

Follow-up to Special Procedures activities

Follow-up to the work of the Special Procedures includes the full range of "measures taken to encourage, facilitate and monitor the implementation of recommendations by any of the Special Procedures".¹ It is considered a crucial element in ensuring that appropriate measures are taken in response to the work of the Special Procedures as well as in complying with the main objectives of OHCHR's Strategic Management Plan 2008-2009 which aims at bridging the gap in human rights implementation at the national level.

Follow-up practices have been developed and streamlined over the years by many mandate holders. They are reflected in the draft Manual of the United Nations Human Rights Special Procedures (see paragraphs 88 to 111) which provides guidance to mandate holders wishing to undertake similar activities.

With a view to facilitating discussion on enhanced follow up at the 15th Annual Meeting of Special Procedures mandate holders, this paper summarizes existing practices as featured in the Manual and presents some additional activities and initiatives.

Existing follow-up activities as provided in the Manual of Special Procedures:

- ✓ Interactive dialogue at the Human Rights Council: follow-up to all reports, i.e. general, country visits, thematic and communications reports

Communications:

- ✓ Follow-up to communications: reports to the Human Rights Council on communications sent and replies received, and on observations on the relevant information;
- ✓ Statistical information and tools for analysis: analysis of general trends thanks to thematic database; this can serve as a basis to plan and monitor initiatives to follow-up communications.
- ✓ Constructive dialogue with Governments, sources, and other partners: sending reminders to Governments when unanswered correspondence. Mandate-holders can follow-up on replies provided by Governments in order to request further clarification or information or to take the issue further. Sharing reports on communications on a regular basis with the relevant sources of information and to inform the latter of positive or negative developments in relation to the relevant cases.
- ✓ Raising awareness and understanding of follow-up activities: building an expanded network of sources of information, strengthening working relations with OHCHR field presences in order to identify additional means by which to promote follow-up.

Country visits:

- ✓ Recommendations on country visits: formulating their recommendations in ways that facilitate implementation and monitoring (specific, measurable, attainable, realistic, and time-bound) and preparing dedicated follow-up

¹ Report of the 12th Annual meeting of Special Procedures mandate-holders, E/CN.4/2006/4, para 85
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- reports in order to assess the status of implementation of the recommendations made following recent country visits.
- ✓ Follow-up visits to countries already visited: either by same mandate holders or for other mandate holders subsequently visiting country concerned, to address issues highlighted and build on recommendations formulated by a previous mandate-holder; a mandate-holder reporting on a country visit might recommend future visits by other mandate-holders.
 - ✓ Follow-up seminars on country visits: organized at the initiative of mandate-holders themselves, the government(s) concerned, UNCTs, national institutions, NGOs and other partners.
 - ✓ Encouraging collaborative follow-up activities with key national level partners:
 Sharing the draft mission report with UNCTs and/or relevant agencies and programmes;
 Seeking advice and suggestions in formulating recommendations so as to ensure that they fit in country engagement strategies of OHCHR and are relevant to the work of partners in the field;
 Sharing final mission reports with partners, encouraging wide dissemination of the report, and supporting initiatives to raise awareness of the issues, including translation of the report into national language(s);
 Encouraging partners to follow-up with the Government on recommendations and to keep mandate-holders informed of developments;
 When appropriate, encouraging UNCTs to monitor the situation of individuals and organizations which have cooperated with the mission in order to avoid retaliation and to report on any such problems;
 Informing partners about ways in which mandate-holders can provide support to their work through their personal intervention.

Thematic studies

- ✓ Wide dissemination by all appropriate means of thematic studies to raise awareness of particular problems: availability on the OHCHR website, issuance of press releases, holding of press conferences, and the making of presentations to conferences and to meetings convened by other relevant groups such as civil society, academia and others.

Cooperation with partners

- ✓ Cross-fertilization between the work of Special Procedures and that of the treaty bodies by encouraging the use of respective TB concluding observations, general comments, final views and SP recommendations.
- ✓ Interaction between Special Procedures and treaty bodies: briefings by mandate-holders for treaty bodies in relation to both country situations and thematic issues; participation of mandate-holders in days of general discussion organized by treaty bodies; contributions by mandate-holders to the elaboration of general comments; and the incorporation of information and jurisprudence generated by the treaty bodies in the work of Special Procedures.
- ✓ Regular contacts with regional human rights mechanisms: exchanges of information, coordination, and mutual support in common areas of work.

Additional follow-up activities / initiatives :

Communications:

- ✓ Preparation of one single communications' report compiling correspondence sent by country and listed in alphabetical order:
 - Preparation of a report to the HRC (three times per year or annual) with joint communications only, or with all joint and individual communications.
 - Possibility to include a section reflecting all assessments of joint or individual correspondence by concerned mandate holders
 - In addition or alternatively, separate observations on correspondence in mandate holders' general reports to the HRC
 - Possibility to include either the full text of a communication or a summary
 - Annex with full or summarized responses from Governments (as per Code of conduct)
 - First reporting deadline to be determined by all mandate holders
 - Establishment of a rule to designate Rapporteur to present joint communication report to the HRC

Main advantages:

- Increases visibility of Special Procedures communications reports.
- Reduces the number of Special Procedures' documents reflecting identical communications.
- Allows better coordination between mandate holders' evaluations and the examination of cross-cutting human rights issues.
- If correspondence reproduced in full, allows devoting more time to assessment and follow-up to correspondence rather than summaries.
- If correspondence reproduced in full, reproduces exact text of Governments' responses and allows for assessment of readiness to cooperate with SP.
- Avoids duplication of work.

Interaction with other international human rights mechanisms

- ✓ Ensuring the Special Procedures' participation in regional or national follow-up workshops organized by different partners, including OHCHR

Main advantages:

- Possibility to discuss with national actors the work of the Special Procedures and the implementation of their recommendations. Participants, including national human rights institutions, civil society organizations, Government representatives and members of United Nations Country teams, would thus be able to design their Plan of Action (i.e. the outcome document of follow-up workshops) in line with both TB's and SPs' recommendations.
- This would also strengthen collaboration between the Special Procedures and Civil Society Organizations and would provide the Special Procedures with the opportunity to enlarge their network of national counterparts.

- This would bring coherence to mainstreaming human rights into the work of the United Nations Country Teams.
- Discussing the feasibility of Special Procedures' recommendations with national actors would permit to verify whether recommendations are sufficiently operational. A brief report could be produced at the end of the workshop and shared with all mandate holders for further discussion on exchange of good practices and lessons learnt.

Information and communication tools

- ✓ New section entirely dedicated to follow-up activities included in the quarterly Special Procedures Bulletin, and wider distribution to UNCTs and other partners:
 - Any initiatives such as follow-up reports, follow-up visits, follow-up to thematic studies, follow-up seminars
 - The percentage of follow-up correspondence (including follow-up to urgent appeals and letters of allegations where new information has been received, as well as follow-up to all unanswered correspondence including follow-up to request for visits).
 - Any collaborative activity which might strengthen the likelihood of follow-up at the national level

Main advantages:

- Mapping-out already existing approaches to follow-up and basis for planning and monitoring future follow-up initiatives
- Wide dissemination of follow-up activities by sending Bulletin to United Nations Country Teams, UN Resident Coordinators and UN Policy Human Rights Network (HURITALK).

Concluding remarks

Recent experience has shown that the Special Procedures have developed a great variety of follow-up activities. During the Annual Meeting, mandate holders might wish to share their experiences in this field and discuss further measures to be taken in response to the work of the Special Procedures.