

A Practical Guide for Civil Society

HOW TO FOLLOW UP ON UNITED NATIONS HUMAN RIGHTS RECOMMENDATIONS



UNITED NATIONS



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1. How to use this Guide

This Guide, issued by the Office of the High Commissioner for Human Rights (OHCHR), focuses on how civil society can follow up on recommendations of United Nations (UN) human rights mechanisms and mandates or bodies. Readers who are not already familiar with the main features of these mechanisms are invited to refer to OHCHR’s Handbook for civil society – *Working with the United Nations human rights programme* and its Practical Guides for civil society.¹

Sections 1 – 3 of this Guide explain ‘follow-up’ and ‘implementation’, while section 4 describes methods and activities that civil society actors (CSAs) can use. Section 5 reviews existing follow-up procedures and practices of UN human rights mechanisms and how CSAs can participate.

¹ Available at www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx



The Guide also refers to tools to facilitate civil society follow-up activities. These are listed in section 6.

By reviewing a variety of follow-up methods and activities complemented by real experiences, kindly contributed by CSAs² and OHCHR field presences, the Guide offers a menu of options from which CSAs can select on the basis of their own priorities and capacity.

This Guide is primarily intended for CSAs working at the national level. It is available in Arabic, Chinese, English, French, Russian and Spanish.

² Inclusion of case studies does not imply OHCHR endorsement.



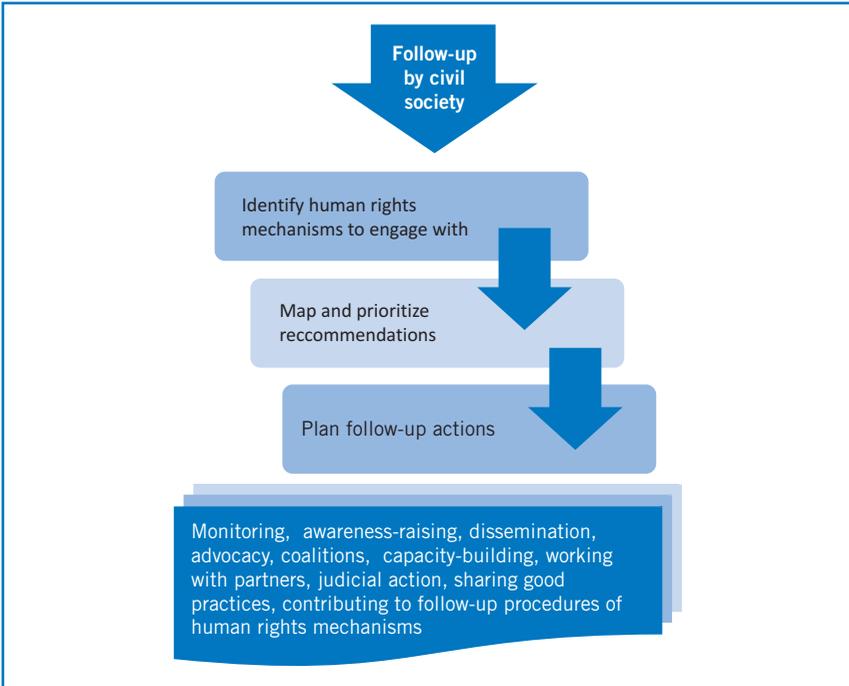
2. What is follow-up and why is it important?

Follow-up activities aim at ensuring that recommendations and decisions by human rights mechanisms and bodies are **implemented** so as to improve respect, protection and fulfilment of all human rights for all.

UN human rights mechanisms and bodies seek to improve the realization of human rights in all countries of the world. Resolutions adopted by the Human Rights Council, the findings of Commissions of Inquiry, recommendations of treaty bodies, special procedures and the universal periodic review, and decisions of treaty bodies on individual cases all aim at closing protection gaps and indicate ways for States and other stakeholders to advance towards the full realization of human rights. All these findings, recommendations and decisions aim at producing a change for the better in the lives of rights-holders. The primary obligation to realize such change lies with States, which bear the duty to respect, protect and fulfil human rights. However, all parts of society, from individuals to the private sector, the international community and CSAs have a role to play in the realization of human rights. Civil society, in particular, can play a crucial role in following up on human rights recommendations.



A summary of stages for follow-up





3. Follow-up on what?

The findings and recommendations of UN human rights mechanisms and bodies are numerous. Civil society follows up on those that are relevant to their objectives and scope of action. These can be:

- ▶ Recommendations adopted by treaty bodies in their concluding observations after examining the implementation of a human rights treaty by a State party;
- ▶ Recommendations issued by special procedures of the Human Rights Council as contained in reports on country visits, thematic reports and communications on individual cases;
- ▶ Recommendations stemming from the Universal Periodic Review (UPR) of the Human Rights Council;
- ▶ Resolutions and decisions of the Human Rights Council and the General Assembly;
- ▶ The work of the subsidiary bodies of the Human Rights Council, such as the Advisory Committee, the complaint procedure, the Expert Mechanism on the Rights of indigenous peoples, the Forum on minority issues, the Social forum, and the Forum on business and human rights;
- ▶ The recommendations of commissions of inquiry, fact-finding missions and other ad hoc human rights investigative mechanisms established by the Human Rights Council, the High Commissioner for Human Rights or the UN Secretary-General;
- ▶ The recommendations contained in reports and studies of the UN High Commissioner for Human Rights (e.g. reports on the activities of field presences; reports and studies on country and thematic situations mandated by the Human Rights Council);
- ▶ Appeals to States or the international community by the High Commissioner for Human Rights or by human rights independent experts in public statements.

This is a non-exhaustive list of recommendations for State and civil society follow-up. In addition to UN mechanisms, regional and national human rights mechanisms also issue reports and recommendations aiming to improve the realization of human rights.

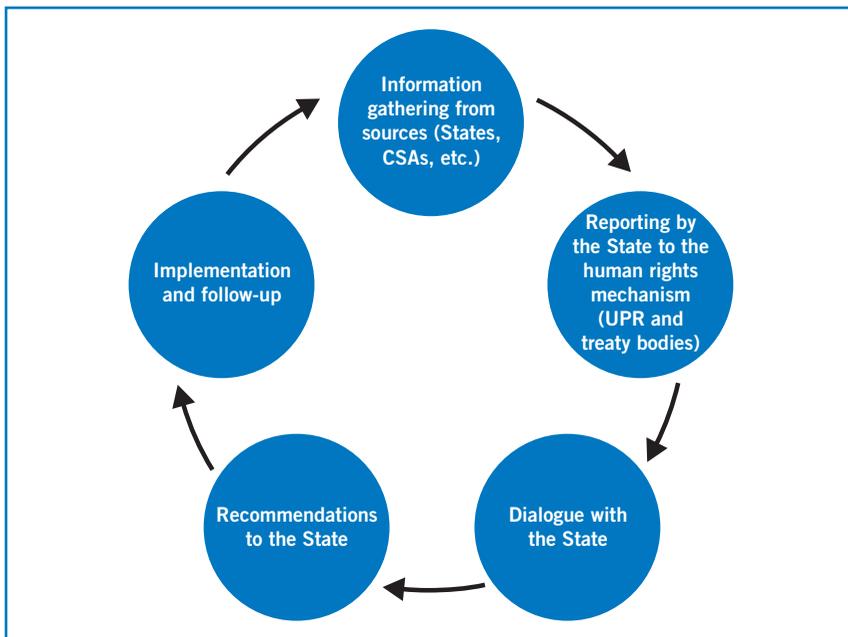


In deciding what to focus on, it is important to avoid following up in a compartmentalised or fragmented manner. While the different human rights mechanisms have their own follow-up procedures and practices as described in section 5 of this Guide, one of the added values that civil society can bring is to adopt a holistic approach to follow-up.

A holistic approach makes use of the plurality of human rights mechanisms, rather than focusing on the recommendations of just one. It involves engagement with human rights mechanisms in all phases of their work. Human rights mechanisms work in cycles that can be simplified in phases of: information gathering, reporting, dialogue with the concerned State, recommendations and follow-up.

Civil society's work on follow-up is thus more effective when it has engaged in the full process. While sustained engagement throughout all phases of the cycle of activities of human rights mechanisms is likely to yield more results, CSAs can usefully benefit from the outcomes and recommendations of human rights mechanisms even without previous engagement.

Cycle of human rights mechanisms



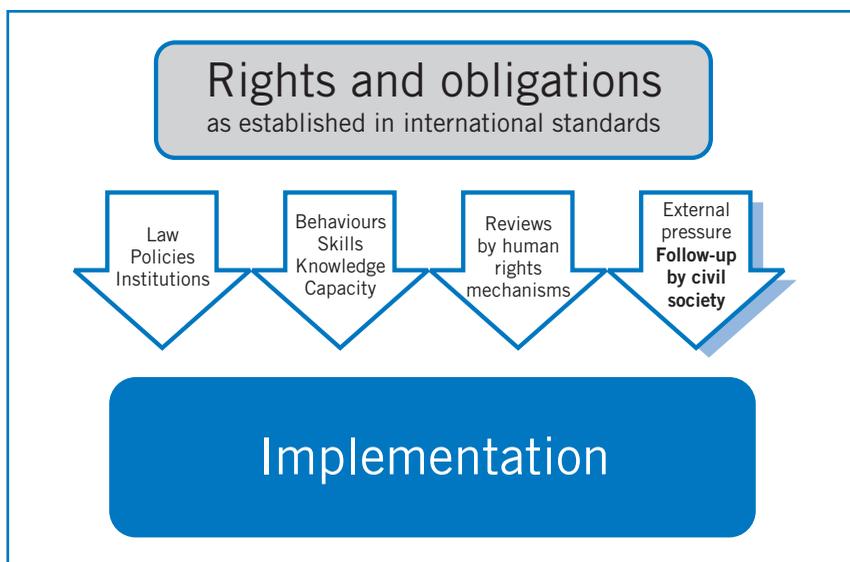


4. Follow-up methods and activities

This section outlines some of the methods and activities for civil society follow-up, together with some illustrative examples of past practice.

4.1. Identifying mechanisms to engage with

The realization of all human rights for all is the over-arching goal for all UN human rights bodies. In most countries, progress takes place through a combination of factors, ranging from political will of duty bearers to the behaviour of law enforcement agents, the actions of civil society, the decisions and degree of independence of courts, the influence of regional organizations, a change in government, etc. OHCHR and UN human rights mechanisms can play an important role in paving the way towards implementation.



Which mechanism has greatest impact? A country visit of a Special Procedures mandate-holder? Recommendations addressed by States in the Universal Periodic Review (UPR) and the related political processes? Or is it a decision on an individual complaint by a treaty body? Perhaps it is a combination of all of these, and more? What added value can a



human rights mechanism bring to the work of civil society on a specific human rights thematic issue and/or in a country, region or territory? How does engagement with human rights mechanisms fit with the priorities, plans and capacity of CSAs?

Analysing what a mechanism can offer and understanding its findings and recommendations are fundamental steps to: 1) take decisions on civil society engagement with such mechanism/s; 2) shape such engagement; and 3) integrate such engagement in CSAs' strategies and workplans.

4.2. Engaging with human rights mechanisms throughout their cycles to maximise impact

Experience shows that civil society interaction with human rights mechanisms yields more results when engaged with all phases of a human rights mechanism's work cycle. For instance, when submitting information for the UPR on the State under review, civil society may focus on issues that concern them the most, be it corporal punishment of children or discrimination against ethnic minorities. They may establish a dialogue first with their own Government and later with delegations of Member States who will participate in the inter-active dialogue of the UPR, and encourage them to propose recommendations on these issues. The outcome document of the UPR will reflect these recommendations, and may then be used at the national level to strengthen the advocacy or other activities of civil society.

Similar processes take place with other mechanisms. It is by contributing well documented, reliable information on issues of concern that civil society enhances the likelihood of findings and recommendations being relevant and focussed. Well formulated recommendations, feasible to implement, responding to identified human rights protection gaps, issued by UN human rights bodies are crucial to underpin civil society's advocacy at the national level.



4.3. Mapping human rights recommendations and findings

Recommendations and findings of human rights mechanisms, both thematic and country-based are numerous. Compiling and clustering them according to thematic or geographic areas of interest can be a useful preparation for a holistic approach to follow-up. Mapping recommendations and findings can:

- ▶ Facilitate access to recommendations;
- ▶ Help raise awareness and assist in disseminating recommendations;
- ▶ Assist in building a comprehensive overview of existing recommendations and thereby provide a basis for a holistic strategy for follow-up;
- ▶ Facilitate prioritization in implementation and follow-up;
- ▶ Serve as a basis to develop a monitoring plan.

The following tool can assist in this process:



The Universal Human Rights Index

The **Universal Human Rights Index**³ is an online database compiling recommendations from the treaty bodies, the special procedures and the UPR. The Index enables users to access and search treaty body, special procedures and UPR recommendations through several categories: State, right, body, affected person, timeframe and, for the UPR, the State(s) that made the recommendation, the position of the State under review, and the session. With a few clicks searchers can view the assessments of UN bodies and mechanisms on the status of implementation of human rights in any particular situation. This renders the existing vast amount of UN information on human rights more transparent and accessible.

Clustering recommendations in Central Asia

In Kyrgyzstan, OHCHR's Regional Office for Central Asia supported an academic institution to produce a compendium clustering recommendations of UN human rights mechanisms by right, including recommendations stemming from treaty bodies, special procedures and the UPR. This served as the basis to plan work on the implementation of recommendations.⁴

³ <http://uhri.ohchr.org/>

⁴ The compilation is available at www.auca.kg



4.4. Prioritizing and planning

CSAs may find some recommendations more relevant than others. Some may deal with the CSAs' thematic or geographic priorities, and others not. Similarly some may be easy to follow up on, while others demand resources which are not available. Some recommendations may be the result of preparatory work undertaken by civil society with a human rights mechanism. Follow-up to these recommendations is more likely to be prioritized and integrated in CSAs' strategies and workplans.

Torture and ill treatment perpetrated by private actors in Canada

In 2011 the 110 Clubs of the Canadian Federation of University Women (CFUW) urged the Government of Canada to specifically criminalize torture perpetrated by private actors.

The Canadian Criminal Code holds perpetrators of torture by State actors to account. When individuals suffer the same acts of torture perpetrated by private individuals, such as in cases of domestic violence, these individuals are not held to account for the crime of torture.

In April 2012, CFUW submitted a shadow report to the Committee against Torture (CAT). CFUW members attended the May session of the Committee in Geneva. "We heard the Committee affirm to the delegates of the Government of Canada that some forms of gender-based violence are manifestations of torture when perpetrated by non-State actors and that these fall under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was a breakthrough for gender equality and women's and girls' non-derogable human right not to be subjected to torture perpetrated by non-State actors. The concluding observation of CAT was a major breakthrough for us and we were able to use it in our work", commented two CFUW members. Following up on the Committee's Concluding Observations, CFUW submitted a written statement to the Commission on the Status of Women and supported a submission for the UPR of Canada building on the CAT's concluding observation on torture and ill treatment perpetrated by private actors.

With or without engagement in previous phases of the work cycle of human rights mechanisms, CSAs have found that prioritizing existing recommendations and findings by identifying those that relate to their own human rights goals is an important step in order to develop realistic



follow-up plans. CSAs can use different sets of **criteria to prioritize** recommendations, such as:

- ▶ Recommendations expressed by a human rights mechanism or body which reinforce those of CSAs;
- ▶ Recommendations in line with CSAs' objectives and activities whose follow-up can be realistically integrated in their workplans;
- ▶ Recommendations and findings marking a new advancement in the interpretation and application of human rights law;
- ▶ Recommendations whose implementation may be favoured by a number of factors (e.g. prioritized by the State for implementation; pressure and/or assistance of the international community; availability of resources);
- ▶ Recommendations that civil society can follow up on by working with others in coalitions;
- ▶ Recommendations whose implementation can be measured by CSAs;
- ▶ Recommendations that would otherwise be ignored without CSA action; and
- ▶ Recommendations specifically addressed to civil society (e.g. recommendations of the Special Rapporteur on the situation of human rights defenders addressed to the defenders' community).



Prioritizing UPR recommendations on the theme of non-discrimination based on gender and gender identity

An exercise in prioritizing UPR recommendations and developing a preliminary workplan may be summarized as follows:

UPR Recommendation	Prioritized	Type of follow-up and main activities	Responsible organization(s) and resources	Timeframe	Indicator(s)
Reinforce legal protection against discrimination to include sexual orientation and gender identity as prohibited grounds for discrimination.	Yes. Important opening that Government may overlook if not encouraged by CSAs and international community.	Advocacy. Lobbying of parliamentarians. Participate in drafting legislation. Campaign.	LGBT organizations in partnership with other CSAs. Part of on-going activities.	Next 4 years	Sexual orientation and gender identity integrated as prohibited grounds of discrimination in non-discrimination law.
Initiate or join public awareness campaigns to encourage tolerance towards homosexual, bisexual and transsexual persons.	Yes. See above.	Participate in campaign. Propose targeting youth, general public, and law enforcement agents. Environments to target: secondary schools; universities; sports clubs; police training centres.	LGBT organizations in partnership with other CSAs. Additional resources to be sought.	Next 4 years	Campaign implemented. Type of population constituencies reached.
Continue to address gender inequality.	No. Too vaguely formulated.				



UPR Recommendation	Prioritized	Type of follow-up and main activities	Responsible organization(s) and resources	Timeframe	Indicator(s)
Continue strengthening the institutions and preventive policies relating to gender issues and discrimination against women.	Yes. Government should be encouraged to strengthen equality institutions with more resources.	Monitoring and advocacy. Monitor budget resources allocated to the Ministry for equal opportunities. Monitor initiatives proposed by the Ministry taken on board and implemented by the Government.	Women's organizations in partnership with other CSAs. Part of on-going activities. Additional expertise on budget monitoring to be sought.	Next 4 years	Resources allocated to the Ministry for equal opportunities. Policy proposals by the Ministry adopted and implemented by the Government.
Prioritize implementation of recent legal reforms to eliminate discriminatory provisions against women in compliance with CEDAW.	Yes. Time to have a non-discriminatory legal framework!	Monitoring legislation. Part of follow-up to CEDAW concluding observations.	Women's organizations in partnership with other CSAs. Part of on-going activities.	Next report under CEDAW.	Discriminatory provisions as identified by CEDAW are repealed.
Take targeted measures to close the wage gap between women and men.	No, but supported by CSAs. Beyond the capacity of CSAs to follow up.				



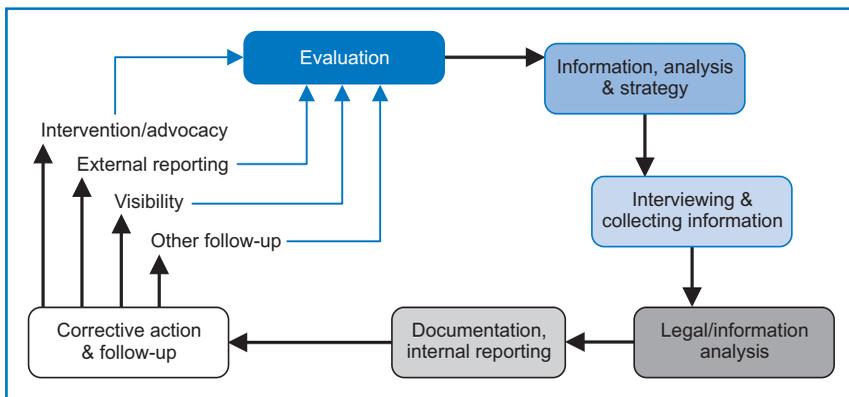
UPR Recommendation	Prioritized	Type of follow-up and main activities	Responsible organization(s) and resources	Timeframe	Indicator(s)
Establish, in cooperation with civil society, a detailed strategy with a view to eliminating harmful cultural practices and discriminatory stereotypes against women.	Yes. This was prioritized by the coalition, and the recommendation envisages an explicit role for civil society.	Participate in the development of the strategy.	Women's organizations in partnership with UN Women.	One year	Strategy adopted.
Strengthen efforts to eradicate child labour, improving coordination among the numerous national institutions dealing with the rights of the child.	No. Outside the scope of activities of CSAs involved.				



4.5. Monitoring implementation

Monitoring the State’s implementation of recommendations is an important activity for civil society to ensure Government’s accountability. It can consist of CSAs’ keeping up to date on whether the State has ratified a specific human rights treaty, has extended invitations to special procedures to visit the country, has adopted a law on non-discrimination; or carrying out complex monitoring processes involving the collection and corroboration of large amounts of data from different sources and in multiple locations, or analysis of information in relation to indicators and benchmarks over a defined period of time. Whatever type of monitoring is undertaken, simple or complex, **it is vital that findings are accurate and reliable**. The findings can serve as the basis for advocacy with the national Government, and may be developed as submissions to human rights mechanisms, e.g. in the second or third cycles of the UPR, for the following review of treaty bodies, as an oral update to the Human Rights Council. OHCHR’s Manual on human rights monitoring⁵ provides detailed guidance on monitoring methodology as the active collection, verification, analysis and use of information to assess and address human rights concerns. According to this definition, monitoring takes place over a protracted period of time. The whole process of monitoring is also referred to as the human rights monitoring cycle (see below).

The monitoring cycle



⁵ Manual on human rights monitoring (United Nations publication, HR/P/PT/7/Rev.1).



Monitoring accessibility of information and materials at polling stations in Hong Kong

China, including Hong Kong, was reviewed by the Committee on the Rights of Persons with Disabilities (CRPD) in September 2012. A group of self-advocates from the organization Chosen Power attended both the 7th and 8th CRPD Committee sessions to brief on how their Government was upholding their rights, and used this experience in their advocacy work in Hong Kong. Chosen Power is the first self-advocacy and self-help organization run by persons with different learning abilities in Asia and their participation in Geneva represented the first time persons with intellectual disabilities addressed the Committee.

Following the 7th session in which the list of issues was adopted, Chosen Power lobbied for accessibility of information and materials at polling stations for persons with intellectual disabilities, and for the right to be accompanied to polling booths with a support person of their choice. They met with officials of the Registration and Electoral Office in July 2012 to raise these issues as well as the inaccessibility of voting for persons who are blind or visually impaired, the impossibility of persons living in institutions to vote, and the fact that people defined as “mentally incapacitated” are deprived of their voting rights.

Elections were held in September 2012 and Chosen Power monitored several aspects of the elections. They found that election websites were not accessible, that they had to wait for lengthy periods to access ‘easy to read’ voting guides at polling stations, and at times they felt that the assistance provided at polling stations did not fully respect their autonomy and confidentiality.

A positive outcome of participating in the CRPD Committee review process has been the mobilisation of organizations of persons with disabilities and CSAs to join forces in a coalition which has helped mainstream disability issues in wider civil society. In Hong Kong these organizations also worked together to contribute a submission to the Human Rights Committee for the list of issues on Hong Kong in which they also raised their rights to political participation in order to increase pressure on the government to make the necessary changes for their equal participation.



Using human rights indicators to monitor implementation

Quantitative and qualitative indicators, based on sound and transparent methodologies, can be used to monitor the implementation of recommendations. For instance, indicators to verify implementation of a recommendation to adopt a law on sexual and reproductive health could be the date of entry into force and the area of coverage of the law.

Another recommendation in this area could be “to continue efforts to increase access to safe and affordable contraceptive services throughout the country”.

An indicator on the proportion of women or their partner using contraceptive allows stakeholders to assess degree of implementation. Data on contraceptive use are produced by the United Nations Population Division using nationally representative surveys.

When collecting data for indicators, it is important to have disaggregated data to capture discriminatory aspects of a situation. In a non-exhaustive list and depending on what is relevant and feasible in each context, indicators can be disaggregated on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, and civil, political or other status. Once relevant indicators have been identified, it is useful to set benchmarks to compel States to commit and deliver on the recommendations.

Social Watch⁶ and the **Center for Economic and Social Rights**⁷ are organizations with considerable experience in using indicators to follow up to recommendations.⁸

4.6. Seizing momentum

The review of a country’s human rights situation by a UN human rights mechanism or a visit of a special procedure mandate holder can often create momentum, such as:

- ▶ Unprecedented media attention to a human rights situation;
- ▶ Openness of State authorities to address some human rights problems at the central or local levels;

⁶ www.socialwatch.org

⁷ www.cesr.org

⁸ For more guidance on indicators, see Human Rights Indicators - A Guide to Measurement and Implementation (United Nations publication, HR/PUB/12/5).



- ▶ New interlocutors in Government ready to engage in dialogue with civil society;
- ▶ Renewed impetus for taking measures to advance human rights;
- ▶ Demonstrations of political will to adopt legislation compliant with human rights standards;
- ▶ Availability of new resources to work in a given area; and
- ▶ Partnerships or coalitions created or strengthened for the review.

CSAs can play a crucial role in both creating a momentum around the activities of human rights mechanisms and in seizing such opportunities to advance strategies for improved human rights protection.

4.7. Creating and working with coalitions

Participating in the work of human rights mechanisms through CSA coalitions has often yielded positive results. Examples include:

- ▶ More comprehensive submissions to human rights mechanisms, with increased likelihood of recommendations reflecting priorities identified by the coalition.
- ▶ Division of labour among member organizations of the coalition according to specialization, resources and expertise, resulting in more effective participation and follow-up (e.g. some organizations will focus on advocacy or awareness-raising, others on monitoring, gathering and analysing data, including technical data and information, others provide support to victims of human rights violations and help make their voices and testimonies heard).
- ▶ Improved working relationships, collaboration and solidarity among CSAs. This is particularly important when CSAs may be under threat.
- ▶ Increased influence and credibility of the coalition with a unity of message and purpose vis-à-vis the human rights mechanisms, State authorities and other stakeholders (e.g. diplomatic missions, national human rights institutions).
- ▶ Small CSAs attract more attention when their issues are channelled through coalitions.



CSA Coalition makes progress in the prevention of torture through the UPR in the Philippines

The Medical Action Group (MAG) participated in the preparation of the Joint Report of Civil Society for the UPR on the Philippines. Before the UPR took place in May 2012, CSA coalition members organized a diplomatic briefing in Manila, attended by approximately 20 embassies. In Geneva, it conducted meetings with 16 diplomatic missions to raise awareness about their concerns. “We were able to convey our priority concerns in a specific and concise manner, packaged into a one-page fact sheet on each issue”, said members of the coalition. “The huge value of working as a coalition of CSAs in the submission of the report and in lobbying governments in the UPR process resulted into more relevant recommendations. This also facilitated follow-up and our active engagement with the government on their implementation.”

MAG and the United Against Torture Coalition (UATC)-Philippines are now using UPR recommendations to support their work on the prevention of torture. “We use UPR recommendations in our monitoring work and in our advocacy activities focused on increasing public visibility to medical aspects of torture, including documentation based on the Istanbul Protocol and the establishment of rehabilitation programs for torture survivors and their families. The UPR recommendations had multiplier effects in building the capacity of the torture prevention movement in the Philippines” concluded a MAG representative.

A roadmap to implement recommendations on economic, social and cultural rights in Switzerland

The Coalition Suisse Romande sur les droits économiques, sociaux et culturels initiated follow-up to the concluding observations on Switzerland of the Committee on Economic, Social and Cultural Rights. It invited CSAs specializing in the different areas reflected in the concluding observations to contribute an explanation as to what would be required in order to implement each of the recommendations. All the inputs were compiled into concrete guidelines that were shared and discussed in roundtable discussions with Government officials.

While experience shows that working with coalitions has generally produced good results, lessons learned from past practice also identified some of the common challenges, including:

- ▶ Resources and time involved in coordination work.



- ▶ Agreeing on priorities and roles.
- ▶ Maintaining the momentum and sense of purpose of the coalition.
- ▶ Reaching consensus may involve dilution of some issues.

Combating racial discrimination in Japan

The Japan NGO Network for the Elimination of Racial Discrimination (ERD Net) was formed in 2007 after the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in 2005. With the support of the International Movement Against All Forms of Discrimination and Racism (IMADR), ERD Net has been working for the implementation of the International Convention on the Elimination of Racial Discrimination (ICERD) in Japan. ERD Net submitted a shadow report on Japan to the Committee on the Elimination of Racial Discrimination (CERD). In February 2010, ERD Net delegates attended the session and organized a briefing for CERD. Between August 2010 and June 2012, it held a series of consultations with the government and organized workshops for parliament members, based on CERD's concluding observations. "These activities allowed us to strengthen our advocacy skills both at the UN and national levels. It has also consolidated our collaborative relationship" said a member of ERD Net. "This experience also allowed us to identify media as another area where we want to be more active. More media attention on how international mechanisms view the human rights situation in Japan will certainly be beneficial".

4.8. Partnering

Working with partners on follow-up and human rights implementation may have a strategic value.

Past experience has shown that participation in UN human rights processes can open up opportunities for new partnerships and collaboration among CSAs. Seizing these opportunities and making the most out of these partnerships can multiply results. When establishing partnerships, the diversity of partners is essential to ensure that all perspectives are taken into account.

Working with partners can happen at many levels: some may share the same objectives, others may have resources, specific skills or a broad network of contacts; others are key duty bearers or can influence them.



Mapping key actors and what contribution they may bring, including risks and threats, is the basis for developing a strategy, and defining roles. In a non-exhaustive list, CSAs have experience of different forms of partnership and collaboration with:

- ▶ CSAs at different levels and in different thematic areas – from community-based organizations to national and international CSAs;
- ▶ Donors and the diplomatic community;
- ▶ Media;
- ▶ Trades unions and professional associations;
- ▶ Thematic networks;
- ▶ State structures, including Parliaments and relevant Parliamentary commissions;
- ▶ National human rights institutions;
- ▶ International and regional organizations, including the UN and OHCHR field presences;
- ▶ Academic institutions; and
- ▶ Human rights mechanisms.



Mobilizing partners to protect and promote children's rights in Nepal

In Nepal, Save the Children trained 138 CSAs on the UPR. It supported stakeholders' submissions and coordinated advocacy at the national and international levels. As a result, the outcome document of the UPR has 34 recommendations on child rights, including 31 accepted by the Government of Nepal.

Save the Children built its UPR follow-up strategy around the mobilization of various national stakeholders, including civil society networks, the National Human Rights Commission, embassies and the media, to enhance national ownership of the UPR process and strengthen engagement and accountability.

The UPR was instrumental in bringing Nepal's CSAs together around a common agenda for action. A combination of high level bilateral and collective advocacy meetings with Government officials and embassies, and awareness-raising through the media was used, including TV interviews and press articles on the UPR. Linking the UPR to specific events related to children, such as Child Rights Day, was particularly effective in generating media attention.

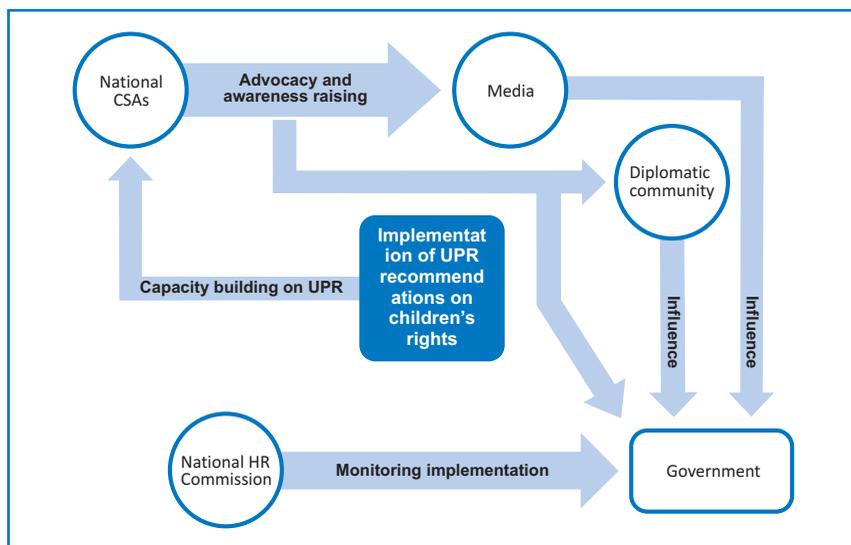
Save the Children, in collaboration with national child rights coalitions, was instrumental in encouraging the National Human Rights Commission (NHRC) to include monitoring and follow-up of UPR recommendations within its mandate. The NHRC has a vital role to ensure availability of authoritative and reliable information on the status of implementation.

As a result of coordinated follow-up efforts, UPR recommendation 108.4 calling for *"the endorsement of long awaited child policy legislation, including the Child Rights Act, Education Regulation, Child Protection Policy, and minimum standards for child care homes"* was partially implemented. Both the National Child Policy and comprehensive standards for child care homes were adopted in 2012. The Cabinet also endorsed the Child Rights Bill.

Mapping work with partners can be represented visually. For instance, the experience in Nepal described above could be visualized with this graphic.



Mobilizing partners on children’s rights in Nepal



4.9. Dissemination and awareness-raising

Dissemination and awareness-raising about findings and recommendations of human rights mechanisms are useful ways of promoting implementation of States’ human rights obligations.

In many cases, implementation is made possible because more and more rights-holders know and claim the rights to which they are entitled, or because relevant authorities know what measures are expected from them to meet human rights obligations. Closing or reducing the human rights knowledge gaps through awareness-raising and dissemination of human rights information are effective ways to promote implementation.

From translation into local languages to different forms of media and social media campaigns, CSAs are resourceful and creative in disseminating the findings and recommendations of human rights mechanisms. Making materials and information accessible to persons with disabilities should always be integrated in plans for dissemination.



Using the 'Access to Information Act' to publicize recommendations of the Subcommittee on Prevention of Torture to Brazil

In its first visit to Brazil in 2011, the Subcommittee on Prevention of Torture (SPT) inspected the situation of torture and ill-treatment in the country's detention facilities. The SPT then prepared a report to the Government of Brazil with recommendations regarding the practice of torture in the country. According to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the report is made public only if the government decides to do so. Despite civil society's requests, the report remained confidential.

In May 2012, Brazil adopted the Access to Public Information Act. On the day the law entered into force, Conectas Direitos Humanos (Conectas) filed a request asking the Brazilian Government to make the SPT report public and accessible. Within the deadline set forth by the Act, the Brazilian Government responded, and published the report and recommendations, including the Portuguese translation, on the website of the Ministry of Human Rights.

Conectas considered it essential that the SPT report be made public in the national language. Without this civil society actors and other stakeholders could not monitor the implementation of SPT's recommendations. "This was also a fundamental step to raise awareness about the grave situation regarding the practice of torture in the country. Considering that the persistence of torture in Brazil is a direct consequence of the lack of effective prevention policies and primarily the lack of accountability for the perpetrators, the Access to Information Law was an effective manner to guarantee that SPT's assessment was made available, and can now be extensively used to fight torture by all relevant stakeholders", commented Conectas.



Webcasting the session of the Committee against Torture in Ireland

In 2011, the Irish Council for Civil Liberties (ICCL) and Irish Penal Reform Trust (IPRT) prepared a joint shadow report for Ireland's first appearance before the UN Committee against Torture (CAT). With the International Rehabilitation Council for Torture Victims (IRCTV), ICCL and IPRT organized the first live webcast of a CAT session, which was screened by a number of CSAs and statutory bodies in Ireland.

"We disseminated the shadow report and CAT recommendations widely, and received coverage in all major newspapers and radio. A prime time public affairs show reported the Irish examination screening footage from our webcast. This was the first time the Irish public saw a UN treaty body in action" commented an ICCL representative.

Ireland's appearance before CAT and the ensuing recommendations have contributed to progressive change in Ireland. Prison reform has a higher political profile and a Penal Strategy Review Group has been created.⁹ The Committee requested follow-up on 4 specific recommendations within 12 months, including the State's failure to effectively investigate the detention of women in Magdalene Laundries. In February 2013, an **official report** into State involvement in the Magdalene Laundries was published.¹⁰ Since then, the State has issued a formal apology to the Magdalene women and a redress scheme is being advanced.



Webcasting and videos

Sessions of the Human Rights Council and the Universal Periodic Review are webcast live and archived by the **UN web TV**¹¹. Civil society can film and webcast sessions of treaty bodies. A group of Geneva-based NGOs coordinates webcasting of all treaty body sessions. www.treatybodywebcast.org.

Many **videos** produced by OHCHR are available on the OHCHR website and social media.¹²

⁹ Convened by Minister for Justice, Equality and Defence, the Penal Strategy Review Group comprises 12 experts representing the judiciary, police, probation services, prison officials. The Group makes recommendations on the furtherance of a principled and sustainable penal system, including with respect to Ireland's international obligations. For more information see www.justice.ie

¹⁰ Access the report at www.justice.ie

¹¹ <http://webtv.un.org/>

¹² Access OHCHR on social media at www.ohchr.org



4.10. Advocacy

Human rights advocacy can be defined as communication with the aim of improving human rights implementation. Effective advocacy messages **inform** about a human rights situation and concern; aim at **persuading** others to **move them to action**.

Features of effective human rights advocacy messages:

- ▶ Are based on verified facts and figures
- ▶ Contain real-life, human examples
- ▶ Are simple and concise
- ▶ Use appropriate language (using human rights discourse rather than political rhetoric; avoiding abusive language)
- ▶ Are conveyed by a credible messenger
- ▶ Have a clear call to action
- ▶ Are tailored to the target audience
- ▶ Anticipate counter-arguments

Findings and recommendations of human rights mechanisms fulfil several of these features. CSAs identify and prioritize findings and recommendations to make their advocacy more effective.



Advocacy, awareness raising and monitoring the participation of persons with disabilities in elections in Tunisia

The 2011 CRPD concluding observations on Tunisia include several recommendations on the democratic reform of the country and are aimed at ensuring that persons with disabilities are included in the drafting of the new Constitution and that they can exercise their right to vote and participation in public life on an equal basis with others.

The Tunisian Organization for the Promotion of the Rights of Persons with Disabilities (Organisation tunisienne de défense des droits des personnes handicapées- OTDDPH), an organization of persons with disabilities, established following the revolution, conducted several awareness-raising workshops in different regions with the objective of encouraging persons with disabilities to participate in the upcoming elections. Several of its members were official election observers which permitted OTDDPH to directly observe the practices of more than 100 voting stations in the country with a view to evaluating respect of accessibility standards as well as measuring participation by persons with disabilities in the elections.

Following the elections of the National Constituent Assembly, tasked with drafting the new Tunisian Constitution, OTDDPH has been carrying out actions to advocate with the Constituent Assembly to ensure the inclusion of the rights of persons with disabilities in the Constitution. Basing their advocacy on the CRPD and the CRPD Committee's recommendations, OTDDPH has spoken at Assembly committee hearings, engaged with individual committee members, and drafted a provision for possible inclusion in the Constitution.

Advocating for an independent judiciary in Guatemala

The Special Rapporteur on the independence of judges and lawyers visited Guatemala during the election period for the Supreme Court of Justice. During the election process for the Public Prosecutor, which followed the election of judges, and as part of their advocacy work, civil society made extensive reference to the Special Rapporteur's report, particularly with regard to requirements for independence, transparency, and professional excellence. OHCHR's Office in Guatemala contributed with a compilation of applicable international standards, including the Special Rapporteur's recommendations. CSAs used the compilation to strengthen their advocacy with nominating commissions so that they recommended the most qualified candidates for the post of Public Prosecutor. CSAs also used these recommendations in public statements seeking changes in legislation and greater accountability from the authorities with regard to the independence of the judiciary.



4.11. Capacity building and strengthening

Findings and recommendations of human rights mechanisms may point to a wide range of capacity gaps within State authorities or civil society actors, which limit their ability to implement human rights. At times, recommendations not only identify gaps, but also encourage capacity building activities to address them. In some cases, CSAs may be well placed to close or reduce such gaps and many have experience and expertise in human rights training for both CSAs and State authorities.

Recommendations may reflect gaps already being addressed through capacity building activities implemented by CSAs. In these cases, recommendations reinforce the importance of civil society action and its role in capacity building. In other cases, recommendations may point to gaps that are not addressed by existing programmes. Civil society engaged in follow-up will assess the viability of further capacity building activities by:

- ▶ Assessing whether CSAs are well placed to deliver capacity building activities in terms of expertise required, resources available and expected impact. Analysis of how new capacity building activities would coincide with CSAs' priorities and workplans forms part of this assessment;
- ▶ Undertaking a needs assessment of the institutions and organizations targeted, including their will to redress capacity gaps with a view to improving human rights implementation; and
- ▶ Analysing complementarities with other capacity building programmes, the added value of new activities, their impact and sustainability.

Experience has shown that State authorities as well as CSAs are often open to capacity building programmes, but this does not automatically yield the expected results. Setbacks may be due to limited willingness to change, high levels of turn-over among the beneficiaries, design limitations of the capacity building activities, (for example, non-sustainability, unclear objectives, beneficiaries having widely differing levels of knowledge) or a combination of these factors. These risks are to be carefully assessed in the design of capacity building programmes, and impact measured when evaluating results.¹³

¹³ For guidance on the evaluation of human rights training, see *Evaluating human rights training activities* (United Nations Publication, HR/P/PT/18).



Sensitizing and building the capacity of security forces to fight sexual violence in Côte d'Ivoire

Following Côte d'Ivoire's UPR in 2009, the NGO SOS Exclusion used the recommendations to develop an action plan, with a primary focus on human rights capacity building for the police and military. "We organized two workshops on the UPR recommendations on women's rights", explained the President of the Organization. "It was an opportunity to assess the status of implementation of those recommendations with some of the key actors, such as the Ministry of Solidarity, Family, Women and Children; the Ministry of Justice and UN Women". This was followed by a social mobilization campaign against sexual violence, which was also one of the UPR recommendations. "The campaign gave us the opportunity to bring together civil society actors, religious leaders, the Ministries of Solidarity and Justice as well as the communities where the campaign was taking place".

4.12. Integrating a gender perspective in follow-up activities

The following questions can help integrating gender when **prioritizing** follow-up activities:

- ▶ Do prioritized recommendations and related follow-up activities mostly affect women and/or men?
- ▶ How is the gender perspective included in the prioritized intervention? Through gender specific activities and/or through gender mainstreaming?
- ▶ Are some rights holders exposed to multiple discrimination? Would follow-up activities address their situation?
- ▶ Are planned activities aiming at empowering rights holders and fighting gender discrimination and inequalities?
- ▶ Were diverse right holders consulted to prioritize interventions?

When **implementing** follow-up activities:

- ▶ Collect and report data disaggregated by sex and other elements of diversity, such as age, ethnicity, disability, socio-economic status, etc.;
- ▶ When gender-specific information is not available, explicitly acknowledge the gap in reporting;



- ▶ When organizing events, training, and capacity building activities: ensure gender balance in participation and in trainers or resource persons, a gender-sensitive environment (venue, timeframe), gender-sensitive contents and methods;
- ▶ Undertake systematic gender analysis;
- ▶ Work with gender-sensitive partners;
- ▶ In advocacy and awareness-raising activities: include messages on gender equality and use gender sensitive language and images.

4.13. Reflecting inclusion, diversity and accessibility

When planning and implementing follow-up actions:

- ▶ Be inclusive in involving a diversity of stakeholders;
- ▶ Ensure that the diversity of perspectives is heard and reflected in follow-up activities;
- ▶ Consider accessibility for the participation of persons of diverse backgrounds, including minorities and persons with disabilities, and take steps to make documents and resources accessible to persons with disabilities.

4.14. Using recommendations in judicial action and litigation

Many CSAs support individuals and groups claiming their rights through judicial or quasi-judicial mechanisms at the national, regional and international levels. This may include legal assistance to complainants, expert legal opinions, building the capacity of judges, prosecutors, lawyers and legal practitioners to apply human rights law, or encouraging the use of international human rights law by both activists and the courts.

Using and encouraging use of international human rights law in judicial processes at the national and regional levels can strengthen human rights jurisprudence. The interpretation of treaty provisions contained in treaty bodies' general comments, for instance, can shed light on what a specific right entails and may be considered by a national court in deciding cases. Similarly, referring to specific recommendations by human rights mechanisms can strengthen the claims of rights-holders.



Claiming access to generic medicines in Kenya

On 20 April 2012 a landmark judgment of the High Court of Kenya ruled that sections of the Anti-Counterfeit Act 2008 do not apply to generic medicines – thus protecting access to affordable treatment. The case was filed by three people living with HIV. KELIN, a human rights organization working to protect and promote HIV-related human rights in Eastern Africa, provided research support to the lead counsel of the petitioners. The case, on-going since 2009, challenged the aspects of the Anti-Counterfeit Act 2008, which threatened the importation of the generic medicines, including antiretroviral (ARVs) for people living with HIV. The UN Special Rapporteur on the right to health filed an amicus brief, amply quoted in the judgment. In her judgment, Lady Justice Ngugi ruled that intellectual property should not override the right to life, right to health and right to human dignity outlined in the Constitution of Kenya. Patent holders will therefore not be able to use the act to legitimately block the import of generic medicines, as was feared by the petitioners.¹⁴

4.15. Sharing the results of follow-up actions and good practices

International human rights law and related mechanisms may be perceived as remote from the realities of right-holders. How can the recommendations of independent experts in Geneva impact on the life of ordinary people? How can they influence for the better the behaviour of duty-bearers who may be unaware of what a treaty body is or what a Special Rapporteur does? But change can and does take place – in many cases because of the follow-up work of civil society.

Documenting, sharing and disseminating results of follow-up actions and good practices inspire others to get engaged, replicate and adapt experiences to their own context and priorities. Feedback on the impact of human rights mechanisms is also highly valued by experts working for these mechanisms.

¹⁴ See the judgment: <http://bit.ly/L1cEu5> (accessed 24 July 2013).



Sharing resources and practices on litigating human rights cases in patient care in Eastern Europe and Central Asia

The Human Rights in Patient Care project develops country-based Practitioner Guides for lawyers interested in litigating human rights cases on behalf of patients. The Guides are practical, covering both litigation and alternative mechanisms, such as ombudspersons and medical licensing bodies, and examining patient and provider rights and responsibilities at national, regional, and international levels, including a thorough review of treaty body jurisprudence and special procedures' work.

The project also has a community of practice, a web-based place to share materials and resources. The community of practice has three main sections: teaching law and health; training on human rights in patient care and media tools.¹⁵

4.16. Engaging with existing follow-up procedures and practices of human rights mechanisms

Follow-up procedures and practices led by human rights mechanisms rely on the collaboration of Governments as well as CSO participation. The following section of the Guide describes existing follow-up procedures and practices.

¹⁵ <http://health-rights.org/>



5. Follow-up procedures and practices of human rights mechanisms

Assessing the change that followed human rights recommendations, learning what happened after human rights mechanisms examined a country under their procedures, understanding the impact on the ground of the UN human rights architecture is a core interest and objective of human rights mechanisms. Since their establishment, all mechanisms realized that their meaningfulness lies in the positive change they are able to produce or induce. Evidence of positive change is evidence of their effectiveness. This “quest for evidence” has resulted in the development of different forms of follow-up that each mechanism has developed. Some are formalized in established procedures, like the follow-up procedure to concluding observations of several treaty bodies. Others are consistent practices, like the follow-up reports to country visits produced by some Special Rapporteurs. In other cases follow-up can be an ad hoc initiative, for example, a regional workshop to share experiences in implementing human rights recommendations. The following sections describe these avenues in more detail.

5.1. Human Rights Treaty bodies

Follow-up procedures to concluding observations

Treaty bodies have put in place procedures to assist State parties to act on recommendations contained in the concluding observations or decisions on cases brought under the individual complaints procedures. All treaty bodies require States to address follow-up in their periodic reports on implementation. The Committee against Torture (CAT), the Committee on the Elimination of Racial Discrimination (CERD), the Human Rights Committee (HR Committee), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on Enforced Disappearances (CED) have adopted formal follow-up procedures. These five treaty bodies request, in their concluding observations, that States report back within one year (two years in the case of CEDAW) on the measures taken in response to specific recommendations or “priority concerns” that are rapidly implementable. These committees appoint a rapporteur or a coordinator



on follow-up, who is responsible for assessing the follow-up reports submitted by States parties and presenting them to the committee. Some members of treaty bodies have undertaken visits to State parties, at their invitation, in order to follow up on the report and the implementation of concluding observations.

As regards the Human Rights Committee, once it receives a follow-up report from a State party, a special rapporteur for follow-up produces a progress report at each session, which includes a summary of the State party's follow-up report and information from CSOs and other sources, as well as the assessment of the Committee based on the follow-up assessment criteria of the Committee (see table below). The Committee further informs the State party of the decision taken on the follow-up report. If a State party does not collaborate with the follow-up procedure, or adopts measures that the Committee deems unsatisfactory, the rapporteur can request a meeting with a representative of the State party.



Follow-up assessment criteria of the Human Rights Committee

Reply/action satisfactory

- A Reply largely satisfactory

Reply/action partially satisfactory

- B1 Substantive action taken, but additional information required
- B2 Initial action taken, but additional information required

Reply/action not satisfactory

- C1 Reply received but actions taken do not implement the recommendation
- C2 Reply received but not relevant to the recommendation

No cooperation with the Committee

- D1 No reply received within the deadline, or no reply to any specific question in the report
- D2 No reply received after reminder(s)

The measures taken are contrary to the recommendations of the Committee

- E The reply indicates that the measures taken go against the recommendations of the Committee



How can civil society participate?

Similar to the “shadow” or “alternative” reports submitted for the consideration of State-party reports and list of issues, CSAs may submit information in the framework of the follow-up procedure. In this case, submissions should focus specifically on the recommendations identified in the concluding observations for the follow-up procedure, and contain concise information¹⁶ on actions taken by the authorities and assess their effectiveness. Any failure to take measures necessary for the implementation of the recommendations may also be mentioned. CSAs may wish to comment on the replies provided by the State. CSA submissions for the follow-up procedure follow the same rules on submissions provided for the consideration of State party reports and list of issues and are considered public, and made available on OHCHR’s website, or confidential, if that is the request of the submitting organization.

Using CRC concluding observations at the national level

To promote a cyclical approach to engaging in the reporting process of the Committee on the Rights of the Child (CRC) and encourage civil society to use CRC’s recommendations to the fullest in their advocacy work, Child Rights Connect has compiled a series of case studies on follow-up activities conducted by CSAs and national human rights institutions.¹⁷

Members of treaty bodies may also participate in regional, sub-regional or national workshops on implementation organized by civil society, UN agencies and OHCHR, or Governments. Participation of civil society in these workshops is encouraged.

¹⁶ CEDAW requests that submissions should not exceed a maximum length of 3,500 words.

¹⁷ www.childrightsnet.org/NGOGroup/CRC/FollowUp/



Follow-up visits of the Subcommittee on Prevention of Torture

The Subcommittee on Prevention of Torture (SPT), established in 2007 under the Optional Protocol to the Convention against Torture, carries out fact-finding visits to any places of detention and other places of deprivation of liberty in the territories of State parties, including police stations, prisons, mental health and social care institutions. At the end of a country visit, the Subcommittee communicates its recommendations and observations to the State by means of a confidential report.

If the SPT considers it appropriate, it may propose a short follow-up visit after a regular visit. In September 2010, the SPT conducted its first follow-up visit to Paraguay, in which civil society participated.

Follow-up to decisions on individual complaints

Human rights treaty bodies may, under certain circumstances, consider individual complaints or communications.¹⁸ Under this procedure any individual claiming that his or her rights under a specific treaty have been violated can lodge a complaint with a treaty body against a State that is a party to the instrument, and has recognized the competence of the treaty body to consider complaints from individuals. The complaint is first assessed on the basis of admissibility requirements. If admissible, the complaint is considered on its merits and the treaty body adopts a decision on whether or not a violation of a provision of the treaty has occurred. If the treaty body decides that the complainant(s) has been a victim of a violation, it requires the State to provide information, normally within a period of six months, on the steps it has taken to give effect to the decision of the treaty body. The State's reply is then transmitted to the complainant(s), who may provide observations on the State's submission.

¹⁸ As of July 2013, this procedure existed for the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities. It will come into force for the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and for the Convention on the Rights of the Child, when 10 State parties have made the necessary declaration under article 77 of the former and ratified the latest Optional Protocol to the latter.



Some treaty bodies, in particular Human Rights Committee, CAT, CERD and CEDAW, have instituted procedures to monitor the implementation of the committees' decisions. Such procedures consist in the appointment of a rapporteur tasked with follow-up to the implementation of decisions. They are appointed for a period of time or, in the case of CEDAW, to follow up on specific cases. When the State's replies on steps taken to implement decisions are either unsatisfactory or not forthcoming, the rapporteur may hold consultations with diplomatic representatives of the State party, usually diplomats of the permanent missions in Geneva or New York.

How can civil society participate?

In cases where CSAs are involved in individual complaints (e.g. because they assisted the complainant in filing the petition), they may provide information on how the decision is implemented.

Assessing the implementation of human rights decisions

In 2010, the Open Society Justice Initiative published the report *From judgment to justice – Implementing international and regional human rights decisions*, which examines the challenges of implementing the decisions of international and regional human rights bodies, namely the UN treaty bodies, the African, the European and the Inter-American systems. The report considers that despite achievements over the past 25 years, all these systems face obstacles in translating their verdicts into change on the ground. In many cases, landmark decisions have not yielded meaningful reform.

When analysing the implementation of decisions of treaty bodies, the report found that “generally, successful implementation has occurred in cases with high political visibility and cases brought against states with a sophisticated rule of law tradition. Where implementation has taken place, it is frequently due to a strong civil society capable of complementing the committee's follow-up efforts and applying other domestic pressures.”



5.2. Human Rights Council

Follow-up to the work of the Human Rights Council

General Assembly resolution 60/251 establishing the Human Rights Council (the Council) decided that the methods of work of the Council are required to **allow follow-up discussions to recommendations and their implementation.**

The Council follows up on the human rights matters it discusses by:

- ▶ Making explicit references to follow-up in the resolutions and decisions it adopts. Resolutions typically contain provisions establishing that the Council “remains seized of the matter”. This means that the topic will continue to be the subject of discussions in the Council in a future session.
- ▶ Holding its meetings in regular and special sessions on the basis of agenda items that repeat over time. This is clearly the case of regular sessions although it can also happen that special sessions are called on the same or similar topic (e.g. special sessions on the human rights situation in the Syrian Arab Republic in 2011 and 2012).
- ▶ Tasking its mechanisms, including special procedures, or subsidiary bodies or OHCHR to take certain steps and report back to the Council in a future session. The Council may also decide to establish an ad hoc mechanism, like a commission of inquiry or a fact-finding mission with the mandate to investigate human rights violations and submit a report with the findings for the consideration of the Council. Other tasks typically assigned by the Council include the realization of studies or the organization of expert meetings or a panel.

How can civil society participate?

The follow-up modalities described above are the standard working methods of the Council. The modalities for civil society participation are therefore the same and include the possibility for NGOs enjoying consultative status with ECOSOC, of making written and oral statements, and organizing side events. NGOs which do not travel to Geneva to



participate in the session of the Human Rights Council may make oral statements by video message for some agenda items. For more guidance, please refer to OHCHR's Handbook for civil society – *Working with the United Nations human rights programme* and OHCHR's Practical Guide for civil society on the Human Rights Council¹⁹ as well as the OHCHR web pages.²⁰

In addition to written and oral statements and side events, it is a standard practice to invite civil society to contribute to studies and participate in expert meetings and panels mandated by the Council. Furthermore, NGOs may participate in the open-ended informal meetings held in parallel with the Council at which the text of draft resolutions is discussed.

Finally, resolutions and decisions of the Council reflect States' commitments to protect and promote human rights. Once again, civil society may map, prioritize and take action to press for the implementation of human rights commitments expressed in resolutions and decisions of the Council that are of interest to them.

Subsidiary bodies, mechanisms and mandates

A large number of recommendations are issued by the Council's subsidiary bodies and mechanisms, including:

- ▶ The Universal Periodic Review (see section 5.4. of the Guide);
- ▶ The Human Rights Council Advisory Committee;
- ▶ The complaint procedure;
- ▶ Special procedures (see section 5.3. of the Guide);
- ▶ The Social forum;
- ▶ The Forum on minority issues;
- ▶ The Expert mechanism on the rights of indigenous peoples; and
- ▶ The Forum on business and human rights.

For guidance on civil society participation in these bodies, please refer to OHCHR's Handbook for civil society – *Working with the United*

¹⁹ Available at www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx

²⁰ www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx



Nations human rights programme, the Practical Guide for civil society on the Human Rights Council and the Practical Guide on the Social forum.²¹

5.3. Special procedures

Follow-up to country visits

Special procedures mandate-holders require the Government's invitation to visit the country. Special procedures follow up to their **visit requests** by:

- ▶ Making their visit requests public in their reports, on their websites, during public events, and in the media;
- ▶ Holding meetings with diplomatic representatives of the countries concerned;
- ▶ Undertaking working visits to the country or region that can pave the way to an official invitation (e.g. undertaking an academic visit); and
- ▶ Writing formal reminders of their requests and making them public.

Once a visit has taken place, special procedures have developed a variety of follow-up practices. They include:

1. Follow-up country visits. Several mandates conduct visits to follow up on previous country missions. These visits provide for a thorough assessment of progress and setbacks measured against the findings and recommendations of the previous visit. Follow-up visits are a good practice, however, few of the 40-50 country visits per year undertaken by special procedures are follow-up visits, due to limited resources.

²¹ Available at www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx



Examples of follow-up country visits

Special Rapporteur on the sale of children, child prostitution and child pornography

→ 2012: Guatemala (A/HRC/22/54/Add.1)

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

→ 2012: Uruguay (A/HRC/22/53/Add.3)

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

→ 2011: Hungary (A/HRC/20/33/Add.1)

Special Rapporteur on violence against women, its causes and consequences

→ 2011: United States of America (A/HRC/17/26/Add.5)

→ 2010: El Salvador (A/HRC/17/26/Add.2) and Algeria (A/HRC/17/26/Add.3)

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

→ 2011: Tunisia (A/HRC/16/51/Add.2)

2. Follow-up reports. Several mandates publish follow-up reports based on information provided by the Government, national human rights institutions and civil society. Interesting practices of follow-up reports to country visits have been developed by the Working Group on enforced or involuntary disappearances, the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on human rights and extreme poverty, and the Special Rapporteur on freedom of religion or belief.



Follow-up reports of the Working Group on enforced or involuntary disappearances

In 2010 the Working Group on enforced or involuntary disappearances adopted a format for its follow-up reports, organized around tables that reflect recommendations of the Working Group, a brief description of the situation when the country visit was undertaken, and an overview of the steps taken on the basis of the information gathered by the Working Group both from governmental and non-governmental sources. Since then, the Working Group has issued follow-up reports on progress and setbacks in the situation of enforced disappearances following country visits to Colombia, El Salvador, Guatemala, Honduras, Morocco, and Nepal.



Follow-up tables of the Special Rapporteur on freedom of religion or belief

The Special Rapporteur on freedom of religion or belief sends follow-up letters after country visits to receive updated information about the implementation of recommendations at the national level. Follow-up tables on countries visited since 2005 contain the conclusions and recommendations from the country visits report and follow-up information from relevant UN documents, including from the universal periodic review, special procedures and treaty bodies.²²

3. Follow-up events. Whether at the initiative of special procedures, Governments, national human rights institutions, civil society or OHCHR, national, regional or international follow-up events may be useful to assess progress, and share experiences and challenges in implementing recommendations of country visits. Such events may take the form of round tables, expert meetings or conferences.

²²

www.ohchr.org/EN/Issues/FreedomReligion/Pages/Visits.aspx



Workshop on slavery in Mauritania

In January 2013, the Special Rapporteur on contemporary forms of slavery participated in a follow-up workshop on the implementation of her recommendations made after her country visit to Mauritania. Government officials and CSOs attending the workshop developed a roadmap for the implementation of the recommendations made by the Special Rapporteur. OHCHR's office in Mauritania has worked with CSOs to encourage the Government to formally adopt and implement the roadmap.

Disseminating findings on the situation of indigenous peoples in Chile and Argentina

In January 2010, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people gave a video conference relating to the rights of indigenous people in Chile. The video conference was broadcast simultaneously in five Chilean cities with support of CSAs and OHCHR's Regional Office for South America. In his presentation, the Special Rapporteur explained his conclusions and observations as reflected in his country report.

In 2012, the Special Rapporteur repeated the experience in Argentina, where the video conference was hosted by the UN Country Team.

How can civil society participate?

- ▶ Visit requests
 - Propose to mandate-holders that they request a visit to their country and provide substantive information to justify a visit;
 - Stay informed on pending visit requests via OHCHR's civil society email updates;
 - Advocate with the Government and other relevant stakeholders (e.g. Members of Parliament, diplomatic missions) to secure visit requests;
- ▶ Participate in the preparation and realization of follow-up visits;
- ▶ Contribute information for follow-up reports;
- ▶ Propose, participate and when possible organize follow-up events.



Follow-up to communications

Joint communications reports are submitted by all special procedures to the Human Rights Council at each regular session. Issued three times a year, communications reports include short summaries of allegations communicated to the respective State or other entity. The text of the communications sent and Governments' responses are accessible through hyperlinks. Special procedures may receive and consider additional information on a case on which a communication has been sent. Additional information is usually provided by the same sources that submitted the initial information. In 2012, special procedures received additional information on communications in 21 % of the cases.

Special procedures may send follow-up communications when developments warrant a new intervention. Many follow-up communications are based on additional information submitted. In 2012, 31 % of communications were follow-up communications.

Follow-up to communications also takes place during country visits as well as through diplomatic consultations with representatives of the States concerned. In a few emblematic cases, special procedures may issue press releases.

Follow-up to communications is further achieved through observations in the annual reports of mandate-holders. Observations relate mainly to trends and patterns of human rights violations in a country during the reporting period, but also on a number of individual cases.



Observations report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Since the inception of his mandate in 2010, the Special Rapporteur has issued two observations reports, in which he reiterated concerns on specific cases of human rights violations, notably in light of Governments' replies to communications.



The database of the Working Group on arbitrary detention

Launched in 2011, the **database** of the Working Group on arbitrary detention is a practical research tool to search the opinions adopted by the Working Group since 1991. The **database** facilitates qualitative and quantitative analysis of opinions and can assist victims of arbitrary detention, practitioners and others in submitting cases of alleged arbitrary detention to the Working Group.²³



Follow-up to cases on enforced or involuntary disappearances

The Working Group on enforced or involuntary disappearances endeavours to establish a channel of communication between the families and the Governments concerned. Any substantive additional information which the sources submit on an outstanding case is transmitted to the Government concerned. Any information given by concerned Governments on specific cases is forwarded to the sources. The Working Group forwards States' responses on the fate or whereabouts of the disappeared person to the source and invites the source to provide observations or additional details. If the source does not respond within six months, or if it contests the Government's information on grounds which are considered unreasonable by the Working Group, the case is considered clarified. Cases remain open until they are clarified, discontinued or a decision has been made to close the case. The Working Group reminds every Government concerned once a year of the cases which have not yet been clarified and three times a year of all urgent action cases transmitted since the previous session. To the extent possible and upon request, the Working Group provides to the Government concerned or the source updated information on specific cases.²⁴

²³ www.unwgadatabase.org/un/

²⁴ For further details see the revised working methods of the Working Group (A/HRC/10/9, Annex 1).



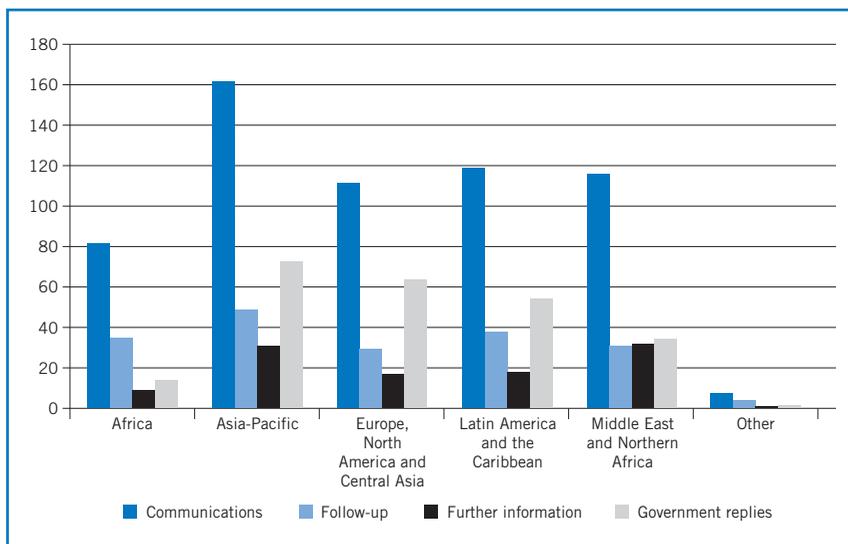
How can civil society participate?

- ▶ Check communications reports regularly to learn about communications sent on situations and cases of concern;
- ▶ Disseminate reports widely within local, regional, national, and international networks to gather further information on cases;
- ▶ Submit information with updates on positive or negative developments related to a previous communication;
- ▶ Review Governments' responses and send related comments to special procedures;
- ▶ Develop regular contact with special procedures mandate-holders through their OHCHR support teams; and
- ▶ Use the e-mail address urgent-action@ohchr.org or the generic e-mail addresses of the special procedures mandate concerned. Access the directory of special procedures at:



<http://goo.gl/5qoNL>

Communications and follow-up of communications by region in 2012





Follow-up to thematic reports

As standard practice, special procedures organize or participate in events to present or discuss their annual thematic reports to the Human Rights Council or General Assembly. These may be side events during the Council session or other conferences or workshops. It is also common to issue press releases or web stories and hold press conferences on the topics of the report. Thematic International days may be occasions to call media attention to human rights issues addressed in thematic reports.



Web-based tools: the Digest on freedom of religion or belief and the anti-torture initiative

Digest on freedom of religion or belief

2011 marked the 25th anniversary of the establishment of the mandate of the Special Rapporteur on freedom of religion or belief. On this occasion the **Digest on freedom of religion or belief** was launched with observations and recommendations by the four mandate holders who have served since 1986. Designed as a tool for advocacy, education and research, the Digest includes excerpts of the reports of the mandate from 1986 to 2011 categorised by topics.²⁵

Anti-torture initiative

In 2013, the Special Rapporteur on torture launched **an online platform** containing information of follow-up activities, including all thematic, country and observations' report, in addition to press releases, interviews, conferences, hearings, op-eds and other media coverage related to the follow-up of country visits and thematic reports.²⁶

How can civil society participate?

- ▶ Organize²⁷ or participate in side events during the Human Rights Council, on the topic of the thematic report.
- ▶ Refer to findings and recommendations of thematic reports to strengthen CSAs activities (e.g. advocacy, capacity building, awareness-raising, monitoring)

²⁵ www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx

²⁶ <http://anti-torture.org>

²⁷ Organization of side events is limited to NGOs with ECOSOC consultative status.



5.4. Universal Periodic Review

The first cycle of the Universal Periodic Review was completed in October 2011, when all UN Member States had undergone the review. During the second and subsequent review cycles, States are expected to provide information on measures taken to implement the recommendations of the first review, as well as on other developments. In addition, regular updates may be provided during Human Rights Council sessions under agenda item 6 on the UPR. Both States and NGOs may provide updates through interim reports, oral and written statements.



Reporting to the Human Rights Council on UPR implementation in Colombia

The Colombian Commission of Jurists regularly updates the Human Rights Council during the general debate under item 6, which is devoted to the UPR. Through these updates, the Colombian Commission provides information on the progress made by the Government of Colombia in implementing UPR recommendations.

How can civil society participate?

- ▶ When submitting information to be included in the summary of stakeholders' report, it is important to include an analysis of how the State has or has not implemented the recommendations of the first cycle.
- ▶ CSAs may inform reviewing States, in particular those that formulated recommendations during the first review, of their analysis of the State's progress in implementation.
- ▶ NGOs with ECOSOC consultative status may use written and oral statements to the Human Rights Council under agenda item 6 to provide updates on progress and challenges in States' implementation of UPR recommendations.

For guidance on civil society participation in these bodies, please refer to OHCHR's Handbook for civil society – *Working with the United Nations human rights programme* and the Practical Guide on the Universal Periodic Review.²⁸

²⁸ Available at www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx



Follow-up tools on the UPR

The NGO **UPR-Info** has developed tools to facilitate, promote and monitor the implementation of UPR recommendations. In particular:

- ➔ The follow-up programme that reviews implementation of recommendations two years after the first cycle (mid-term implementation assessment) and compares recommendations and pledges of the first cycle with the State's information on implementation provided in their national report for the second cycle of the UPR.
- ➔ The study ***On the road to implementation***, which analyses information and data compiled through the follow-up programme reviewing the implementation of 3,294 recommendations out of 6,542 addressed to 66 countries.
- ➔ The **Follow-up kit for civil society** outlining five recommended actions: 1. Making the UPR recommendations and pledges public; 2. Planning the implementation; 3. Engaging in dialogue with the State reviewed to participate in implementation; 4. Monitoring implementation; and 5. Reporting on implementation.²⁹

The **Organisation internationale de la Francophonie** published a **Practical Guide** on the implementation of UPR recommendations and pledges. Intended primarily for States, the Guide also concerns other stakeholders, including CSAs, in their capacities as State partners in follow-up and implementation. The Guide proposes to pursue implementation through an implementation plan in 10 steps:

1. Gather relevant information.
2. Cluster into themes.
3. Identify expected actions and results stemming from the recommendations.
4. Identify implementation measures.
5. Adopt an integrated approach for each sector.
6. Assign responsibilities for implementation at State level.
7. Identify implementation partners at the national level.
8. Set a timeframe for implementation.
9. Identify capacity building and technical assistance needs and implementation partners at the international level.
10. Develop a follow-up and evaluation strategy for the implementation.³⁰

²⁹ www.upr-info.org/followup/

³⁰ www.francophonie.org



5.5. A holistic approach

In this section, follow-up procedures and practices developed by the various mechanisms are presented separately because, although there are similarities, they constitute distinct features of each mechanism. However, it is important to reiterate once more that follow-up is more effective if undertaken in a holistic manner whereby recommendations of different human rights mechanisms reinforce each other and maximize their potential towards implementation. See also section 3 of this Guide.

5.6. Reprisals

Reprisals against individuals and groups who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights are human rights violations. Reprisals may also occur when civil society seeks to cooperate with UN human rights mechanisms in the framework of follow-up activities.

Human Rights Council resolution 12/2 tasked the Secretary-General to submit a report annually to the Council, containing a compilation and analysis on alleged reprisals against persons cooperating with UN human rights mechanisms, as well as recommendations on how to address the issues of intimidation and reprisals.³¹

In addition to cases of reprisals regarding cooperation with the Council, special procedures and treaty bodies, including their follow-up procedures and practices, the report may include reprisals relating to cooperation with OHCHR, its field presences and human rights advisers, UN Country Teams, the human rights components of peacekeeping missions, etc. Follow-up information on the cases included in previous reports is also relevant and encouraged.

Reprisals can occur against individuals who:

- ▶ Seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;
- ▶ Avail or have availed themselves of procedures established under the auspices of the UN for the protection of human rights and

³¹ For the 2012 and 2011 reports see A/HRC/21/18 and A/HRC/18/19.



fundamental freedoms, and/or have provided legal or other assistance to them for this purpose;

- ▶ Submit or have submitted communications under procedures established by human rights instruments, and/or have provided legal or other assistance to them for this purpose;
- ▶ Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

Publicizing reprisals cases through the Secretary-General's report may result in enhanced protection. However, the risks of public exposure are also to be carefully assessed. For this reason, the report includes only cases for which the persons concerned have given their informed consent to the publication of their case.

To submit information on reprisals, please contact:

reprisals@ohchr.org



6. Learn more

▶ OHCHR website:



www.ohchr.org

▶ OHCHR tools for civil society are available at:



www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx

in the 6 official UN languages

▶ The Universal Human Rights Index:



<http://uhri.ohchr.org/>

▶ International Service for Human Rights and Human Rights Law Centre, **Domestic implementation of UN human rights recommendations – A Guide for human rights defenders and advocates**, available from



www.ishr.ch

▶ Follow-up tools of UPR-Info available at:



www.upr-info.org/followup

▶ La Francophonie, **Practical Guide on the Universal Periodic Review, 2013**, available at



www.francophonie.org

▶ **From judgement to justice – Implementing international and regional human rights decisions**, 2010, and **From rights to remedies: structures and strategies for implementing international human rights decisions**, 2013, available at



www.opensocietyfoundations.org

▶ Webcasting

- **UN web TV:**



<http://webtv.un.org>

- Sessions of treaty bodies:



www.treatybodywebcast.org



- ▶ Practitioner Guide on Human Rights in Patient Care:



<http://health-rights.org/>

- ▶ Case studies on follow-up activities on CRC concluding observations:



www.childrightsnet.org/NGOGroup/CRC/FollowUp/

- ▶ Database of the Working Group on arbitrary detention:



www.unwgadatabase.org/un/

- ▶ **Digest on freedom of religion or belief:**



www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx

Some NGOs engage closely with specific human rights mechanisms. They facilitate and support the engagement of CSAs with those mechanisms and can offer guidance and support. Some of these NGOs are:

- ▶ The Centre for Civil and Political Rights (CCPR Centre) for the ICCPR
- ▶ Child Rights Connect for the CRC
- ▶ The International Disability Alliance (IDA) for the CRPD
- ▶ The International Movement against All Forms of Discrimination and Racism (IMADR) for the CERD
- ▶ The International Platform on the Migrant Workers Convention (IPMWC) for the CMW
- ▶ The International Rehabilitation Council for Victims of Torture (IRCT) for the CAT
- ▶ The International Women’s Rights Action Watch (IWRAW) Asia Pacific for the CEDAW
- ▶ UPR-Info for UPR



7. Contact us

OHCHR's Civil Society Section can be contacted at:

civilsociety@ohchr.org

Telephone: +41 (0) 22 917 9656

OHCHR's Human Rights Handbook and practical guides for civil society are available on-line in Arabic, Chinese, English, French, Russian and Spanish at www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx

The Civil Society e-mail broadcast system provides updates and guidance on all human rights mandates and mechanisms as well as information and deadlines of applications for funds, grants and fellowships. To subscribe, visit the civil society webpage or



<http://goo.gl/O8snt>

Marking the 20th anniversary of the Office of the
High Commissioner for Human Rights

“ Civil society has evolved and expanded, with many more active national human rights organizations and human rights defenders around today than there were 20 years ago. These organizations and individuals inject the life blood into human rights: they are the promoters of change, the people who ring the alarm about abuse, poor legislation and creeping authoritarianism. This practical guide marks the 20th anniversary of OHCHR and is dedicated to civil society actors working for human rights around the world. ”

Navi Pillay
United Nations High Commissioner
for Human Rights

October 2013





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