



Global Protection Cluster



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FACILITATOR'S GUIDE

SESSION 6 – MAKE IT HAPPEN: IMPLEMENTING HUMAN RIGHTS ENGAGEMENT





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Preparation

- Create 3 break-out rooms and assign participants to a break-out room.
- Prepare links for 3 videos, one for each breakout group.

Group 1: An excerpt of the video of Somalia's UPR review from the 2nd cycle, in particular the statements of France and Germany beginning at **1:08:00 – 1:15:00**. The video is available here: <https://media.un.org/en/asset/k17/k17cikuahgb>

Group 2: An excerpt from the interactive dialogue with the Independent Expert on the rights of older persons during the 42nd session of the Human Rights Council. The video is available here: <https://media.un.org/en/asset/k1d/k1df5fufh3> **The video should be played from 1:04:00 – 1:09:00**

Group 3: An excerpt from CRPD 22nd Session on Iraq (2019). The video can be found on this link <https://media.un.org/en/asset/k1b/k1bb2awg1b> and should be played **from minute 34:00 to 41:00**.

Make reference to the Universal Human Rights Index available here: <https://uhri.ohchr.org/en/>



SESSION OVERVIEW



Section	Content	Timing
Introductions 	<ul style="list-style-type: none"> Topics covered in this webinar 	5 minutes
Breakout Groups 1: what happens during a session of a human rights mechanism 	<ul style="list-style-type: none"> Watch video of a session to compare the dialogue between States and the human rights mechanisms Compare the recommendations issued by different human rights mechanisms Debrief in plenary 	30 minutes
What happens after a session of a human rights mechanism 	<ul style="list-style-type: none"> What is follow-up Who is responsible for the implementation of recommendations from the human rights mechanisms What role does the cluster play in the process of implementation of human rights recommendations 	20 minutes
Breakout Groups 2: how to use human rights recommendations and follow up	<ul style="list-style-type: none"> Debrief in plenary 	20 minutes
National mechanisms for reporting and follow-up	<ul style="list-style-type: none"> What are the national mechanisms for reporting and follow-up and what they do Compare with national human rights institutions 	5 minutes
National plans of action for the promotion and protection of human rights	<ul style="list-style-type: none"> How to include the affected population in this kind of national action plans 	5 minutes
UN funds to support implementation	<ul style="list-style-type: none"> An overview of UN Funds supporting the implementation of human rights 	5 minutes
Closing 		2 minutes
Total time 		92 minutes



NOTES FOR FACILITATOR



Slide	FACILITATOR'S NOTES
Slide 1: Cover slide	Welcome participants while waiting for the other participants to join.
Slide 2: Ground rules	Mention that the ground rules remain the same.
Slide 3: What the session is about	Highlight the key topics of this session.
Slide 4: What happens during a session of a HR mechanism 	<p>Before diving into the question of follow-up and implementation, we'll look into what happens during the sessions of human rights mechanism. Our previous session stopped at discussing how to integrate human rights engagement in Cluster interventions – it dealt with questions, such as planning human rights engagement, finding avenues where human rights engagement could support cluster interventions on behalf of the affected population. The next question we need to ask ourselves is what happens with all the submissions, advocacy interventions and collaboration that was developed. How are the human rights mechanisms taking them into account?</p> <p>We will go through this session in two parts. First, we will look closer at what happens during the sessions of the human rights mechanisms; in the second part, we will discuss what follow-up means and how to support States in implementing human rights recommendations.</p> <p>Understanding how the sessions take place can also help us in several ways:</p> <ul style="list-style-type: none"> Looking forward: this helps us understand the types of outcomes that derive from those mechanisms; we can, for instance, understand why the recommendations from the human rights mechanisms are so different from one mechanism to another. It also helps us understand what concrete avenues are available in terms of follow-up. Looking backward: having a clear understanding of what happens during a session of the human rights mechanisms helps us tailor our advocacy, messages, but also our expectations. We can understand with more nuance the advantages and the limitations of each human rights mechanism, what they can do and what they cannot do. This helps us formulate more clearly our messages and define with clarity the types of outcome we can expect to achieve. <p>Let's look at what happens during the sessions of the human rights mechanisms. We will have a group exercise where we examine a session from three different human rights mechanisms. You will work in groups, and each group will watch a different short video recording from a session of the mechanisms.</p> <p>The first video is an excerpt of the video of Somalia's UPR review. The second video illustrates a session of the Human Rights Council when the Independent Expert on the rights of older persons presented a thematic report on the protection of older persons in emergency situations. And the third video is an excerpt from CRPD 22nd Session on Iraq.</p>



Slide	FACILITATOR's NOTES
	<p>After viewing the videos, we will look at and reflect on some of the recommendations that came out of the mechanisms. Please reflect about:</p> <ul style="list-style-type: none"> ○ what is relevant recommendation? ○ what does it need to have? ○ and what purposes does a recommendation need to fulfil? <p>Facilitator instructions:</p> <p>Group 1: An excerpt of the video of Somalia's UPR review from the 2nd cycle, in particular the statements of France and Germany beginning at 1:08:00 – 1:15:00. The video is available here: https://media.un.org/en/asset/k17/k17cikuahgb</p> <p>Group 2: An excerpt from the interactive dialogue with the Independent Expert on the rights of older persons during the 42nd session of the Human Rights Council. The video is available here: https://media.un.org/en/asset/k1d/k1df5fufh3 The video should be played from 1:04:00 – 1:09:00</p> <p>Group 3: An excerpt from CRPD 22nd Session on Iraq (2019). The video can be found on this link https://media.un.org/en/asset/k1b/k1bb2awg1b and should be played from minute 34:00 to 41:00.</p> <p>When joining the breakout groups, instruct the group that they need to:</p> <ol style="list-style-type: none"> 1) Agree on a <u>note taker</u> who will be the lead on noting down answers in the group's working document 2) Agree on a <u>presenter</u> for the debriefings <p>Debriefing:</p> <p>Invite groups to share some thoughts and reflections.</p> <p>When we understand what each human rights mechanism can do and make the link between the procedures that take place during the sessions of those mechanisms and the outcomes, we can have a clearer picture about what we can expect from each mechanism. This also helps us better prepare our inputs, manage advocacy interventions and tailor the way in which we engage with each mechanism.</p> <p>Sometimes, you may have the experience where you prepared detailed recommendations for a review before a treaty body; and in most cases, the treaty bodies raise the issues the cluster puts forward. You may have submitted similarly detailed recommendations in submissions to the Universal Periodic Review, and you may be disappointed that the details you provided were not reflected. You may feel disappointed that the States referred to the issues raised by the Cluster only in general terms, sometimes omitting to mention the affected population. What do you do in those cases? Do you think that the whole purpose of engaging with the Universal Periodic Review is lost?</p> <p>You may need to think of different approaches to follow-up on human rights recommendations and to support States in implementing those recommendations.</p> <p>With this question, we will move into the second part of this session where we discuss more concretely what follow-up means and how we support implementation processes.</p>

Slide	FACILITATOR's NOTES
<p>Slide 5: What happens after a session of HR mechanism?</p> 	<p>The sessions of the human rights mechanisms take place in Geneva; but this does not mean, that we need to wait 4-5 years before we engage again with the mechanisms. The recommendations issued by the human rights mechanisms can generate positive impact for the protection of human rights at national level, in general and for the affected population in particular, only if these recommendations are brought at domestic level. This is part of the process is vital for human rights engagement. It travels between the national and international levels in both directions.</p> <p>What can the cluster do?</p> <p>Move to breakout rooms and discuss the following questions:</p> <ul style="list-style-type: none"> ○ What is follow-up? ○ Who is responsible for the implementation of recommendations from the human rights mechanisms? ○ What role does the cluster play in this process? ○ What is the purpose for Clusters to conduct follow-up? ○ How should the cluster carry out its follow-up? ○ Where do we begin?
<p>Slide 6: Concrete steps for clusters</p> 	<p>Debrief from the breakout rooms</p> <p>The process of follow-up to human rights recommendation is not a singular process. All the stakeholders involved in the review procedure with a human rights mechanism undertake some form of follow-up. The Government will follow-up and analyse ways to implement the recommendations it received. The human rights mechanisms themselves may have sometimes follow-up procedures. Some treaty bodies established their own follow-up procedures whereby the States are required to submit a country report on specific recommendations at half-way before their next review. The Universal Periodic Review also has a procedure whereby States have the option to submit a mid-term report indicating the progress they made in implementing the recommendations received at the previous review. This procedure is not mandatory; but more States have started to submit mid-term reports in relation to the Universal Periodic Review. The HC's letter to Foreign Ministers, the matrix of recommendations, the infographic (you may find the tools in the example of Iraq, here: OHCHR UPR UPR - Iraq) may also be used as useful tools for any follow-up to UPR recommendations.</p> <p>Then, each stakeholder that has followed or submitted information to the human rights mechanisms will undertake a follow-up. The Government alone carries the responsibility for implementing its human rights obligations and therefore to implement the recommendations from the human rights mechanisms. The Government is the duty-bearer. Even though the recommendations from the human rights mechanisms are not binding, implementing them demonstrates the Government is taking steps to comply with its human rights obligations. The Government may adopt several approaches to monitor the recommendations it received, to assign responsibility for the implementation of those recommendations and to track progress. Some States adopt national action plans on human rights; others establish national mechanisms for implementation and follow-up; others create databases on human rights recommendations which track progress over time.</p>

Slide	FACILITATOR's NOTES
<p>Slide 7: National mechanisms</p> 	<ul style="list-style-type: none"> ○ Compare national human rights institutions and national mechanisms for reporting and follow-up ○ Refer to OHCHR guide on “National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms”: https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_Study.pdf ○ For national human rights institutions, refer to Guidance on UNHCR’s engagement with national human rights institutions
<p>Slide 8: National plans of action</p> 	<p>Mention the following aspects:</p> <ul style="list-style-type: none"> ○ The national human rights action plans perform the following functions: ○ Assess human rights needs in the country ○ Raise awareness of human rights among national authorities ○ Adopt a comprehensive approach to human rights ○ Mobilize civil society organizations ○ Mobilize cooperation at national and international levels ○ Generate commitment to action <ul style="list-style-type: none"> ○ Identifies the current human rights situation in the country ○ Identifies problems that need to be overcome ○ Specifies what actions need to be taken ○ Specifies the actor who is responsible for taking the defined actions ○ Establishes firm time frames for each action ○ Provides effective monitoring and evaluation of the actions taken. ○ Propose goals with an accountability framework and indicators. ○ National human rights action plans can guide the development of: <ul style="list-style-type: none"> ○ Legal frameworks, ratification of international instruments, effective rule of law ○ Frameworks for the protection of individuals ○ A culture of human rights ○ National institutions for the protection of human rights. <p>Further reference:</p> <ul style="list-style-type: none"> ○ OHCHR Handbook on National Human Rights Plans of Action



Slide	FACILITATOR's NOTES
<p>Slide 9: UN Funds Supporting implementation of HRE</p> 	<p>Lastly, to conclude the debriefing, mention there are several tools that participants can use in their follow-up work</p> <ul style="list-style-type: none"> ○ national mechanisms for reporting and follow-up; ○ national human rights action plans ○ UN Funds to support implementation of human rights. <p>The cluster may urge the government to apply for funding through the Voluntary Fund for financial and technical assistance in the implementation of UPR (more information here: OHCHR UPR The Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review)</p> <p>Mention that OHCHR manages several funds that support States and civil society organizations in the implementation of human rights.</p> <p>Civil society organizations obtained funding through the UN Voluntary Fund for Victims of Torture.</p>
<p>Slide 10: Key messages</p> 	<p>Summarize the key messages from this session</p> <p>Follow-up implies accountability.</p> <p>Using human rights recommendations can strengthen advocacy and protection interventions.</p> <p>National mechanisms for reporting and follow-up can support coordination in the implementation of human rights recommendations.</p> <p>National human rights action plans can be useful tools to promote the inclusion of affected populations in national frameworks.</p> <p>Clusters can work with Governments and other stakeholders in projects funded through UN funds to support the implementation of human rights.</p>

ANNEX



Support for facilitators – possible answers to Exercise 1

Note on how the treaty body (CRPD) formulated questions to the State delegation; may highlight the differences compared to the session of the UPR and how the States raised questions and provided recommendations to the State under review (Cambodia).

Use the following possible answers for the debriefing:

Human rights mechanism	Who participates in the session	Were issues relevant to cluster raised?
CRPD	Members of the Committee Government delegation Other stakeholders may attend	Yes
UPR	UN Member States Other stakeholders may attend	Yes
Human Rights Council	UN Member States Independent Expert UN entities Other stakeholders	Yes

Aspect	Treaty body	Universal Periodic Review	Human Rights Council
Tone of the dialogue	Constructive tone- marking shortcomings	Diplomatic, supportive	Diplomatic Marking concerns, violations of human rights
Specificity of issues raised	Very specific	Broader issues Focus on good practices, technical assistance	Specific, especially when it comes to dialogues concerning particular countries
Language used	Specific to international human rights law framework	General language	Raising human rights concerns in diplomatic language
Verbs and adverbs used	Gravely concerned Request	Recommend Consider	Recommend Remain seized on the matter



Support for facilitators – Possible answers to Exercise 2

Use the answers below as support for the debriefing of this exercise:

Recommendation	Group 1 : CRPD	Group 2 : Universal Periodic Review	Group 3 : Human Rights Council
Proposes concrete actions	Yes	No	It depends
The rights-holders are clearly stated	No	Yes	It depends
Level of detail (e.g. benchmarks, indicators, timelines)	Very detailed	General	It depends

Summarizes the following aspects:

- The recommendations from the treaty bodies are very detailed. They touch on concrete amendments needed in the legal, policy or institutional frameworks of States. The recommendations address the steps needed for States to implement the corresponding human rights treaty article-by-article. The specificity of the recommendations is a consequence of the nature of the constructive dialogue between the treaty body and the State. The questions addressed by the members of the treaty body are very specific, refer to specific articles in the respective human rights treaty. The members of the treaty body are experts in the subject-matter of the treaty, and for this reason, the recommendations they issue carry the weight of specificity, detail and precision. You can notice this in the length of the recommendation, the technical language use, and the concrete measures that the States are called upon to implement.
- The recommendations from the Universal Periodic Review are more general in terms of the issue they address, the language they use and the measures that the State under Review is expected to take. The Recommending States recommend a direction for action, addressing systemic issues such as adoption of legislation, consider adopting policy, take steps to ratify or implement human rights instruments. The UPR recommendations are more general because the UPR is a peer-to-peer review process, conducted by States. It is not conducted by independent experts, as is the case of the constructive dialogues before the treaty bodies. The intergovernmental nature of the UPR makes the UPR a platform for international dialogue and cooperation in the area of human rights. Member states have been actively engaging with UPR since it was created, which is illustrated by the 100% participation, as well as by voluntary pledges and commitments made by states under review.
- The recommendations from the Human Rights Council can also differ depending on the mechanism of the Council. We saw above the Universal Periodic Review. When it comes to the Special Procedures, as independent experts, they can give very concrete recommendations in relation to specific countries in country visit reports; but they can also give more general recommendations to address specific human rights issues when it comes to thematic reports.

Support for facilitators – Possible debriefing points on Exercise 3

- Identify the actor(s) responsible for implementation
- Identify what aspects lead to the effective implementation of that recommendations
- Context: think back at the human rights analysis!!
- Stakeholders: think back at the stakeholders mapping!!
- Tools
- New actors: National Human Rights Action Plans, National Mechanisms for Implementation and Follow-up
- Take into account the stage where you are with respect to the procedure before each particular human rights mechanism: Working Group Session- the States need to examine the recommendations at country level (including by organizing consultations) and decide on what recommendations they support or note.



Global Protection Cluster