

Mechanisms (M)

Increasing implementation of the outcomes of the international human rights mechanisms



Mechanisms in numbers

TREATY BODIES

133

State Party reports reviewed by human rights treaty bodies

172

State Party initial and periodic reports and common core documents submitted

7

general comments elaborated by the treaty bodies

640

individual complaints registered

308

concluding observations and lists of issues prior to reporting

7

State Parties visited by the Subcommittee on Prevention of Torture

HUMAN RIGHTS COUNCIL AND UNIVERSAL PERIODIC REVIEW

92

resolutions adopted

42

Member States reviewed for the implementation of UPR recommendations

33

(23 women, 10 men)

delegates from 32 Small Island Developing States supported to attend HRC sessions by the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the HRC



Participation of 26 out of 42 Member States reviewed by UPR, supported by the UN Voluntary Fund for participation in the UPR



6 new HRC mandates established, including one new expert mechanism on the right to development

SPECIAL PROCEDURES



44 thematic and

12 country-specific Special Procedures mandates

57

Governments hosted



125 Member States and

1 non-Member Observer State extended a standing invitation to thematic special procedures

84

visits by special procedures mandates

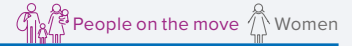
REPORTING AND FOLLOW-UP ON RECOMMENDATIONS ISSUED BY THE HUMAN RIGHTS MECHANISMS



41

newly established and/or strengthened National Mechanisms for Reporting and Follow-up

REPORTING BACK TO MYANMAR'S ROHINGYA: THE MOST IMPORTANT REPORT OF ALL



When the UN's Independent International Fact-Finding Mission (FFM) on Myanmar completed its [444-page report](#) last year, which documented violations allegedly committed by security forces against Myanmar's ethnic Rohingya minority, its experts reported to the Human Rights Council, the General Assembly, the Security Council and a global audience. In May, the experts visited Cox's Bazar in Bangladesh to present the report to members of the Rohingya community, the majority of whom had fled an explosion of violence in the Rakhine State two years ago.

Among those present were witnesses, survivors and community leaders who had contributed vital testimony to the report and posed questions of their own. Many asked about the slow pace of justice and said they were desperate to leave the network of camps that has become the largest refugee settlement in the world, housing 900,000 people. They also complained they were being excluded from discussions about their future, including in relation to education and jobs, by governments and humanitarian organizations.

One woman expressed her appreciation that they had been given the chance to be heard and that the report had helped inform the world about the "indescribable violence" they had experienced.

RELAYING THE ROHINGYA MESSAGE

The report documented systematic violations of the human rights of ethnic groups across the country, including the military "clearance operations" in Rakhine State that began in August 2017. Myanmar security forces allegedly killed

thousands of Rohingya civilians, raped and sexually abused women and girls and set their homes ablaze. The violence forced more than 700,000 Rohingya from the country, most to Bangladesh.

A UNIQUE OPPORTUNITY

The experts began their 10-day reporting journey on 3 May, during which they held two meetings in the refugee camps, including one exclusively for women. They also met with Rohingya at Konarpara and heard new testimony from recent arrivals.

During their meetings in Bangladesh's Kutupalong camp, some refugees asked what would happen next. Darusman, the Chairperson of the FFM on Myanmar assured them the newly established Independent Mechanism for Myanmar will begin by preparing case files for the potential prosecution of alleged perpetrators.

"For us, this was the most important report back we've done," said Sidoti, member of the FFM on Myanmar. "Theirs are the stories we told. I very much hope it will become the standard for Human Rights Council investigations...to report to UN mechanisms [and] affected communities."

Expert Radhika Coomarswamy, member of the FFM on Myanmar, stressed the need to report back to the other ethnic groups that provided testimonies for the report.

"The plight of the Kachin, Shan and Chin communities also remains of serious concern to the FFM," she said.

The experts completed their trip by urging the international community to cut all financial ties with Myanmar's military. They further emphasized that its commanders need to be brought before a credible court to answer charges of war crimes, crimes against humanity and genocide.



UN Independent International Fact-Finding Mission on Myanmar representatives listen to a member of the Rohingya refugee community speak during a meeting in Kutupalong, Bangladesh. © OHCHR

Highlights of pillar results

Mechanisms (M)

PILLAR RESULTS / SHIFTS / SDGs

M1

National institutionalized structures facilitate an integrated and participatory approach to reporting to the human rights mechanisms and implementation of their recommendations.



M2

Civil society organizations, national human rights institutions, and non-traditional actors, particularly those working on emerging human rights issues (frontier issues), increasingly engage with the international human rights mechanisms and use their outcomes.



RESULTS / SPOTLIGHTS

Spotlights: Youth Disabilities Women

Technical assistance provided through the Treaty Body Capacity-Building Programme contributed to the establishment and/or strengthening of National Mechanisms for Reporting and Follow-up (NMRFs) in **Botswana, Burkina Faso, Costa Rica, El Salvador, Eswatini, Ghana, Haiti, Kenya, Mauritius, the Republic of North Macedonia, Saint Vincent and the Grenadines, Senegal, Sierra Leone and Zambia**. In the **State of Palestine**¹, OHCHR gradually enhanced the capacity of the Palestinian NMRF, including by increasing the knowledge about the international human rights treaties and mechanisms of representatives from relevant government institutions in the NMRF. Actions taken by the Office contributed to the institutionalization of the NMRF, clearly identifying the roles and responsibilities of each of its three levels, namely, the permanent High-level Interministerial Committee, the Interministerial Technical Committee and the ministry-based working groups. In addition, UN Human Rights initiated the roll-out of the National Recommendations Tracking Database (NRTD) to support the effective follow-up on relevant concluding observations/recommendations issued by the international human rights mechanisms.


With OHCHR's support, the NMRF in **Serbia** cooperated with civil society and other relevant actors in the measurement of implementation of recommendations from the international human rights mechanisms. The Government, together with CSOs, developed a set of human rights indicators and an online database is now available to reflect nearly 400 recommendations received from the international human rights mechanisms. The database includes an interactive feature that ensures that all indicators that measure progress, their level of implementation and all relevant collected data can be easily updated and monitored by the general public. Furthermore, the Office facilitated the participation of CSOs in regular sessions of the NMRF and their engagement with issues of particular relevance, such as the prohibition of torture, specific reporting exercises and follow-up to individual decisions. At the request of CSOs, the Office organized a series of thematic sessions between relevant line ministries and members of the NMRF that are focused on follow-up and the exchange of insights and information about accountability regarding specific processes or outcomes.

The UN Country Team (UNCT) in **Ukraine** submitted contributions to the Committee on the Rights of Persons with Disabilities (CRPD) in anticipation of its preparation of the list of issues related to its consideration of Ukraine's combined second and third periodic reports; to the Human Rights Committee in anticipation of its preparation of the list of issues prior to its consideration of Ukraine's eighth periodic report; and to the Committee on the Elimination of Discrimination against Women (CEDAW) to supplement Ukraine's follow-up report to the concluding observations issued by the treaty body. UN Human Rights led the UNCT's Human Rights Working Group and, in coordinating these submissions, it promoted a unified UNCT approach and ensured that the major human rights issues affecting Ukraine were brought to the attention of the UN human rights mechanisms.

In **El Salvador**, OHCHR facilitated the process of discussing recommendations issued during the second Universal Periodic Review (UPR) cycle with the UNCT, the Office of the Procurator

¹ Hereinafter, all references to the State of Palestine should be understood in compliance with United Nations General Assembly resolution 67/19.

for the Defence of Human Rights (the NHRI of El Salvador) and civil society organizations on issues related to citizen security, justice, women's rights and the LGBTI population. These three stakeholders submitted contributions to the third UPR cycle and actively participated in the follow-up to the interactive dialogue. Furthermore, the Office contributed to the participation of non-traditional actors (organizational structures of indigenous peoples and committees of relatives of missing migrants) through the submission of information to the human rights treaty bodies and special procedures.

 In the context of **Kenya's** third UPR cycle, 67 CSOs submitted a joint report while a total of 22 CSOs submitted individual reports. For the first time, CSOs working on disabilities, sexual orientation and gender identity and sexual and reproductive health and rights participated in the preparation of the joint report. OHCHR contributed to the increased capacity of civil society to prepare and submit reports to the international human rights mechanisms.

UN HUMAN RIGHTS WORK TO ADDRESS INTIMIDATION AND REPRISALS OF CIVIL SOCIETY IN 2019

UN Human Rights continued to pay increased attention to the importance of protecting civil society actors against reprisals. The Office consistently ensured that cases of reprisals against those who had interacted with the international human rights mechanisms were identified and addressed by the international community.

The human rights treaty bodies developed mechanisms to prevent and help protect human rights defenders (HRDs) in accordance with the San Jose Guidelines against Intimidation or Reprisals, as referenced in General Assembly resolution 68/268. To support these efforts, UN Human Rights updated a common treaty body web page on reprisals that indicates how the treaty bodies address cases of intimidation and reprisals and outlines how such allegations need to be reported. In addition, the treaty bodies continued to facilitate accessibility for civil society and HRDs, including by adopting decisions (interim measures) on individual cases of reprisals. During the year, various treaty bodies flagged concerns regarding the

work of HRDs during their dialogue with concerned States Parties, reflected these concerns in recommendations and published letters of alleged reprisals on the web page of the committees.

UN Human Rights continued to facilitate regular exchanges between NGOs and the President of the Human Rights Council (HRC) to create opportunities for civil society to discuss issues of critical concern. This included discussions on how to deal with reprisals occurring in the context of HRC sessions and enhancing the methods of work of the HRC while safeguarding civil society space. With regard to allegations of reprisals that were reported to UN Human Rights, the internal protocol for handling such cases in connection with HRC sessions was put in motion and recommendations on appropriate action on each case were made to the HRC President.

The Secretary-General issued a report on Cooperation with the UN, its representatives and mechanisms in the field of human rights (A/HRC/42/30). It was prepared with

support from UN Human Rights and was presented to the HRC, in September. It includes cases from 48 States, reflecting the increased documentation of information on trends and cases in the public domain. For comparison, between 2010 and 2016, an average of 15 countries were included in the annual reports. The 2017 report mentions 29 States and the 2018 report lists 38 States. The 2019 report includes good practices to address and prevent reprisals, as recommended by Member States during the interactive dialogue on the 2018 report.

Moreover, 2019 marked the tenth anniversary of the adoption of HRC resolution 12/2, in which the Council requested that the UN take urgent steps to address intimidation and reprisals. The strong commitment to confront this issue was renewed by the Council, in September, with HRC resolution 42/28. Furthermore, the General Assembly adopted, by consensus, a resolution that condemns reprisals (A/RES/74/146).

M3

Policy-makers, legislators and courts make increased use of the outcomes of the international and regional human rights mechanisms.



National courts took opinions of the Working Group on arbitrary detention into account on a number of occasions, including in **Turkey**, where two detained individuals were conditionally released and in the **Republic of Korea**, during a public hearing before the Supreme Court regarding conscientious objection to military service and its status under international human rights law. In the latter case, the Government informed the Working Group that the Supreme Court reversed its existing jurisprudence that consistently justified the punishment of conscientious objectors as a means of protecting public safety. As a result of the reversal, detained objectors may now be eligible to file a claim for compensation.

In cooperation with the Inter-Parliamentary Union and various Member States, OHCHR organized a side event during the seventy-fourth session of the General Assembly, in New York, with the participation of 80 parliamentarians from 35 countries. The event promoted the establishment of parliamentary human rights committees, which was recommended in the report on the Contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review (A/HRC/38/25). The outcome document highlights good practices of parliamentary human rights committees as an important point of reference for parliaments worldwide.

M4

International human rights mechanisms contribute to the elaboration of international law and jurisprudence, in particular in the context of emerging human rights concerns (frontier issues).



With substantive and secretariat support from OHCHR, the human rights treaty bodies examined a large number of cases on issues such as climate change; the international custody of children; and international criminality, including human trafficking and the enforced disappearances of migrants. In all of these contexts, the treaty bodies continued to define their jurisprudence, provide legal analyses and ensure that they shared a harmonized approach. In September, five treaty bodies, namely, the Committee on Economic, Social and Cultural Rights (CESCR), CEDAW, the Committee on Migrant Workers (CMW), the Committee on the Rights of the Child (CRC) and CRPD, adopted a statement on human rights and climate change ahead of the 2019 UN Climate Action Summit. Furthermore, at the CRC's eighty-first session, in May, the Committee adopted General Comment No. 24 on children's rights in the child justice system. In November, in its first ruling on a complaint by an individual seeking asylum due to the effects of climate change, the Human Rights Committee stated that without robust national and international efforts, the effects of climate change on sending States may trigger the non-refoulement obligations of receiving States. Finally, under its urgent action procedure, the Committee on Enforced Disappearances (CED) addressed specific recommendations to concerned States Parties regarding the challenges that arise in searching for disappeared persons along migration routes. The Committee invited these States Parties to adopt search and investigation strategies that are suited to the specific circumstances of each case and are in line with principle 9 of the Guiding Principles for the search for disappeared persons.

M5

International human rights mechanisms are increasingly effective in promoting and protecting human rights.



In the context of enhancing the efficiency of the Human Rights Council (HRC) and the rationalization of its initiatives, seven resolutions became biennial and three resolutions became triennial. In addition, out of the six new thematic resolutions adopted in 2019, three were one-time resolutions. One-time resolutions represent a good practice wherein a resolution is adopted on an issue that has gained political momentum in the Council. Of all "recurrent" HRC resolutions, 78 are now biennial or triennial and only 33 are annual. In 2019, UN Human Rights provided support to the President and the Bureau on streamlining the work of the Council, which resulted in the adoption of a President's Statement on this subject.

The treaty bodies became more accessible to increase their engagement with all stakeholders. The Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and CED used videoconferencing and webcasting for public reviews, private hearings with NGOs, national human rights institutions (NHRIs), the UN in the field and, in the case of CAT, National Preventive Mechanisms (NPMs) and for joint meetings with

regional courts. During the eighty-second session of CRC and the seventy-third session of CEDAW, the dialogue with Mozambique took place through videoconferencing. CRPD continued implementing accessibility measures by ensuring remote captioning, international sign interpretation, national sign language interpretation, webcasting and Braille transcriptions. Remote captioning was provided for all dialogues that took place with State Party delegations during the Committee's twenty-first and twenty-second sessions. The Committee also facilitated accessibility arrangements during private briefings with organizations of persons with disabilities (OPDs), other civil society organizations and NHRIs on country situations.



Special Rapporteur on extreme poverty and human rights, Philip Alston, visits an unexploded ordnance clearance site in Houaphanh, Lao PDR. © Bassam Khawaja 2019