

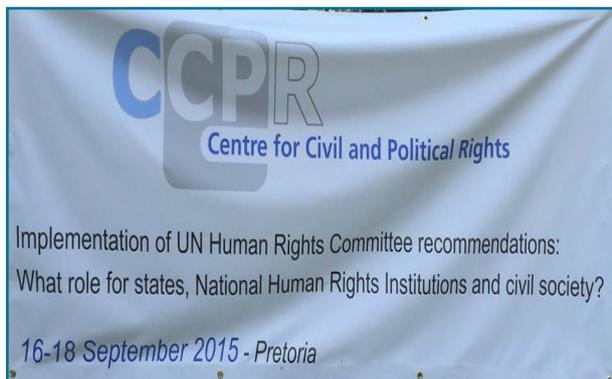
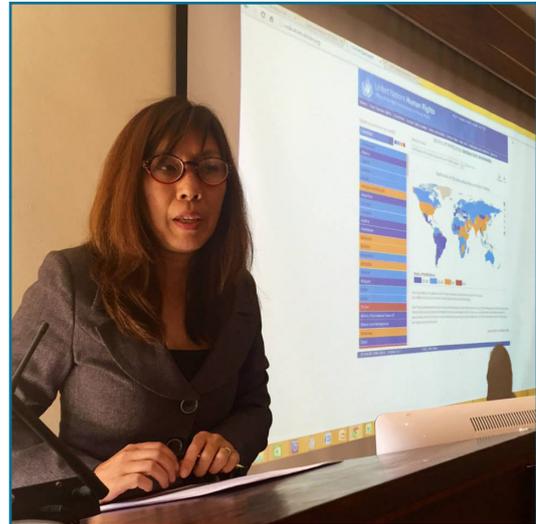
IMPLEMENTATION OF HR COMMITTEE RECOMMENDATIONS : WHAT ROLE FOR STATES, NHRIS AND CIVIL SOCIETY?



16-18 SEPTEMBER, 2015

**Regional Consultation #1
Eastern & Southern Africa**

The first regional Consultation on the implementation of HR Committee recommendations brought together representatives from the governments, NHRIs and NGOs of Angola, Kenya, Malawi, Mozambique, South Africa and Tanzania. In some cases, this was the first time that all 3 actors were able to discuss about civil and political rights in a constructive way. The Consultation identified good practices in the implementation of Committee recommendations, including the central importance of cooperation between state and non-state actors. These good practices and the engagement of participants in the ICCPR implementation and reporting cycle are documented hereunder.



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Human Rights

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List of acronyms

- COBs:** Concluding Observations (of Treaty Bodies)
- CSOs:** Civil Society Organisations
- ICC:** International Coordination Committee of NHRIs
- ICCPR:** International Covenant on Civil & Political Rights
- HR Ctte:** UN Human Rights Committee
- LGBTI:** Lesbian, Gay, Bisexual, Transsexual and Intersex
- LoI:** List of Issues
- LoIPR:** List of Issues prior to Reporting
- NHRI:** National Human Rights Institution
- NMRF:** National Mechanisms on Reporting & Follow-up
- OHCHR:** Office of the UN High Commissioner for Human Rights
- OP:** Optional Protocol
- SAHRC:** South Africa Human Rights Commission
- TBs:** UN Treaty monitoring Bodies
- UPR:** Universal Periodic Review
- UNDP:** United Nations Development Programme

Foreword

1-LESSONS LEARNT FOR THE CCPR CENTRE

The first regional Consultation in Southern and Eastern Africa was instrumental in helping us to identify new tactics and tools to improve the implementation of HR Committee Concluding Observations (COBs) Participants shed a light on the challenges they face at the national level, as well as opportunities on how to overcome these. I am grateful to all participants, as well as the German Ministry of Foreign Affairs for their support. The main lessons we were able to draw include:

1) National Mechanisms on Reporting and Follow-up (NMRF) play a crucial role in the follow-up to the Committee's COBs, and their establishment must be more systematically encouraged. I intend to seek avenues to strengthen our outreach and coordination with NMRFs at all stages of the review, in particular during the follow-up phase.

2) NHRIs can also play a key role to act as a facilitator between State institutions and civil society at all stage of the reporting process. NHRIs can contribute to opening a space for a dialogue on the implementation of the COBs and should be considered as a primary partner for the follow-up missions organised by the CCPR-Centre.

3) Likewise, **Members of the Parliaments (MPs) also play an essential role** in the implementation process. It was suggested that MPs should be involved in the upcoming regional Consultations to ensure their involvement in the implementation process.

4) Maintaining a dialogue between State institutions and civil society is a **long-term process**. When it is possible, a meeting between the NGOs involved in the State review and the Government should be organised prior the HRCtte session, possibly with the support of the NHRIs. This would facilitate the long-term dialogue between relevant stakeholders.

The regional Consultation in Pretoria was the first such event organised by the CCPR Centre. The action plans developed by participants at the end of the event will provide a guidance on the next steps in the ICCPR implementation process in the 6 focus countries.

The results of the Consultation have comforted our readiness to undertake similar events in other regions and countries which have recently been reviewed by the HR Committee. As mentioned above, we will continue to draw on lessons learnt and suggestions from our partners to improve the upcoming events.

Dr. Patrick Mutzenberg
Director, CCPR Centre

2-INTRODUCTION: AN OVERVIEW OF OUTCOMES

The first regional Consultation on the implementation of HR Committee recommendations was a timely and relevant initiative, 17 months after the UN General Assembly adopted resolution 68/268 which boosted OHCHR capacity to support national efforts to comply with UN Treaty Body reporting and recommendations.

I would like to emphasize some of the highlights and good practices which were evidenced during this Consultation:

- Participants from **Kenya** inspired their peers with an elaborate monitoring tool to follow on the implementation of international and regional human rights bodies (see §5.b for more details)
- In **Angola**, the HR Committee acknowledged the full realisation of their recommendation related to universal child birth registration. Angola is the first African state which has so far received a grade A from the Committee, which marks the highest level of implementation of a recommendation.
- An interesting example of constructive cooperation between State and non-State actors can be found in **Malawi**, where progress has been made with regards to death penalty and LGBTI rights since the review by the HR Committee. In several cases, this was the first time that representatives from the government, civil society and NHRIs were able to have a constructive dialogue around the recommendations of the Committee, and discuss their respective role in a non-confrontational way. The Consultation evidenced other interesting practices such as the progresses achieved in Mozambique on a recommendation related to the establishment of a National Mechanism to prevent torture. In South Africa, the SAHRC and civil society are actively engaged in the upcoming review. Finally, it is hoped that Tanzania will now take steps to submit its overdue report to the HR Committee.

Paulo David

Chief,
Capacity Building & Harmonization Section,
Human Rights Treaties Division,
OCHR

3-BACKGROUND AND RATIONALE

Several Southern and Eastern African countries were reviewed recently reviewed by the UN Human Rights Committee (HR Ctte) on the implementation of the International Covenant on Civil and Political Rights (ICCPR), or will soon be.

- **Angola** was reviewed for the first time in March 2013. The Committee adopted follow up grades in October 2014, and the State follow up responses are due since August 2015.
<http://ccprcentre.org/country/173>
- **Kenya** was reviewed in July 2012. The next periodic report is due since July 2015. The State submitted follow up information on the previous review cycle in February 2015.
<http://ccprcentre.org/country/280>
- **Malawi** was examined in July 2014. The State follow up report is due since July 2015.
<http://ccprcentre.org/country/297>
- **Mozambique** was examined in October 2013. The state follow up report is pending since October 2014.
<http://ccprcentre.org/country/315>
- **South Africa** will be reviewed in March 2016. The list of issues on the government report was published by the HR Ctte in July 2015.
<http://ccprcentre.org/country/369>
- **Tanzania** submitted its latest follow up report in October 2012. The fifth periodic report is overdue since August 2013.
<http://ccprcentre.org/country/382>

In these countries, actors concerned with the implementation of HR Ctte recommendations share common challenges related inter alia to: cooperation between state and non-state actors, addressing entrenched human rights problems, maintaining a sustainable cooperation with the HR Ctte, or working with the new Committee's follow up procedure¹, and its related grading system. The CCPR Centre has been involved in the processes of ICCPR implementation on all of the 6 countries.

Against this backdrop, **the main objective of the consultation was to identify new strategies and foster synergies to better implement the HR Committee's recommendations at the national level.**

Additionally, the consultation sought to:

- ◇ Identify opportunities and challenges in engaging with the HR Ctte's follow up procedure
- ◇ Discuss the role of governmental and non-governmental actors, as well as NHRIs, and civil society, in following up to the recommendations, and mutual synergies
- ◇ Identify and document good practices in the implementation of HR Ctte recom-

¹ <http://bit.ly/1NZWcWC>

mendations, and in engaging within the review cycle.

During the two-and-a-half days of the Consultation, participants were able to exchange on their own experiences and how to overcome the implementation challenge. The Consultation was composed of a balanced mix of presentations in plenary, and assignments in country and professional groups (see agenda of the event in [Annex 1](#) and list of participants in [Annex 2](#) for more details). The methodology was adapted to the profiles and wishes of participants, who had been consulted prior to the event. The consultation focused exclusively on the recommendations of the HR Ctte contained in COBs. It did not include HR Ctte views on individual complaints brought under the ICCPR OP1. Therefore, the term “recommendations” is herein used with regards to COBs, not views. By the end of the Consultation, participants from the 6 countries had come up with a list of action plan which relate to the following stages in ICCPR implementation and reporting to the HR Ctte. These action plans, which are all listed below, constitute a reflexion of the participants' ongoing engagement rather than a set of new commitments. The organisers hope that this will facilitate the process of monitoring the implementation of these action plans.

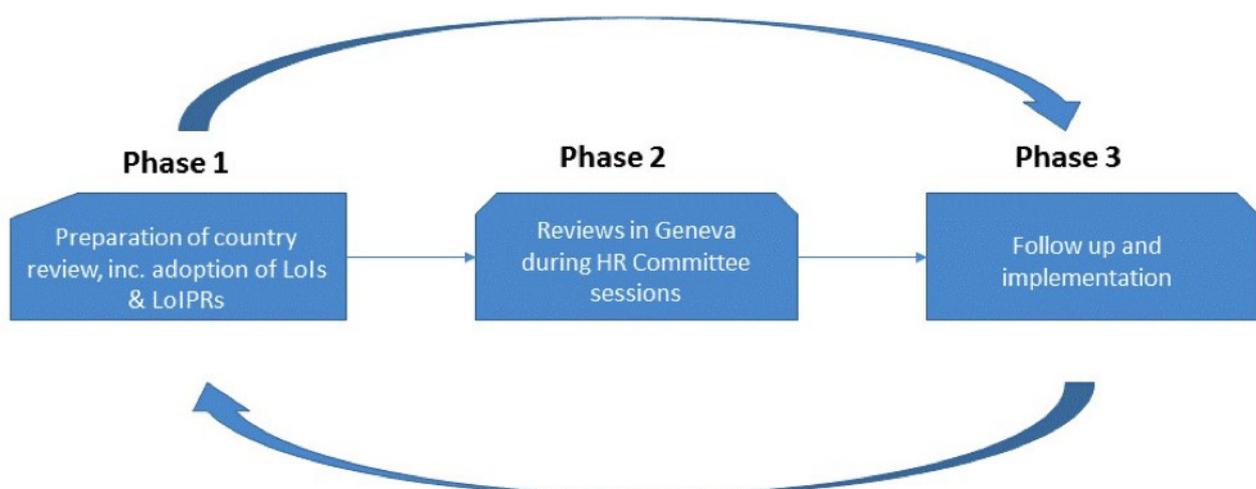
4-ELEMENTS OF AN EFFECTIVE REVIEW CYCLE

Each phase of the review process, before, during and after, involve specific opportunities and challenges for relevant actors. The objectives of this session were:

- ◇ To identify the key steps at each stage of the review cycle
- ◇ To identify good practices in all of the 3 main stages of the review
- ◇ To discuss the role of States, NHRIs, and NGOs at each step

Some of the questions which participants were asked to address included:

- ◇ What are the main deadlines at each phase of the review?
- ◇ What should States, NHRIs and NGOs do, and when?
- ◇ Can participants share examples of good or bad practices related to specific stages of the review?
- ◇ In the participants' experiences, is there one stage during which their contributions were most required? Were contributions equal at all stages of the review?
- ◇ What happens if some actors fail to make inputs at certain stages?



a) Phase 1: ensuring suitable inputs ahead of the review

The preparatory phase of reviews was discussed through the perspective of the SAHRC's experience in providing inputs prior to the adoption of South Africa's Lol. The SAHRC used thematic reports and cases as a basis to document inputs, which were clustered thematically according to ICCPR provisions. Following its submission, the SAHRC monitored the impact of its contribution, which evidenced that it was well reflected in the Lol subsequently adopted by the Committee.

Some of the **challenges** which were discussed included tight deadlines, difficulties to deliver hard copies of reports to Geneva on time, and boiling down a wide range of human rights issues into a concise format. Direct contacts between national stakeholders and the Committee's Secretariat in Geneva can help overcome these challenges.

The following key points were identified by participants with regards to phase 1:

- ◇ Cooperation between state and non-state actors should be sought from the early stages of the review. NMRFs can play a role to facilitate this cooperation.
- ◇ Where feasible States should seek to consult with non-state actors, including NGOs and NHRIs prior and after the adoption of the Lol.
- ◇ Contributions from national actors prior to the adoption of the Lol are essential given that they cannot participate during the adoption.
- ◇ Geneva based institutions, such as the Committee Secretariat or the CCPR Centre, can help to reach out to the Committee during the preparatory phase.

In Malawi, a government taskforce on the IC-CPR was established prior to the review. It involves representatives from the main line ministries. The taskforce plays a central role to foster consistency, coherence and leadership prior, during, and after the review.



b) Phase 2: what are the elements of an effective review?

The issue of constructive dialogue between state and non-state actors also came up during the discussion around the review phase. A government representative who participated in the review of his country emphasized that key elements of effective reviews include frankness and openness of the government to the dialogue with the Committee. States who regard the Committee as judgemental or who are defensive during the reviews are less likely to make progress on ICCPR implementation.

The following **key points** were discussed with regards to the review phase:

- ◇ Clear leadership within government is essential to identify which government department should take the lead
- ◇ NMRFs can play a crucial role in coordinating the government responses during

the review

- ◇ The more governments are frank and open on the challenges they encounter, the better the review process.
- ◇ Quality in reporting from all actors is essential. Bad reports hinder the quality of the review process and may mislead Committee experts in their interactive dialogue with the State.

c) Phase 3: following up and implementing recommendations: how to make it work?

HR Committee observations and recommendations are meaningless insofar as coordinated is not taken at the relevant level and by relevant actors to follow-up and implement them. Discussions evidenced that although the procedural responsibility of implementation lies on the State, it should rather be seen as a shared endeavour involving a broad range of both state and non-state actors. The key phase of disseminating recommendations and reaching out to all relevant audiences should be equally seen as a dual responsibility of state and non-state actors.

Some of the **challenges** identified by participants included the difficulty to implement recommendations which relate to highly sensitive or controversial issues at the national level (e.g. the International Criminal Court case or LGBTI rights in Kenya), financial implications and difficulties in maintaining political momentum around the recommendations, including the priority recommendations selected under the follow up procedure.

A follow up visit on the HR Committee recommendations to Kenya was carried out with a member of the Committee in May 2014. The visit was coordinated with the Kenyan authorities. As a consequence, a coalition of Kenyan NGOs submitted a follow up report to the Committee in July 2014. The government submitted their own follow up report to the Committee in February 2015. The Committee is set to review these and adopt grades in November 2015.



The following **key points** were discussed with regards to the follow-up and implementation phase:

- ◇ The HR Committee procedure offers constructive opportunities for state and non-state actors to take action, notably on the 2 to 4 priority recommendations selected for the follow up
- ◇ HR Committee recommendations should not be considered in isolation from re-

commendations from fellow international (and regional) human rights bodies: holistic, integrated and thematic approaches can help tackle the implementation gap at various levels

- ◇ Both state and non-state actors can develop implementation frameworks, and they can report back to the Committee as a basis for the Committee's follow up assessment.
- ◇ International actors and the diplomatic community at the national level should be made aware of the recommendations. They can play a key role to facilitate the implementation.

5-MAKING THE MOST OF THE REVIEW CYCLE: WHAT SPECIFIC ROLE FOR STATES, NHRIS, AND NGOS?

States, NGOs and NHRIs all have a specific role to play as part of the review cycle. Yet effective cooperation between these actors is seldom to be witnessed. Furthermore, additional actors should be engaged as part of the process. The objectives of the sessions were:

- ◇ To identify the specific roles of each professional groups (governments, NHRIs and civil society) during the review
- ◇ To share experiences between neighbouring countries on the review cycle

"Governments, NHRIs, and CSOs may follow different paths. It doesn't matter even if they challenge each other along the way so long as they reach the final goal, which is to inculcate the culture of human rights"

Adv. M. L. Mushwana, Chair of the SAHRC & ICC



Some of the **key questions** discussed included:

- ◇ How can governments, NHRIs and civil society better cooperate on the implementation of HR Committee recommendations?
- ◇ Which other actors should be involved? How?
- ◇ Can participants share good or bad experiences as representatives of their governments, NHRIs, or NGOs during one of the stages of the review?
- ◇ What is the value added of each professional category in the review cycle?

a) States: the primacy of responsibility

Governments face similar challenges to other actors in the ICCPR implementation cycle. Coordination between government departments, political agendas, incoherencies between the technical level and the political level, and scarce resources are

some of the **shared challenges**.

Some of the **main points** identified included:

- ◇ Parliamentarians play a key role to uphold all Committee recommendations related to legislative processes. Although often challenging to engage with, Parliaments should be involved in the preparatory and follow up phases.
- ◇ National coordinating mechanisms such as NMRFs, where they are in place, can play a key role not only in facilitating coordination with fellow actors, but also to engage key decision makers at the political level
- ◇ Engaging with national partners and international donors can help bridge the resource gap to ensure a suitable process at all stages
- ◇ The UPR can be used as an opportunity to engage the implementation of Treaty Body recommendations, given that States often feel more comfortable with the UPR process.

b) NHRIs, the national brokers

NHRIs all have a human rights mandate although some of them, as in Tanzania, may also play the Ombudsman role with regards to public administration. NHRIs hold key functions such as reviewing draft legislations and providing advice on their compliance with international standards. Although they can facilitate coordination between state and non-state actors, NHRIs may also face **challenges** in engaging with both in difficult national contexts. Another recurrent challenge relates to the independence of NHRIs and their related compliance with the Paris Principles¹. An additional challenge relates to the broad range of issues enshrined in the ICCPR: whereas civil society may work through platforms and consortiums, NHRIs are expected to cover all ICCPR issues on their own.

“Our NHRI engagement with the government is conducted at the ministerial level. The consultation provided a unique opportunity for those working within my NHRI and government on the actual reports and implementation of the ICCPR to engage with one another. This was a first in my experience.”

NHRI representative

Additional points of relevance with regards to the specific role of NHRIs include:

- ◇ NHRIs may be instrumentalised as part of the reporting process. One way to counter that risk is to watch out for references to the NHRI as part of the process and request corrections when required. Another good practice is for NHRIs to report to Parliaments rather than the Executive branch, in order to strengthen independence.
- ◇ NHRIs should be part of national efforts on a coordinated approach to implementing international human rights commitments. For instance, the Kenya NHRI

1 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

works with the government and with CSOs to monitor the implementation of international and regional recommendations as part of a coordinated project piloted by the Office of the Attorney General and Department of Justice.

- ◇ Most NHRIs are more familiar with the UPR. They need to be better engaged in the Treaty Body processes.

c) Civil society: constructive engagement is essential

CSOs can make a difference at different levels. For instance, their outreach capacity can make a difference in disseminating HR Committee recommendations towards the national media. They can also play a role in translating recommendations, not just in national languages when States fail to do it, but also in a language which is appropriate for a large audience. NGOs, like NHRIs, can also provide capacity strengthening on human rights issues, for instance to law enforcement agencies.

Some of the challenges which NGOs face in their engagement in the ICCPR implementation process include accusation of “unpatriotic” behaviour and worse forms of reprisals, access to public information on human rights issues, the presence of potentially threatening government organised NGOs (GONGOs), and issues which may culturally be perceived as sensitive (e.g. on female genital mutilation of LGBTI issues). Other issues of relevance with regards to the specific role of NGOs include:

- ◇ If NGO engagement with the HR Committee can be a potential threat, it can also enhance the NGOs ‘credibility and their capacity to sit at the government table on follow up
- ◇ As with States and NHRIs, impartiality and quality of reporting are essential elements of effective NGO engagement. A constructive attitude is also essential.
- ◇ NGOs should proactively seek to engage with relevant actors, including the HR Committee, government authorities, parliamentarians, the media, ideally even before the reviews in Geneva
- ◇ NGO consortium may identify focal points for relations with key constituencies (e.g. the media, government, etc)
- ◇ As for governments and NHRIs, NGOs can also take, when appropriate, a holistic and coordinated approach to implementing recommendations from various international and/or regional bodies.

The multiplication of recommendations from international human rights bodies constitutes a challenge for States and others to work on implementation. **The Universal Human Rights Index** compiles recommendations in a user friendly and easily searchable database:

<http://uhri.ohchr.org/en>

6-TAKING HUMAN RIGHTS HOME: THE IMPORTANCE OF NATIONAL MECHANISMS FOR A COORDINATED APPROACH

a) NMRFs: different forms, one common goal

NMRFs are public mechanisms mandated to:

- ◇ Coordinate and draft reports to the regional and international human rights mechanisms
- ◇ Communicate with regional and international human rights mechanisms and respond to their queries
- ◇ Coordinate and monitor national follow-up to the human rights recommendations

The NMRF performs these functions in coordination with other Ministries, specialized bodies, Parliament and the Judiciary, as well as in consultation with NHRIs and civil society. NMRFs should cover all human rights issues and deal with all international human rights bodies (including Treaty Bodies, Special Procedures, UPR and other mechanisms of the HR Council). They may all coordinate action with regards to regional mechanisms (e.g. from the African Commission on Human and Peoples' Rights).

NMRFs should be permanent structures and fully integrated within government. They can centralise human rights data and information from various stakeholders and different regions in the country. By doing so, they can facilitate reporting to Treaty Bodies and other mechanisms, and act as focal points for the preparation of visits from Special Procedures. NMRFs can coordinate government action during each phase of the HR Committee review process:

- ◇ During **Phase 1**, they can collect information, liaise with relevant actors such as Parliaments, the judiciary, NHRIs and civil society and prepare reports to the Committee
- ◇ During **Phase 2**, they should be part of the government delegation participating in the review.
- ◇ During **Phase 3**, they should contribute to disseminate COBs to all relevant constituencies. They should foster ownership for the implementation of recommendations by line Ministries. They can also coordinate capacity building programmes and structured consultations with relevant actors. Finally, they should also be collecting information on follow up and report back to the HR Committee.

Four main types of NMRFs can be identified:

1. **Ad-hoc:** the NMRF is established to fulfil a specific purpose of a temporary nature. Although they may involve various government departments, ad-hoc NMRFs are normally not involved in the follow up phase, which is essential.
2. **Ministerial:** the NMRF is established within one Ministry and has a limited capacity to coordinate with fellow government departments. However, unlike its predecessor it can be established on a permanent basis and foster institutional ownership taking for following up and implementing recommendations from international human rights bodies.

3. **Inter-ministerial:** the NMRF is a standing body which convenes several Ministries in a joint structure. Representatives of each Ministries are usually technicians and they are able to engage their institution as part of the process. The inter-ministerial NMRF is normally able to foster institutional ownership of the reporting-follow-up and implementation process. Its multiple structure provides a safeguard against the potential steadfast which may be encountered with a Ministerial NMRF.

4. **Specialised institution:** like its predecessor, the NMRF is a standing point which specific mandate is to coordinate the reporting, follow up and implementation of international human rights recommendations. It may be assigned with its own budget and staff. Its capacity to exert political influence related to different factors such as legal basis, mandate, budget, staff composition, etc.

b) A coordinated approach to implementing human rights recommendations

All States have limited capacities to implement a number of human rights recommendations which has been on a significant increase since the emergence of the UPR. If this can be confusing, recommendations may also be clustered by themes, so that a holistic and integrated approach may tackle various recommendations at the same time. For instance, although UPR recommendations are normally more political and vague than Treaty Body recommendations, they may be used to support the implementation of Treaty Body recommendations. During the consultation, participants discussed different models on how to tackle the implementation of various human rights bodies in a coordinated way.

◇ In **Kenya**, the government has developed a comprehensive implementation framework for UPR recommendations which integrates recommendations from fellow international and regional human rights bodies, including Treaty Bodies (available in Annex 3). This integrated approach can help to kill two birds with one shot. However, it is primarily based on the UPR and may leave aside some specific recommendations from Treaty Bodies, including the HR Committee. This can be particularly problematic for highly sensitive recommendations which may be regarded as priority by the Committee (e.g. on the International Criminal Court) but may be refused as part of the UPR.

In Kenya, the inter-ministerial NMRF involves the NHRI and CSOs. In South Africa, an inter-departmental Committee is funded by the Department of Justice and the Department of international relations. In both Malawi and Kenya NMRFs receive support from external sources such as UNDP or OHCHR.

◇ In **Paraguay**, the government has established a tool which is a form of enhanced version of the Universal Human Rights Index at the national level (called SIMORE, Recommendation Monitoring System). The online platforms clusters all recommendations from international and regional human rights mechanisms. They are searchable through thematic and other relevant criteria. For each recommendation, a focus government agency is identified. The database also includes information on follow-up. The tool is accessible in Spanish at: <http://www.mre.gov.py/mdhpy/Buscador/Home>

- ◇ In **Tunisia**, the OHCHR has clustered recommendations from Treaty Bodies (COBs), Special Procedures and the UPR from the last five years in 23 themes. A publication which presents all recommendations and their related sources has been printed and widely distributed among national stakeholders. The publication is accessible in French at: <http://en.calameo.com/read/0033142930cb4f8d2d393>

7-NEXT STEPS IN THE ICCPR IMPLEMENTATION CYCLE

In order to foster the institutional ownership taking of the process of following up on HR Committee recommendations, participants brainstormed on implementing measures. The activities they identified as part of the process are meant to be a reflection of their ongoing engagement on HR Committee recommendations. The focus on existing institutional strategies rather than the identification of new ones was a deliberate choice of the organizers, who wanted to reflect what participants already have in the pipeline with regards to ICCPR implementation. It was particularly rewarding to see through the evaluation carried out after the consultation that various participants integrated new strategies related to the ICCPR in their institutional work plans.

a) Angola

It was not clear whether the government would submit the follow up responses which are due since August 2015.

Most recent priority recommendations of the Committee (October 2014):

- ◇ Revise the Ombudsman Law and establish a new national human rights institution (§7)
- ◇ Adopt a national strategy and additional measures to prevent and address gender based violence (§10)
- ◇ Remove restrictions on the establishment and registration of associations and ensure the protection of NGOs (§22)

I have noted the need to have in our operational plan an output on the follow up of our national obligations with regards to the ICCPR. I intend to engage the State for consultation on ICCPR implementation.

Civil society representative

Action points:

- ◇ §7: A draft new Ombudsman law is under consideration in the Parliament. NGOs are following the process but they have not been involved so far. The draft law envisages that some of the roles and functions of NHRIs could be taken over by the Ombudsman.
- ◇ §10: the existing law on domestic violence does not foresee specific enforcement mechanisms and there is a lack of clarity as to which institutions are responsible for enforcement. The government is taking various steps to address gender-based violence and has committed to creating new shelters for women victims of violence.

- ◇ §22: the issue of NGO registration is a sensitive issue in Angola and no clear implementing measures were identified to address this recommendation.

b) Kenya

The government is currently working on a new periodic report which is due since July 2015. A follow up report was submitted by the government in February 2015.

Most recent priority recommendations of the Committee (August 2012):

- ◇ Increase the participation of women in the public and private sectors (§6)
- ◇ Address the issue of post electoral violence (§13)
- ◇ Take measures against torture and address overcrowding in detention centres (§16)

Action points:

- ◇ §6: The National Gender and Equality Commission should undertake a baseline survey on the level of representation of women in the public and private sectors. Parliament ought to be lobbied to enact the draft two-thirds rule Bill on representation of women. Consultations should be carried out by the Office of the Attorney General and National gender and Equality Commission on the two-thirds rule Bill¹.
- ◇ §13: the Office of the Director of Public Prosecution should launch investigations on the cases of post-election violence. The ongoing reforms undertaken by the Ministry of Interior Security under agenda item 4² of the Kenya National Dialogue and Reconciliation (KNDR) forum for dialogue and mediation should be brought to completion.
- ◇ §16: the National Council on the Administration of Justice should implement the March 2015 Bail and Bound Policy Guidelines³, complete the draft sentencing policy, and sensitize actors in the justice system on alternative sentencing. The Independent Policing Oversight Authority should be trained on forensic documentation of torture and other ill treatment. Parliament ought to be lobbied to introduce necessary amendments and eventually adopt the draft anti torture bill.

c) Malawi

The government is currently finalising its follow up report to the Committee, which is due since July 2015.

Most recent priority recommendations of the Committee (July 2014):

- ◇ Address issues related to extrajudicial killings (§12)
- ◇ Improve independent oversight of police services and take action against torture (§13)
- ◇ Takes measures to address sexual violence, including against children (§24)

1 <http://bit.ly/1WdycYF>

2 Addressing long-term issues, including reform of the Police Force. See more at: <http://bit.ly/1H4w8pt>

3 <http://bit.ly/1WdNebS>

d) Mozambique

The government registered but finally did not participate in the consultation. Civil society organisations submitted a follow up report to the Committee in April 2015. The Government follow up report is pending since October 2014.

Most recent priority recommendations of the Committee (October 2013):

- ◇ Take measures to counter arbitrary arrests and detention (§13)
- ◇ Monitor places of detention and investigate deaths in custody (§14)
- ◇ Improve the functioning of the judiciary and increase the number of judges (§15)

Action points for Mozambique focused on encouraging the government to issue a follow up report and evidence the steps taken since the review of October 2013. This would avoid the Committee issuing a grade D which would evidence a lack of cooperation in the follow-up process.

- ◇ Bring the issue of HR Committee priority recommendations in the public debate
- ◇ Sensitize MPs on the Committee's recommendations and the need to follow up
- ◇ Undertake petitions to request the national authorities to take action on the Committee's recommendations

e) South Africa

This was the only of the six countries which has not yet been reviewed by the Committee. In preparation for the March 2016 review, the following points were identified:

- ◇ The government is expected to provide written answers to the Committee's List of Issues by 15 November
- ◇ Civil society organisations should be informed and involved in the preparation of the review. Factsheets could be produced in order to present the List of Issues and the review process.
- ◇ The thematic issues identified in the Lol should be addressed by civil society as well as the NHRI in their submissions to the Committee prior to the review.

f) Tanzania

The government has indicated that the 5th periodic report would be submitted in 2016, after the CEDAW (February 2016) and UPR (April 2016) reviews.

Most recent priority recommendations of the Committee (August 2009):

- ◇ Address violence against women and domestic violence (§11)
- ◇ Abolish corporal punishment (§16)
- ◇ Amend the legislation providing for imprisonment for the failure to pay a debt (§20)

Action points:

- ◇ §11: the Ministry of Community Development, Gender and Children (MCDGC) and the Attorney General's Chambers (AGC) could hold consultative meetings with stakeholders on domestic violence and marital rape. The MCDGC, the NHRI and civil society could sensitize prosecutors, police, judges and the public on the issue of domestic violence. The AGC could seek the enactment of a Witness and Victims Protection Act. The Ministry of Home Affairs could be asked to ensure all police stations have gender desks and the Ministry of Constitutional and Legal Affairs could develop guidelines on police gender desks. These police gender desks could be trained either by the AGC, Ministry of Home Affairs, NHRI or CSOs.
- ◇ §16: the AGC could initiate a dialogue with both State Actors (Ministry of Education and Vocational Training, Ministry of Health and Social Welfare, Ministry of Community Development Gender and Children, Ministry of Constitutional and Legal Affairs) and non-State actors with a view to addressing the issue of corporal punishment. The NHRI and CSOs could continue to lobby and sensitise stakeholders such as the above mentioned ministries as well as teachers, school principals, and parents on how to counter violence against children. Regarding the legal abolition of corporal punishment, the Judiciary, Prisons, Police, AGC, and Public Prosecution and the public should continue to be lobbied by the NHRI and CSOs.
- ◇ §20: the AGC could liaise with the Law Reform Commission to enquire on the status of review of the civil justice system legislation, specifically the Civil Procedure Act (CPA) and imprisonment for failure to pay debt. The AGC should also remind the government of this recommendation and lobby for a corresponding amendment of the CPA.



8) APPENDIXES

a) Annex 1: Agenda IMPLEMENTATION OF UN HUMAN RIGHTS COMMITTEE RECOMMENDATIONS: WHAT ROLE FOR STATES, NATIONAL HUMAN RIGHTS INSTITUTIONS AND CIVIL SOCIETY?

Wednesday 16 September

8.30 - 9.00 : Registration of participants

09.00 - 10.00: Opening Ceremony

10.00 - 11.00: The International Covenant on Civil & Political Rights and its relevance in the South & East African context

11.00 - 11.30: Coffee break

11.30 - 12.30: Making the most of the review cycle to foster implementation of the IC-CPR

Phase 1

Ensuring suitable inputs ahead of the review

Phase 2

What are the elements of an effective review?

12.30 - 14.00: Lunch

14.00 - 15.30: Phase 3

Following up and implementing recommendations: how to make it work?

15.30 - 16.00: Coffee break

16.00 - 17.30: Overview of country situations in country groups

Thursday 17 September

09.00 - 10.30: Facilitating reporting to TBs and implementing their recommendations: the importance of National Standing Mechanisms

10.30 - 11.00: Coffee break

11.00 - 12.30: Discussions in professional groups: how to make the most of the reporting & review cycle

Group 1: governments

Group 2: NHRIs

Group 3: NGOs

12.30 - 14.00

Lunch

14.00 - 15.30
1 &2)

Feedback of professional groups & discussion in plenary (group

15.45 - 16.00

Coffee break

16.00 - 16.45
3)

Feedback of professional groups & discussion in plenary (group

16.45 - 17.30

Preparation of country action plans

Friday 18 September

09.00 - 10.30: Finalisation of country action plans

10.30 - 11.00: Coffee break

11.00 - 12.30: Presentation of country action plans in plenary

12.30 - 13.00: Closing

b) Annex 2: Participants

First Name	Last Name	Country	Position	Email contact
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c) Annex 3: Structure of the Kenyan Human Rights Implementation matrix

Rec #	RS	Recomemndation (s)	Response	Was the same recommendations made by other mechanisms? National/International	Goal to be achieved	Expected action from government	Indicators/data to track progress of implementation	Government body res-	Activities to ensure implementation	Potential	Time-frame-made by the state Time-frame	Current status: Type of measures/intervention					Current status: Type of measures/interventions made by the inde-
												Budgetary	Legislative	Policy	Monitorig	Judicial	
142.6	South Africa	Ensure the full operationalization of the National Policy and Action Plan on Human Rights	Accepted	International CAT/C/KEN/CO/1 (CAT,2009) the information provided by the delegation about the national human rights policy and plan of action currently under development aimed at integrating human rights in the national planning process	Operationalization of the National Policy and Action Plan on Human Rights	The National Policy and Action Plan on Human Rights to be tabled before parliament	National Assembly, Office of the AG					Budgetary	Legislative	Policy	Monitorig	Judicial	