

Special Procedures' follow-up 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” but can also encompass follow-up by Special Procedures to other recommendations such as those of treaty bodies and the Universal Periodic Review (UPR) process.¹ It is considered a crucial element in ensuring that appropriate measures are taken in response to the work of the Special Procedures and having Special Procedures engage with the larger protection system. This approach would help meet a main objective of OHCHR’s Strategic Management Plan 2008-2009 which is to bridge 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. New methodologies, however, may also be required with an evolving human rights machinery, and in particular with the recent establishment of the UPR process.

With a view to facilitating discussion at the 16th Annual Meeting of Special Procedures mandate holders on enhanced follow up to Special Procedures recommendations, and by Special Procedures themselves to various recommendations, this paper summarizes existing practices as featured in the Manual and presents some additional activities and interaction with the Universal Periodic Review.

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

Interactive dialogue at the Human Rights Council Interactive dialogue with Member States provides a unique opportunity to take stock of implementation by the State of recommendations of special procedures. It also can assist in highlighting particular areas of concern or raising the profile of recommendations, for example, of the UPR of particular issues which can be more readily implemented if there is consensus at the intergovernmental level.

Communications:

- ✓ Follow-up to communications: reports to the Human Rights Council on communications sent and replies received, and on observations on the relevant information. This can also be a more interactive engagement with states but also other stakeholders whereby trends analysis can inform needed approaches. Equally it can be used as source material for the UPR process;
- ✓ 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 on communications. As above the trends can also help shape,

¹ Report of the 12th Annual meeting of Special Procedures mandate-holders, E/CN.4/2006/4, para 85

for example policy initiatives or advice on legislative change making the communications less individual focused but more systemic.

- ✓ 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. They or through the Secretariat can recall with the diplomatic missions particular areas of concern which may require attention leading to effective dialogue. 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. This ensures a non-static approach to the use of communications and facilitates actual follow-up; and
- ✓ Raising awareness and understanding of follow-up activities: building an expanded network of sources of information; strengthening working relations with OHCHR desk officers and field presences, as well as UN Country Teams, in order to identify additional means by which to promote follow-up.

Country visits:

- ✓ Recommendations on country visits: formulating recommendations in ways that facilitate implementation and monitoring (specific, measurable, attainable, realistic, and time-bound) and preparing dedicated follow-up reports in order to assess the status of implementation of the recommendations made following recent country visits. These recommendations can be categorized and even include suggested courses of action and potential partners. In some instances they can be used to mobilize external support to assist States in reform, etc.
- ✓ Follow-up visits to countries already visited: either by same mandate holder or for other mandate holder 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. This can also be undertaken in partnership with UN country teams and lead to engagement by such teams in meaningful follow up when the mandate holder leaves. The same holds true for OHCHR or other human rights presences.
- ✓ 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: 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;

Ensuring that there are follow-up mechanisms which are realistic and can find meaningful ways of assisting the State in implementing the recommendations.

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 Treaty Bodies

- ✓ 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.

Cooperation with regional human rights mechanisms

- ✓ Regular contacts with regional human rights mechanisms: exchanges of information, coordination, and mutual support in common areas of work. Building on the recommendations of the mechanisms and looking to national, sub-regional and regional strategies to enhance the recommendations and make them more realizable.

II. Additional follow-up activities/initiatives

Interaction with the Universal Periodic Review Process

- ✓ Mandate holders might make use of, and highlight towards external partners, the UPR as an additional and complementary means to raise human rights issues, and as an opportunity for States to demonstrate cooperation, including with special procedures;
- ✓ Through the Secretariat's compilation, issues of concern identified by mandate holders are reflected in the UPR process helping shape the debate and the final outcome which ultimately remains a State-driven process.
- ✓ UPR final documents can serve as an additional tool for mandate holders in all of their activities (i.e. country missions, communications, public statements and thematic events and in formulating recommendations which can be further refined to ensure a better chance at implementation)
- ✓ Mandate holders through the Secretariat could help in the follow-up implementation workshops which are being held with States, shape some of the priorities in which implementation of recommendations is realisable. They

can also mobilize various constituencies when on country visits or otherwise to concentrate on assisting in effective follow-up to UPR recommendations

Concluding remarks

Recent experience has shown that the Special Procedures have developed a large variety of follow-up activities. However, the scope for follow-up should not only be restricted to their own recommendations but provide them with a larger palette from which to choose to be able build on their own assessments and reinforce the opportunities for effective implementation of recommendations at the national level.

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 as part of a broader human rights protection system.