



EIGHTEENTH ANNUAL MEETING OF SPECIAL RAPPOORTEURS, REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE HUMAN RIGHTS COUNCIL

30 June 2011

On behalf of Amnesty International I thank you, Madam Chair, for this opportunity to contribute to your discussions today. I will focus my remarks on two issues:

- First, on follow up, in terms of encouraging the integration of follow up activities within the work plans of all mandate-holders, and enhancing the role of non-governmental organizations (NGOs) in these activities, and
- Second, on coordination between mandate-holders in respect of country visits.

Follow up: definition and mandate

Follow up has been defined by the mandate-holders as encompassing the full range of measures “to encourage, facilitate and monitor the implementation of recommendations by the Special Procedures”, and is an essential function of the Special Procedures.¹ This was recognized in the General Assembly in Resolution 60/251 which establishes the Human Rights Council (the Council), and which asserts that the methods of work of the Council shall, among other things, allow for subsequent follow up discussions to recommendations and their implementation.² Further, some of the resolutions creating and renewing Special Procedure mandates also request mandate-holders to follow up on communications and visits, or call on states to facilitate such activities.

Amnesty International has long advocated for specific steps to be taken for increased and focused attention by the Council to follow up on Special Procedures work.³ It is regrettable that the recent Council review did not result in such measures being adopted. We nonetheless encourage mandate-holders, states and other stakeholders to pursue those measures, wherever practicable. The mechanisms and resources that exist for the Special Procedures to encourage, support and monitor implementation and undertake follow up remain inconsistent and inadequate, but we must make the best of what we have.

Country visits

The Brookings Research Study on strengthening the Special Procedures, published last year, argues that what

¹ *Report of the Twelfth Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme*, UN Doc. E/CN.4/2006/4, June 2005.

² UN General Assembly resolution 60/251, operative paragraph 12

³ For example, *United Nations Special Procedures: Building on a cornerstone of human rights protection*, AI Index : IOR 40/017/2005, October 2005, and *Making It Work: the review of the UN Human Rights Council*, 2011, AI Index: IOR 41/001/2011, January 2010

happens after a country visit is one of the most challenging questions for the UN human rights system.⁴ Some good practice has been developed by mandate-holders, for example seeking information through questionnaires sent to a variety of stakeholders to assess levels of implementation. Mandate-holders can also ask governments to respond within a set time-frame on the effect given to recommendations and to provide information as to the reasons why recommendations have not been implemented. Governments can also be encouraged to report voluntarily to the Council on their implementation of Special Procedure recommendations.

Very few mandate holders are in the privileged position of being able to undertake dedicated follow up missions, yet this may be the most effective means of actively supporting implementation. Further consideration could be given to lessons learned from follow up missions and whether there are other ways to achieve similar results, given the constraints on mandate-holders' time and resources. We encourage all mandate-holders to integrate follow up activities into their work plans, and for OHCHR to consider what institutional capacities may be available or necessary to support and sustain these activities.

Communications

As regards urgent communications and letters of allegation, Amnesty International has for many years argued that communications should remain pending until the mandate-holder is satisfied that it has been adequately addressed by the government concerned. This includes the period after the immediate danger to the victim has passed to ensure that appropriate redress is provided. We recognize the significant number of communications issued by the Special Procedures, the length of time that it can take to receive a response from the government, and therefore the challenges that this approach may pose.

The communications procedure of the Working Group on enforced or involuntary disappearances is well-established and offers some good practice around regular and transparent reporting of follow up. Efforts by a few mandate-holders to assess the quality of government responses to the communications, where these are forthcoming, have been useful in turning what could otherwise be a pro forma exercise of letter-writing into something where the government's willingness to engage in a meaningful and timely exchange about the situation of particular individuals, groups or situations of violations is exposed. It therefore provides a basis for mandate-holders to follow up and elicit a response that actually addresses the concern. For NGOs, victims and their families who rely on the communications procedure, it is important that governments are not rewarded for their failure to respond to urgent actions and letters of allegation.

In trying to galvanize some political momentum around follow up activities by the Council, a former mandate-holder proposed that the Council require governments to respond within 12 months of a submission of the report with an indication of why the recommended steps have or have not been implemented.⁵ The Council did not act on this proposal at the time, but it could be a suggestion that the Special Procedures, through the Coordination Committee, consider putting forward to the Council. It is also something that could be developed by encouraging willing states to establish such a good practice.

NGO support for follow up activities

Follow up on Special Procedures is necessarily a joint activity involving many different stakeholders. There is a clear role for civil society organizations to engage in follow up, by providing information to mandate-holders on the state of implementation and by advocating for governments to implement recommendations. There are clear follow up activities available through the UPR mechanism and through treaty body considerations as relevant.

⁴ *Catalysts for Rights: the unique contribution of the UN's Independent Experts on Human Rights, Final report of the Brookings Research Project on strengthening UN Special Procedures*, Ted Piccone, October 2010

⁵ *Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, follow up to communications*, UN Doc E/CN.4/2006/53/Add.2, March 2006

We have also used the occasion of states standing for election to the Council to draw their attention to Special Procedure recommendations that have not been implemented. At the Council, we have found it useful to focus our interactive dialogues on specific follow up and implementation and this has had some positive outcomes when coupled with advocacy directly with the state concerned. NGOs can also stimulate other national level stakeholders, such as parliamentarians, national human rights institutions and UN offices, to encourage the government to implement recommendations, and ensure that there is a holistic and universal approach at the domestic level to giving effect to implementation, including through national plans of action.

However, while some NGOs are very familiar with the follow up mechanisms in use by some Special Procedures, there is scope to encourage more to become involved. The UN Human Rights Programme: Handbook for Civil Society, developed by the Civil Society Section, contains information on how NGOs can engage in follow up activities, but this information is not clearly and prominently displayed on the Special Procedures web pages. Given that mandate-holders are working to different deadlines in terms of gathering information, it would be useful to have some very precise information for NGOs about what they can contribute, how they can be present their information and what deadlines they should work to. It is also worth noting as well that treaty bodies post NGO information on follow up on their web pages.

A holistic and universal approach

Effective follow up to recommendations coming from the Special Procedures, Treaty Bodies and Universal Periodic Review (UPR) was identified as a priority in the 2010-2011 Strategic Management Plan of the High Commissioner for Human Rights. Follow up was also a main topic for discussion at the annual meeting of Special Procedures last year, and repeated on your agenda this week. It would be useful to learn more about how the holistic and universal approach by the Office of the High Commissioner for Human Rights (OHCHR) to supporting implementation and follow up to recommendations from all UN mechanisms, including the Special Procedures, has progressed and how this approach will be taken forward.

Coordination of country visits

Finally, Madam Chair, some final comments regarding coordination of country visits. We appreciate the difficulties facing mandate-holders in securing missions to the countries they want to visit. In drawing up work plans, we encourage mandate-holders to be aware of other Special Procedure colleagues who may also be planning a visit to a particular country. While it can be very useful to have different mandate-holders focus their attention on one country, we are conscious that resources are limited and might be better deployed by Special Procedures visiting different countries, including through follow up missions. Multiple visits by Special Procedures should also result in recommendations that are complementary and mutually reinforcing, and mandate-holders may consider the best means of coordinating their efforts for follow up activities around these. We would welcome the opportunity to hear from you as to how visits are currently prioritized, planned and coordinated and whether any improvements are in the works.

Thank you.