

Mechanisms (M)

Increasing implementation of the outcomes of the international human rights mechanisms



HUMAN RIGHTS COUNCIL (HRC) AND UNIVERSAL PERIODIC REVIEW (UPR)



HRC panels

14 discussions held (including on COVID-19 and the right to development, climate change, the rights of persons with disabilities and the 25th anniversary of the Beijing Declaration)



UPR mid-term reports

7 documents submitted (on the implementation of recommendations issued during the 2nd and 3rd UPR cycles)

TREATY BODIES



Experts

172 treaty body experts



Recommendations

39 concluding observations (and 142 lists of issues prepared)



General comments

4 new comments (on trafficking in women and migration; science and economic, social and cultural rights; racial profiling; and peaceful assembly)



Individual complaints

317 new communications registered (by 8 treaty bodies, with 239 views and decisions adopted)



Capacity-building

2,446 State officials trained (to engage with the treaty bodies, with participants from 61 countries)

SPECIAL PROCEDURES



Special procedures mandates

44 thematic
11 country-specific



Standing invitations

Extended by **127** States (to thematic mandates)



Reports

166 presented to the General Assembly/HRC (64 on country visits)



Communications

681 communications sent (to 152 States and 76 non-State actors)
433 replies received

REPORTING AND FOLLOWING UP ON RECOMMENDATIONS



National Mechanisms for Reporting and Follow-up

46 newly established and/or strengthened

Children's rights in the Pacific: An historic treaty body session in Samoa

“For many years, we spoke and dreamed of holding a session outside Geneva,” said Luis Pedernera, the Chair of the Committee on the Rights of the Child (CRC). “This week, that dream became a reality. It’s an historic moment,” he said of the Committee’s extraordinary outreach session that was held in Samoa, in March. During the session, the Committee met with government officials, UN entities, civil society, NHRIs and children to discuss the situation of children’s rights in the Pacific.³

Like all other UN human rights treaty bodies, the Committee usually meets in Geneva, Switzerland. Yet, the Pacific is the region most adversely affected by its remoteness from Geneva. Since 2016, six of the seven State Party reviews from the region have been conducted via video link. During the 2020 consultations on the treaty body system’s review process, participants stressed the importance of regional sessions to increase domestic stakeholder accessibility, enhance the visibility of the treaty body system and more closely interact with national and regional human rights systems.

The CRC session in Samoa represents the first regional-level session held by a UN human rights treaty body, the first time

an official meeting of the Committee was moderated by children and the first time that sign language interpretation was used for all meetings.

During the session, the Committee reviewed the situation of the rights of the child in the Cook Islands, the Federated States of Micronesia and Tuvalu and held a preparatory meeting for a future review of Kiribati, enabling State Party delegations to hold in-person, constructive dialogues with the Committee. In addition, the Committee met with a broad range of stakeholders, including more than 100 children and passionate child HRDs, to discuss pressing issues in the region, such as climate change and child

rights to participation, education, health and freedom from violence.

Audrey, 16 years old, moderated a discussion on children’s right to health and explained that the session taught her that children’s views matter. “During this session, we learned that we have the right to be heard [and that] children’s opinions, perspectives and problems should be voiced.”

Chair Luis Pedernera added, “We hope [the children] were able to understand how much the Committee appreciates their contributions and that this is just the beginning of strong and meaningful participation of children from the region in our work.”



Child moderator during the official session dedicated to the 30th anniversary of the Convention on the Rights of the Child. © OHCHR

³ The session was co-organized by UN Human Rights with the Regional Rights Resource Team (RRRT) of the Pacific Community (SPC), the UN Resident Coordinator’s Office (RCO) and UNDP in Samoa, the Government of Samoa and UNICEF Pacific, with financial support from the RRRT SPC and its donors (Australia, New Zealand, Sweden and the United Kingdom), the Government of Samoa and the RCO in Samoa.

Highlights of pillar results

Mechanisms (M)

The international human rights mechanisms – composed of the Human Rights Council (HRC), with its special procedures and the Universal Periodic Review (UPR), and the treaty bodies – are the backbone of UN Human Rights' work. Their analyses, monitoring and interactions with States and stakeholders

help to identify strengths, weaknesses, gaps and opportunities in relation to all rights. Through their actions and recommendations, they provide the basis for engagement with States and other actors and support duty-bearers to comply with their obligations and rights-holders to claim their rights. UN Human Rights

provides secretariat support to these mechanisms and supports States in honouring their obligations. Through their procedures and country visits, the international human rights mechanisms give a voice to vulnerable persons and groups at the national level.

PILLAR RESULTS / SHIFTS / SDGs

M1 – NATIONAL MECHANISMS for REPORTING and FOLLOW-UP

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



RESULTS / SPOTLIGHTS

Spotlights: Disabilities Women Youth

UN Human Rights, through its Treaty Body Capacity-Building Programme and its field presences, provided technical assistance to support the **establishment or strengthening of National Mechanisms for Reporting and Follow-up (NMRFs)** in Benin, Botswana, Cambodia, Egypt, Eswatini, Haiti, Kiribati, Kyrgyzstan, Lebanon, Liberia, Malaysia, Namibia, Peru, Qatar, Republic of Moldova, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Sudan, Tonga, Turkmenistan, Uruguay, Uzbekistan and Venezuela. In particular, support from the Office to Eswatini and to Tonga resulted in the official establishment of NMRFs in 2020. In Sudan, in July, a draft ministerial decree and a road map on the creation of an NMRF were prepared. In August, Peru adopted an intersectional protocol to improve the inter-institutional coordination for the implementation of its international human rights obligations and to facilitate collaboration with civil society. This instrument will pave the way for the creation of an NMRF.

In the Republic of Moldova, Thailand and Uzbekistan, UN Human Rights supported the roll-out of the **National Recommendations Tracking Database (NRTD)**. In Tunisia, the Office supported the creation of the [NMRF website](#), which will host the NRTD and facilitate interactions with CSOs.

UN Human Rights provided extensive technical assistance in various countries for the **submission of State reports to the international human rights mechanisms**. A number of long overdue State Party reports were submitted with support from the Office, including Côte d'Ivoire's initial report under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Guinea's initial report under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Somalia's initial report under the International Covenant on Civil and Political Rights (ICCPR). Somalia also submitted its UPR mid-term report.

M2 – ENGAGEMENT with human rights MECHANISMS

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.





UN Human Rights supported the increased **engagement** of stakeholders **with the UPR Working Group**. For instance, with support from the Office, 126 CSOs from across Somalia submitted a joint report for their country's third UPR review and a coalition of 27 CSOs submitted a first alternative report on Jamaica. These efforts resulted in the submission of a first report by Rohingya civil society groups in the Cox's Bazar refugee camps on the situation of Rohingya people in Myanmar. In addition, UN Human Rights offered assistance for the submission of joint UNCT reports for UPR reviews.

In the Republic of North Macedonia, the Office supported a network of CSOs that are active in the area of sexual and reproductive health and rights (SRHR) to submit a 'spotlight report' to complement the country's first **Voluntary National Review (VNR) report**. The Office also provided technical assistance on the role of CSOs in the **National Preventive Mechanism (NPM)** in South Africa, including by supporting the drafting of a research paper by the African Policing Civilian Oversight Forum (APCOF) on the subject.

Advocacy efforts by UN Human Rights and its partners contributed to the **recognition of the competence of the Committee on Enforced Disappearances (CED) to examine individual complaints in Mexico**. This represents a major breakthrough for the application of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Furthermore, the Mexican Senate ratified the **Escazú Agreement** on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, a valuable tool to support HRDs in their struggle against the degradation of the environment.

In April, UN Human Rights supported the Special Rapporteur on the rights to **freedom of peaceful assembly and of association** to issue a **set of indicators** to guide governments when designing and implementing measures to tackle the spread of COVID-19. The indicators were developed taking into account 185 submissions received from representatives of governments, CSOs, women, indigenous communities, youth groups and trade unions from 79 countries.

 The **Committee on the Rights of the Child**, with support from the Office, launched a **web page** for children that provides a simple overview of the Committee's mandate and activities and information on how children can share their views and contribute to its work. A **child safeguarding** procedure was adopted to ensure a safe environment for engagement with children.

 In Mozambique, UN Human Rights provided guidance to **organizations of persons with disabilities and older persons** to engage with the international human rights mechanisms. As a result, umbrella organizations representing these groups submitted their first report in anticipation of the country's third UPR cycle. In the State of Palestine,⁴ the Office coached disability counsellors and disability outreach staff in selected CSOs on the application of an HRBA to disability and identified connections between provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD).

⁴ All references to the State of Palestine should be understood in compliance with General Assembly resolution 67/19.

M3 – USE of MECHANISMS' RECOMMENDATIONS

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



The Working Group on discrimination against women and girls and the Special Rapporteur on violence against women, its causes and consequences advocated for the decriminalization of abortion, including through country visits, recommendations, letters and amicus curiae briefs. In December, **Argentina** adopted a **law legalizing abortion** in the first 14 weeks of pregnancy and the **Republic of Korea** decriminalized abortion.

In **Uzbekistan**, the **Law on the Rights of Persons with Disabilities** was adopted and signed in October and came into force in January 2021, in line with the country's UPR action plan. As a follow-up to the Human Rights Committee's concluding observations, UN Human Rights supported the drafting of an **NGO Code** by civil society experts, which was shared with the Parliament and the Government. A number of recommendations issued by the international human rights mechanisms were incorporated into the **National Human Rights Strategy**, which was adopted in June.

On 16 June, the Supreme Court of **Spain** handed down a **judgment** on the issue of **age determination of unaccompanied migrant children**. In the ruling, the Court cited the views of CRC in its Communications No. 16/2017 and 22/2017, which establish that identity documents should be considered valid unless they have been challenged through judicial means. The Supreme Court also followed the Committee's reasoning that: 1) the person who alleges to be under the age of 18 should be considered as a child until proof to the contrary is obtained; 2) an individualized assessment of age needs to be conducted in light of the circumstances of each case; 3) when a person holds an identity document, s/he cannot be treated as an undocumented migrant; 4) a refusal to undergo medical tests to determine that person's age cannot in itself be considered proof that the person is an adult; and 5) the physical appearance of a person cannot prevail over identity documents, unless those documents are proven to be invalid.

In May, the President of **Chad** enacted **anti-terrorism legislation** that **abolished** the previous dispositions that allowed the **death penalty**. As an outcome of the country's third UPR cycle, the Government committed to abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2).

In **Mexico**, UN Human Rights provided legal advice to the Supreme Court, tribunals, prosecutors and the NHRI, contributing to the enhanced **use of international human rights law and jurisprudence in court** proceedings and decisions, including in relation to seven emblematic cases in 2020. For instance, in the case of Misael Zamora, an HRD working on environmental issues and the rights of indigenous peoples, the charges against him were withdrawn after UN Human Rights submitted a legal brief that outlined relevant international human rights standards.

M4 – DEVELOPMENT of INTERNATIONAL LAW

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).



On 4 November, the **Human Rights Committee** adopted a **landmark decision**, which found **Italy** responsible for the death of 200 **migrants** in the Mediterranean Sea in 2013. The events occurred in international waters and involved an Italian naval ship and a nearby sinking boat carrying more than 400 adults and children. The Committee found that Italy failed to **protect the life of the victims**. It also considered that although the victims were not on Italian territory, they had established a special relationship of dependency with Italy when the first distress calls were made by the victims to Italian authorities, due to their proximity to the Italian coast and because they were affected by the decisions of the Italian authorities that were reasonably foreseeable in light of Italy's relevant legal obligations. The Committee called for an independent and timely investigation.

In May, the Committee on Migrant Workers (CMW) and the Special Rapporteur on the human rights of migrants published a **Joint Guidance Note on the impacts of the COVID-19 pandemic on the human rights of migrants**. The Guidance Note urges States to set up mechanisms to review the use of immigration detention in order to reduce the number of people being held to the lowest possible level and to secure the immediate transfer of families with children and unaccompanied or separated children from immigration detention facilities to non-custodial and community-based alternatives, with full access to rights and services. They are also urged to ensure the inclusion of migrants in economic recovery policies.

With support from UN Human Rights, the **human rights treaty bodies** issued **four new general comments and recommendations**: 1) General Recommendation No. 38 on trafficking in women and girls in the context of global migration (Committee on the Elimination of Discrimination against Women (CEDAW)); 2) General Comment No. 25 on science and economic, social and cultural rights (Committee on Economic, Social and Cultural Rights (CESCR)); 3) General Recommendation No. 36 on preventing and combating racial profiling by law enforcement officials (Committee on the Elimination of Racial Discrimination (CERD)); and 4) General Comment No. 37 on article 21 of the International Covenant on Civil and Political Rights – Right of peaceful assembly (Human Rights Committee).

M5 – EFFECTIVENESS of international human rights MECHANISMS

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



In November, UN Human Rights supported the **first hybrid session** of the **UPR Working Group**, during which pre-recorded video statements and online connections with the capitals were introduced. Despite the challenging circumstances caused by COVID-19, including the implications of the digital adaptation, the thirty-sixth session of the UPR Working Group was a success. A total of 250 delegates from capitals participated in the session and interacted with an average of 100 States. The hybrid format enabled an enhanced participation of delegates from Least Developed Countries (LDCs) and Small Island Developing States (SIDS). A **video** was produced to showcase this success.

Joint efforts and advocacy undertaken by the mandates on the sale and sexual exploitation of children and on the right to privacy contributed to the **European Parliament's** adoption of **legislation**, allowing a temporary derogation from certain provisions of the Privacy and Electronic Communications Directive 2002/58 with regard to the use of technologies for the processing of personal and other data to **combat child sexual abuse online**.

UN Human Rights facilitated the **virtual engagement of international human rights mechanisms in 65 interactive dialogues** that were held in the **Third Committee** at the seventy-fifth session of the General Assembly. This resulted in the adoption of more than 37 human rights-related resolutions. Moreover, the Office supported the organization of virtual meetings between special procedures country mandates and Member States, CSOs, victims and other interlocutors.

Preventing enforced disappearances and locating victims during the COVID-19 pandemic

On 4 May, as part of the opening of the eighteenth session of the Committee on Enforced Disappearances, Maria Nohemí Barbosa recounted the story of her son, John Alexander, who went missing in Mexico in 2014. Due to COVID-19-related restrictions, this was the first time that a human rights treaty body had opened a virtual session.

Committee Chair Mohammed Ayat noted that organizing a virtual session presented challenges. No simultaneous interpretation was available and the 10 Committee members were based in multiple time zones, from Peru to Japan. Nonetheless, “victims of enforced disappearance must know that, while the pandemic can make some situations more difficult, the Committee is still available to assist.”

At the end of the year, CED registered its 1,000th urgent action request. December also marked the tenth anniversary of

the Convention’s entry into force, which established the urgent actions procedure.

“Behind each urgent action request, there is a human tragedy. The family of the victim suffers from the absence of their loved one and from the uncertainty as to whether the victim is still alive. As time passes, the chance of finding the person alive reduces and the grief increases,” said the Committee.

Among registered cases, 49 per cent relate to disappearances in Iraq and 42 per cent relate to disappearances in Mexico. Families, relatives and representatives of disappeared persons can submit a request to CED after reporting the disappearance to relevant national authorities. The urgent action procedure provides support to people seeking justice at the international level and to States in the fight against enforced disappearances.

In the context of the pandemic, UN Human Rights undertook actions to prevent enforced disappearances. In Mexico, many state governments ordered the immediate cremation of bodies without guaranteeing the right to identity of the deceased. The Office collaborated with WHO and the ICRC and offered technical assistance to the Ministries of Health and the Interior, resulting in the adoption of national standards that prioritize the decisions of families on the safe and dignified disposal of human remains. “Now, there are guidelines so that no one is cremated without being identified or offering their families the possibility to claim the body,” noted Gabriela Gorjón, Public Information Officer at UN Human Rights in Mexico.

Through the urgent action procedure, 90 persons had been located by the end of 2020, including in Argentina, Bolivia, Cambodia, Cuba, Iraq, Kazakhstan, Mauritania, Mexico, Morocco, Sri Lanka and Togo. For instance, the procedure was successfully used to secure the swift release of three land defenders, from an indigenous community in Chiapas, Mexico, who were disappeared on 8 June.

“The Convention on Enforced Disappearances is clear: no exceptional circumstances can be invoked to justify enforced disappearances,” said Ibrahim Salama, Chief of the Human Rights Treaties Branch of UN Human Rights. “This principle also applies during the pandemic.”



UN Human Rights staff in Mexico accompanying the Missing Persons Search Brigade in Poza Rica, Veracruz, in February 2020. © OHCHR-Mexico

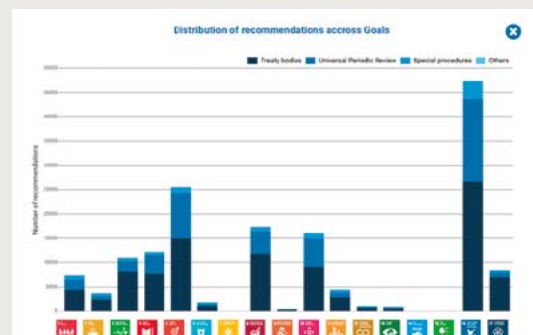
A revamped Universal Human Rights Index

With almost 50,000 unique visitors every year, the [Universal Human Rights Index \(UHRI\)](#) has long been a central gateway to the work of the international human rights mechanisms. In October, UN Human Rights launched a new version of the tool with a revamped interface and extended functionalities. More than 180,000 observations and recommendations issued by the human rights treaty bodies, the special procedures and the UPR, which are aligned with the SDGs, are now available online.

“The UHRI provides easy access to human rights recommendations and leverages synergies with the 2030 Agenda,” said Jonas Grimheden, Programme Manager at the European Union Agency for Fundamental Rights (FRA). “The database offers a new user-friendly design, making it easy to find [and export] data in just a few clicks,” he added, underlining that data-sharing is facilitated by the open source technology that supports the tool.

Hanae Hanzawa, a UN Human Rights staffer in Bangkok, Thailand, recognizes its huge potential. “As a human rights trainer, I use the UHRI often and with its various thematic filters, I can easily find the recommendations I am looking for,” she explained. By harnessing the power of machine learning, automatic text classification algorithms help to categorize content against themes and SDGs, which enables users to efficiently search the database. “[The UHRI] is respected among academics, human rights lawyers and practitioners as being a first-class database to find country-specific observations and recommendations of authority and reliability,” confirmed Anne Charbord, lecturer at the Paris School of International Affairs.

The experience gained and the partnerships built during the course of this innovation project will undoubtedly help to promote the digital shift in other areas of the work of UN Human Rights. It will also ensure the long-term sustainability of the UHRI as new documents and recommendations are issued each year.



UHRI home page (left) and SDGs chart (right). © OHCHR