

The Directorate has also established a standing process for engaging with the Supreme Court of Justice (since 2011) in order to obtain statistical information on human rights cases. The Court participates in the final meeting organized by the Directorate to decide on the final version of relevant reports.

The Directorate in collaboration with OHCHR-Mexico and the Centro de Investigación y Docencia Económicas has 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](http://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.

Moreover, the Interministerial Commission on Government Policy on Human Rights, based in the Ministry of the Interior, is tasked with producing a national human rights programme and monitoring and reporting on its implementation. The programme covers the international human rights reporting obligations of Mexico and the recommendations of international human rights bodies. Despite providing an ideal vehicle for collecting information to feed back into periodic reports and responses to views and recommendations, there appears to be no clear link between the Directorate's specialized units and this interministerial structure.

## Spain

The Human Rights Office within the General Directorate for the United Nations and Human Rights at the Ministry of Foreign Affairs and Cooperation is the lead agency for coordinating reporting on human rights obligations. It collaborates closely with the Attorney General's Office (Abogacía General del Estado), in the Ministry of Justice, and coordinates with the relevant ministries/departments. The Human Rights Office meets at least twice a year with civil society. It prepares the

first drafts of reports, using the inputs from the relevant departments/ministries, and finalizes them in consultation with all relevant stakeholders. It is also responsible for following up and monitoring the implementation of treaty body recommendations, which are reported on in subsequent periodic reports.

## **United States of America**

The Department of State plays a leadership role in coordinating the drafting and preparation of treaty body reports and presentations. Within the Department of State, the Office of the Legal Adviser, with support from the Bureau of Democracy, Human Rights and Labor and the Bureau of International Organization Affairs, plays the lead role in drafting and coordinating reports, responses and presentations. They collaborate closely with relevant federal government agencies, many of which have designated one or more officials to serve as central points of contact for treaty reports and presentations, and receive guidance as appropriate from the National Security Council.

Recently, interagency working groups have been established, originally within the auspices of the universal periodic review process, but also with responsibilities to review recommendations from human rights treaty bodies, and to promote domestic implementation of international human rights treaty obligations and commitments.

## **III. INTERMINISTERIAL MECHANISMS**

### **Austria**

The Federal Ministry for Europe, Integration and Foreign Affairs coordinates the compilation of reporting commitments and recommendations regarding all treaty bodies and the universal periodic review. It has established a system of human rights coordinators and a steering group for the universal periodic review, both of which conduct interministerial working sessions and hold thematic dialogue groups with civil society during the compilation of State reports. These structures are enduring and also monitor the implementation of treaty obligations and recommendations subsequent to the completion of reports.

### **Cameroon**

Cameroon has established a technical monitoring committee by presidential decree for preparing and presenting treaty body reports. This structure cuts across the

Presidency, the Prime Minister's Office, a range of ministries, parliament and the NHRI. Its work is complemented by an interministerial committee responsible for monitoring the implementation of treaty body recommendations. It, too, includes representatives of a range of ministries and the NHRI, and is chaired by the Prime Minister's Office

## Chile

Chile has a dedicated coordinating commission to comply with its obligations in international human rights law, made up of representatives from multiple ministries and State institutions. The Directorate of Human Rights within the Ministry of Foreign Affairs contains the Coordination Department and the Department of the Universal Human Rights System. The latter is responsible for coordinating the preparation and submission of periodic reports. It edits all periodic reports, which are produced by the relevant ministries.

## Costa Rica

Costa Rica has created an inter-institutional commission on human rights by executive decree as a permanent advisory body of the Ministry of Foreign Affairs. It conducts its work in subcommittees. It includes representatives of a range of ministries and State institutions as well as experts. It is supported by an advisory committee which includes international experts.

## Democratic Republic of the Congo

The Democratic Republic of the Congo has established an interministerial technical committee to develop and monitor initial and periodic reports on human rights. This structure falls under the Ministry of Human Rights, which is responsible for the implementation of government policy on human rights. The Technical Committee is responsible for directly preparing and writing all initial and periodic reports required under international and regional human rights treaties.

The Technical Committee has 34 members, all civil servants. They are nominated by their respective ministries and appointed by the Minister of Human Rights. The Technical Committee also includes representatives of NGOs, trade unions and other professional bodies. It has subcommittees for each of the main human rights instruments that the Democratic Republic of the Congo has ratified.

## Finland

The Unit for Human Rights Courts and Conventions of the Legal Service Department in the Ministry of Foreign Affairs is responsible for preparing the Government's periodic reports. It produces the initial drafts of reports itself.

The Unit works closely with the Ministry of Justice, which coordinates the Network of Contact Persons for Fundamental and Human Rights with representatives from all ministries, who monitor the implementation of the national human rights action plan and the implementation of concluding observations within their own ministries.

## Greece

The drafting of treaty body reports is "in most cases" coordinated by the Ministry of Foreign Affairs in close cooperation with other ministries. A network of focal points in ministries has also been established to prepare national periodic reports. This network disseminates concluding observations of treaty bodies and is responsible for following up their implementation.

## Honduras

The Coordinating Committee, composed of the Secretary of State in the Ministry of Human Rights, the Secretary of State in the Ministry of Foreign Affairs and representatives of a range of other government ministries and institutions, is responsible for human rights reporting. It convenes inter-agency working groups that are responsible for addressing issues raised by treaty bodies. They also include NGOs whose work is linked to the themes of the respective report. Treaty body recommendations are included in a national human rights action plan.

## Latvia

The Latvian Representative before International Human Rights Institutions, within the Ministry of Foreign Affairs, coordinates the preparation of periodic reports on the implementation of certain United Nations treaties and follow-up on treaty bodies' recommendations by compiling information provided by line ministries and other stakeholders. The Representative also establishes and chairs inter-institutional working groups for drafting these periodic reports. Other United Nations treaties fall within the competence of specific line ministries. They, too, prepare periodic reports, establish and chair inter-institutional working groups, and follow up on treaty bodies' recommendations.

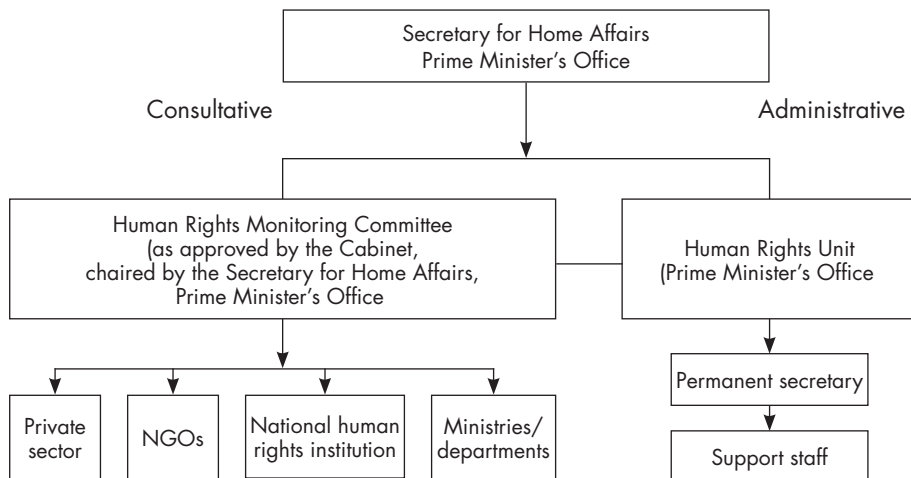
The Human Rights Division of the Ministry of Foreign Affairs is responsible for preparing and drafting the national reports in the framework of the universal periodic review. The Division establishes inter-institutional working groups to this end.

## 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 mandate of the national mechanism flows from the national human rights action plan, adopted in 2012 after consultation by the Government with the private sector and civil society.

The national mechanism is resourced via the Prime Minister's Office. The Human Rights Unit and the Human Rights Monitoring Committee both fall under the responsibility of the Secretary for Home Affairs of the Prime Minister's Office. The Unit is led by a permanent secretary and has five support staff. The Committee, on the other hand, is chaired by the Secretary for Home Affairs. It includes representatives of the private sector, NGOs, NHRIs and focal points within all relevant government ministries and departments. They are convened in subcommittees depending on the human rights obligation being monitored or evaluated.



The Human Rights Unit's budget enables it to implement a number of human rights-related programmes and interventions. Besides reporting, these include an awareness-raising and training programme, the maintenance of a human rights website portal for communicating with stakeholders, and the development of an intranet and database of human rights indicators (to be circulated to all stakeholders for regular updating).

The Human Rights Unit is responsible for coordinating with all stakeholders the process of gathering data, drafting human rights reports and responding to the observations and recommendations of United Nations human rights mechanisms. The Prime Minister's Office is ultimately responsible for finalizing all international human rights reports on behalf of the Government of Mauritius prior to their submission by the Ministry of Foreign Affairs.

The Human Rights Monitoring Committee is a network convened by the Prime Minister's Office. It is tasked with monitoring the implementation of the national human rights action plan, but also serves as a vehicle for national consultation in addition to coordinating information gathering.

Together, the Human Rights Unit and the Attorney General's Office are the core facilitators for all human rights reporting. The former draws up a calendar of consultations with all stakeholders keeping in mind the reporting deadlines. The Human Rights Unit and the Attorney General's Office or relevant ministry are responsible for data collection. For policy issues, the Human Rights Unit or the relevant ministry produces the first draft of the report. For primarily legal issues, the Attorney General's Office coordinates information collection and is tasked with producing the first draft.

When a reporting process starts with the Human Rights Unit, it 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. After initial inputs have been received from ministries and departments, a first draft report is produced by the Attorney General's Office, the Human Rights Unit or the lead ministry. Irrespective of who produced this draft, the Human Rights Unit coordinates the consultations with all stakeholders, including the NHRI and civil society. When inputs have been received from all stakeholders, the Human Rights Unit (in conjunction with the Attorney General's Office and/or relevant ministry) revises and finalizes the full report. If cabinet approval is required for a particularly sensitive report, the Human Rights Unit briefs the Prime Minister. Once approved

by the Prime Minister's Office, the report is sent to the Ministry of Foreign Affairs, which transmits it to the Permanent Mission in Geneva.

There are no established practices for the Human Rights Unit or the Human Rights Monitoring Committee to consult with members of the National Assembly. The Prime Minister's Office does, however, engage directly and regularly with the Ombudsperson for Children and the National Human Rights Commission. Both are represented on the Human Rights Monitoring Committee, as is the Master and Registrar of the Supreme Court, who acts as the focal point for the judiciary.

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

The national human rights action plan also recommended that the Human Rights Monitoring Committee should assess progress in the implementation of national as well as international human rights undertakings and commitments against indicators and benchmarks. These indicators were to be developed by the Human Rights Unit.

## Portugal\*

The National Human Rights Committee was created by resolution No. 27/2010 of the Council of Ministers in March 2010. It is responsible for governmental 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. It is not responsible for implementing human rights policies; that is the responsibility of line ministries.

The Committee is chaired by the Ministry of Foreign Affairs. Since its inception this role has in practice been fulfilled by the Secretary of State for European Affairs. Its Deputy Chair has always been a senior diplomat in the Ministry of Foreign Affairs, namely the Deputy Political Director responsible for Multilateral Affairs. Resolution No. 27/2010 listed a number of State departments/ministers that should be members of the Committee and the Committee may itself invite other State departments to join. Currently, all ministers are represented on the Committee, in some cases at State Secretary level. The National Statistics Office is also a member. The latest addition is the Ministry of Finance (since December 2014). In addition to its members, the Committee is supported by a network



of human rights focal points in ministries. The Office for Comparative Law and Documentation in the Attorney General's Office and the Ombudsman (the national human rights institution with "A" status in accordance with the Paris Principles) have a standing invitation to the Committee's meetings, both at plenary and at working group level.

The Human Rights Division within the Ministry of Foreign Affairs acts as the Committee's permanent secretariat. Resolution No. 27/2010 did not create a specific administrative structure for this purpose. The secretariat works very flexibly and can be assisted by other members of the Committee, including the Office for Comparative Law and Documentation, for example when drafting a report for a specific treaty body. The resolution did specify that the Committee should adopt its own rules of procedure. These were approved in 2010 and amended in 2012.

The Committee meets at least three times a year at plenary level and whenever needed at working group level. The Human Rights Division drafts the reports of the plenary meetings, which are submitted to the Committee for approval, and executive summaries of the working group meetings. Its main means of communication is e-mail. Its mailing list of members and ministerial human rights focal points is regularly updated by the secretariat. 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 attend Committee meetings and minutes of these meetings.

The Committee is responsible for implementing the reporting obligations of Portugal. The reporting process starts with the Committee identifying upcoming reporting obligations and circulating a table matching articles and the previous recommendations with the responsible line ministries. It sets deadlines for line ministries to respond to specific requests for information. During its plenary session, the relevant ministries are selected to form a working group depending on the subject matter of the particular treaty. Committee members are responsible for gathering information within their own ministries and for sending it to the Human Rights Division, which then prepares the first draft. The draft report is sent to all the members for validation. Once they have approved the final draft (usually by e-mail and silent procedure), a working group meeting with civil society is organized in order to consult NGOs on the draft report before its finalization and submission to the relevant treaty body. This meeting is usually chaired by the Ministry of Foreign Affairs in partnership with the main line ministries involved in the drafting process.

The Committee does not have its own budget and does not employ its own staff (separately from the Ministry of Foreign Affairs staff). It adopts an annual workplan that determines its activities (including regarding international and regional forums, reporting, ratifications, information sharing). The last chapter of this

annual workplan 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 the annual report are public documents available on the Committee's website<sup>4</sup> and through social media. These two documents are sent to the foreign embassies in Lisbon and Portuguese embassies and permanent missions abroad. The annual workplan is also translated into English and sent to OHCHR.

Preparations for the universal periodic review (report, interactive dialogue and midterm report) are also coordinated by the Committee. The Ministry of Foreign Affairs sends a table to the members with recommendations and the ministry responsible for implementation and feedback. The Committee shares the universal periodic review report with NGOs, which have 10 days to comment. This is followed by a meeting with NGOs. For the midterm report, the Committee drafts a table with clustered recommendations drawn from the review, designating responsible line ministries, with a deadline for members to report back to the Committee on what they have done so far to implement the recommendations.

The preparations for the interactive dialogues with the treaty bodies or the Working Group on the Universal Periodic Review are similar to those for drafting reports. The Human Rights Division leads, but the members of the National Human Rights Committee who contributed to drafting the report actively participate in the exercise. In order to guarantee that line ministries come to the interactive dialogue in Geneva, the Committee circulates at all plenary meetings a calendar of future interactive dialogues with treaty bodies (time frame of up to five years). This allows line ministries to budget for such participation.

The Committee circulates treaty body observations and recommendations to all its members after each treaty body dialogue on the reports Portugal has submitted. At plenary meetings, the head of the national delegation is invited to provide a debriefing on the treaty body's or universal periodic review's dialogue and recommendations.

The Committee does not have a formal institutionalized link with parliament but individual parliamentarians can be invited to its meetings with civil society.

At least one of the 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.

---

<sup>4</sup> [www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/cndh.aspx](http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/cndh.aspx) (accessed 22 February 2016).

The Committee frequently updates the list of recommendations made to Portugal by the treaty bodies, the special procedures of the Human Rights Council and its universal periodic review, the Council of Europe and other regional human rights mechanisms. It circulates them among all its members and makes them publicly available via its website, which the Human Rights Division regularly updates.

## Republic of Moldova

The National Commission for the Elaboration of Initial and Periodic Reports is responsible for the coordination of the preparation of reports and for the follow-up to treaty body recommendations and decisions. It is housed within the Ministry of Foreign Affairs and European Integration. The National Commission is constituted by representatives from a range of public authorities and from civil society.

## Senegal\*

Since May 2011, the Directorate for Human Rights in the Ministry of Justice has been responsible for international human rights reporting. It is tasked with monitoring international human rights commitments, drafting and presenting periodic reports on the implementation of human rights conventions ratified by Senegal, processing queries and allegations of human rights violations, drawing up strategies and action plans for the implementation of universal periodic review recommendations, and outreach and promotion of human rights.

On 19 July 2013, the Minister of Justice formally established the National Consultative Council for Human Rights (Conseil Consultatif National des Droits de l'Homme) under the Ministry of Justice. All ministries are represented on the Council, as well as seven members of civil society. The Council meets once a month.

The Council coordinates the preparation of periodic reports to international and regional human rights mechanisms and ensures the follow-up to the recommendations emanating from these mechanisms. It is also mandated to advise the Government and issue recommendations on human rights, humanitarian law and humanitarian action.

There is no formal mechanism for involving members of the National Assembly (parliament) in the human rights reporting process, or for ensuring the inclusion of their input into national reports. The judiciary is not formally consulted during this process either, although it is informed of the concluding observations and recommendations of the treaty bodies via the Ministry of Justice.

## Venezuela (Bolivarian Republic of)

The Human Rights Coordinating Board, established in the Office of Multilateral Affairs and Integration in the Ministry of Popular Power for Foreign Affairs, is responsible for reporting to treaty bodies and for following up on their concluding observations and recommendations. The Board establishes an inter-institutional coordination and technical committee for each report. A technical coordination group links officials of different agencies and focal points of social movements and organized community groups.

The Human Rights Coordinating Board incorporates a number of separate sections (desks):

- The Human Rights System Desk tracks sessions and resolutions of the Human Rights Council, international covenants and conventions, and treaty body recommendations;
- The Desk for Monitoring Reports on Human Rights is responsible for preparing reports to treaty bodies and to the universal periodic review, and responses to communications from special procedures;
- The Desk for Participation and Consultation with Civil Society is responsible for including people, social movements and other organizations in the consultations during the reporting process.

The Office of Multilateral Affairs and Integration sets guidelines and time frames for the provision of relevant documents. Requests are sent to various public institutions to obtain the necessary information to write the report.

## IV. INSTITUTIONALLY SEPARATE MECHANISMS

### 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 NGOs working on human rights and promotes dialogue with international NGOs.

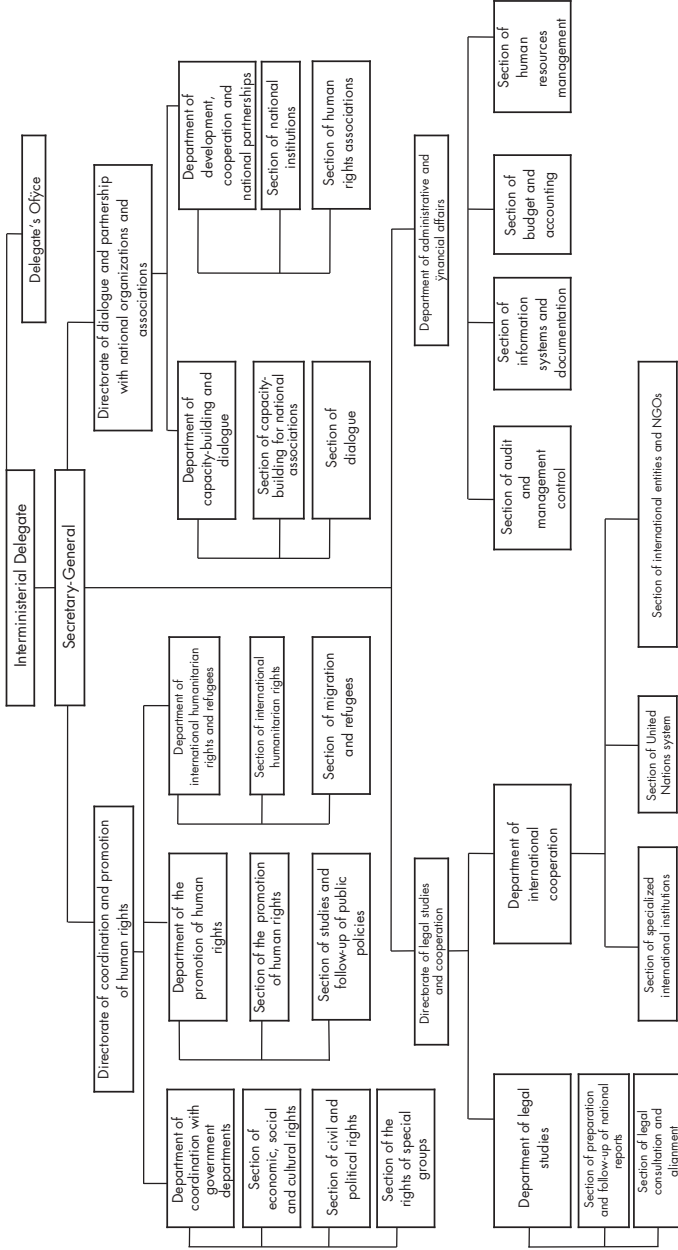
Decree No. 2-11-150 contains a number of articles that set out its structure. The Delegation has a highly formalized internal division of labour that spans across three directorates, a general secretariat and a division of administrative and financial affairs, which is responsible for providing the necessary administrative, logistical and financial support for the day-to-day running of the Delegation. Responsibility for its management rests with a secretary-general, who is directly accountable to the Interministerial Delegate and who coordinates the development and implementation of the Delegation's strategic and action plans with their various projects and activities.

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. As a separate government entity, the Delegation can either recruit staff directly or second them from other government departments. 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. Its budget covers its coordination, core facilitation and national consultation functions, and enables it to control the appointment and training of its own staff.

Its directorates are responsible, among other things, for coordination, interaction with human rights bodies, core report-writing facilitation and national consultation. Each directorate is further divided into divisions and sections, as shown in the organization chart below.

The *Directorate of Coordination and Promotion of Human Rights* is responsible for coordination with government departments. The *Directorate of Dialogue and Partnership with National Organizations and Associations* engages with NHRIs and human rights associations. The *Directorate of Legal Studies and International Cooperation* coordinates the preparation and submission of national reports to the treaty bodies and the universal periodic review, interacts with special procedures and international NGOs, and studies national legislation and provisions of international conventions with a view to harmonization or ratification. In addition, it monitors and follows up on the recommendations and comments from these bodies and coordinates the preparation of draft responses.

# Organization chart



The Delegation has introduced a standardized set of steps to be followed in the production of reports with a clear division of labour. It also 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.

The reporting process can be broken down as follows:

1. The Delegation identifies upcoming reports and sets time frames for their submission
2. It conceptualizes what data are required for the completion of each report
3. It identifies the government stakeholders and NHRIs from which these data can be obtained
4. The Interministerial Delegate sends a request to the relevant ministry/department/institution to appoint a representative to liaise with the Delegation and provide the required data
5. This representative attends a meeting with the Delegation
6. A frame of reference for the completion of the report is agreed – this includes the identification of the specific information required from the ministry/department/institution and time frames for its submission
7. The Delegation follows up with the representative to ensure the timely collection of this information
8. If the information received is not in the appropriate format (for example, it consists of raw data), it is converted into a narrative
9. The Delegation then produces a first draft of the report
10. The Delegation forwards this to the relevant ministries/departments/institutions and consults their representatives regarding any observations or reservations they might have
11. The Delegation revises the draft report
12. At this point the draft is forwarded to the NHRIs for their input and consultations are held with them
13. Consultations are then held with civil society groups

The frame of reference for each report includes consultations. These have taken the form of seminars, conferences and meetings with stakeholders. The Delegation consequently convenes separate consultations with ministries, NHRIs and civil society groups as part of the reporting process.

It engages 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.

The Delegation has developed an action plan for following up the implementation of recommendations from treaty bodies, the universal periodic review and the special procedures.

## **Serbia**

The Office for Human and Minority Rights maintains an interdepartmental mechanism for reporting and for the inclusion of NGOs, namely the Policy Task Force. This Policy Task Force was established by the Ministry of Human and Minority Rights in 2008 and is responsible for the preparation of treaty body reports. It is composed of representatives of State authorities and civil society. Its draft reports are proposed for formal adoption to the Government by the Office of Human and Minority Rights.

The Head of the Office of Human and Minority Rights is appointed by the Prime Minister and, in turn, appoints a deputy and assistants for five-year terms from among the civil service. The Office of Human and Minority Rights has its own resources, which are allocated from the central government budget.

In accordance with recommendations from the second cycle of the universal periodic review, Serbia established the Council for Monitoring the Implementation of United Nations Human Rights Mechanism Recommendations on 27 March 2015. Its responsibilities are to: review and monitor the implementation of recommendations received by Serbia from the universal periodic review and the treaty bodies; propose measures for the implementation of these recommendations; reflect human rights-related progress in the reporting period; and assess the state of human rights and the results achieved by implementing the recommendations.

The Director of the Office for Human and Minority Rights is the Chairman of the Council. The Council consists of nine members, who are officials and civil servants holding positions in the ministries of justice; foreign affairs; the interior; labour, employment, veteran and social affairs; education, science and technological



development; health; culture and information; public administration and local self-government; and the Serbian European Integration Office. The sessions of the Council may be attended by the representatives of State authorities, independent State bodies for human rights and civil society. The Council submits reports on its work to the Government at least every 90 days. The Office for Human and Minority Rights provides expert, administrative and technical support to the Council.

Several meetings of Council members and civil society were held under the auspices of the Office for Human and Minority Rights to define the Council's methods of work. These imply participation of civil society in the Council's operations in order to open a new channel of communication between the State authorities and civil society, and establish a constructive dialogue to work out a plan for the implementation of the recommendations from United Nations human rights mechanisms.

In this connection, the draft memorandum of understanding regarding the participation of civil society in the work of the Council for Monitoring the Implementation of United Nations Human Rights Mechanism Recommendations was adopted at its second session, on 25 November 2015. The plan for the implementation of human rights mechanism recommendations, prepared by the Office for Human and Minority Rights as an action plan, was also reviewed during that session.

