

A visual guide on
the National Mechanism for
Reporting and Follow-up (NMRF)
outcome summary of a workshop in Myanmar



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- outcome summary of a workshop in Myanmar

By Centre for Civil and Political Rights (CCPR Centre)

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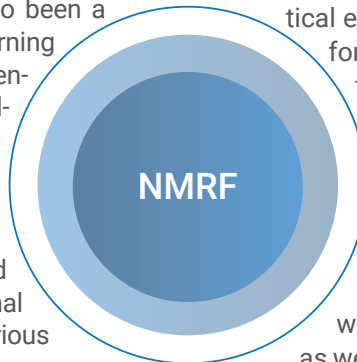
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Introduction

In order to realise longer-term and more comprehensive protection of human rights on the ground in accordance with international human rights standards, it is essential for all stakeholders at national level to effectively engage with relevant international mechanisms, such as UN Treaty Bodies that monitor implementation of respective UN human rights Treaties. However, such engagement has also been a challenge to many States, especially concerning timely reporting to those bodies and implementation of recommendations given by those bodies, as the number of international Treaties increased. In this context, more and more States are establishing so-called “National Mechanism for Reporting and Follow-up (NMRF)”, in order to realise more effective, efficient and comprehensive engagement with international bodies and enhance implementation of various State obligations thereunder.

Against this backdrop, CCPR Centre, in cooperation with the Ministry of Foreign Affairs of Myanmar, organised a 1.5-day workshop on 19 and 20 August 2019 titled “National Mechanism for Reporting and Follow-up (NMRF) and reporting to the Committee on Economic, Social and Cultural Rights (CESCR)” in Nay Pyi Taw, Myanmar, as a part of its multi-year project to assist efforts of national

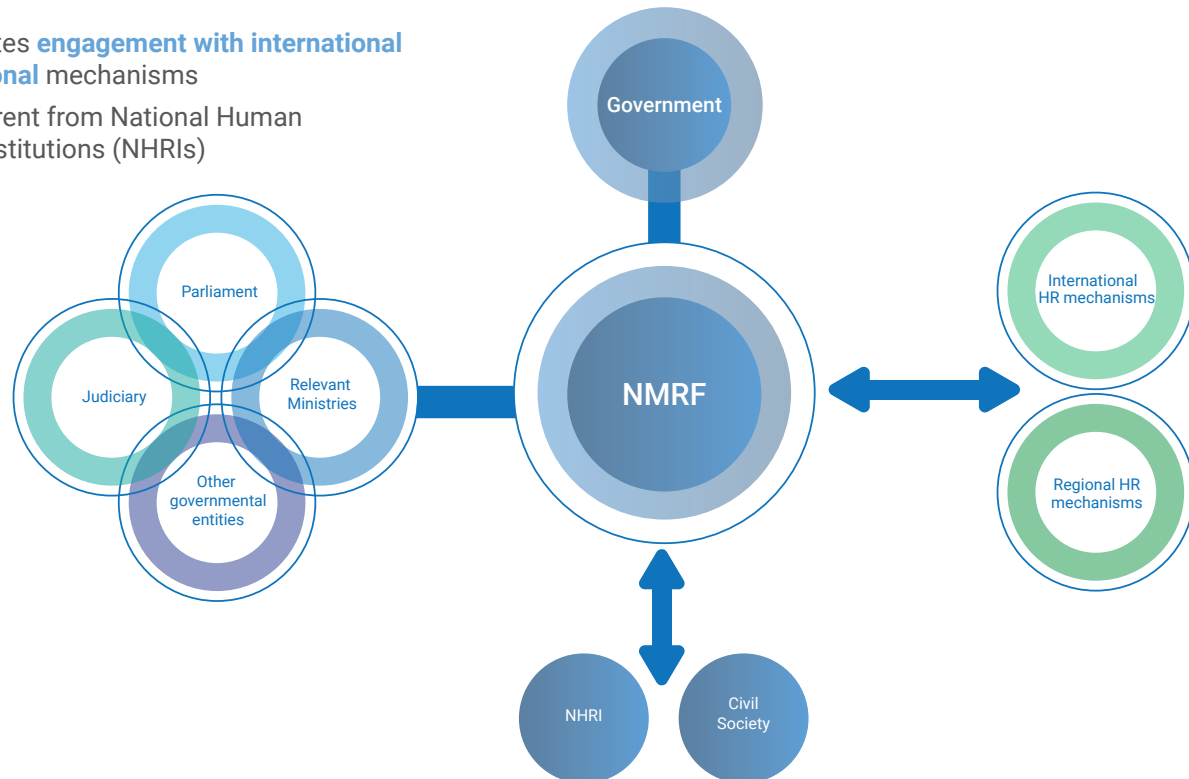


stakeholders in Myanmar to protect and promote civil and political rights, in particular by joining and implementing the International Covenant on Civil and Political Rights (ICCPR). The workshop aimed to expand the capacity of national actors in establishing their own NMRF, whereby taking the initial reporting of Myanmar to CESCR as a practical example. For this purpose, it shared valuable information provided by the two publications of the Office of the High Commissioner for Human Rights (OHCHR), “National Mechanisms for Reporting and Follow-up – A practical guide to effective State engagement with international human rights mechanisms” and “National Mechanisms for Reporting and Follow-up – A study of State engagement with international human rights mechanisms”, as well as the practice of other countries presented by the resource persons.

This publication is a summary of key information shared at the workshop about possible NMRF including its basic elements, possible forms and benefits. Additional and update information was also collected after the workshop on the NMRF practiced by Portugal, which was summarised and presented in the annex.

What is NMRF?

- ▶ It is a **national / governmental mechanism** or structure
- ▶ It facilitates **engagement with international and regional** mechanisms
- ▶ It is different from National Human Rights Institutions (NHRIs)

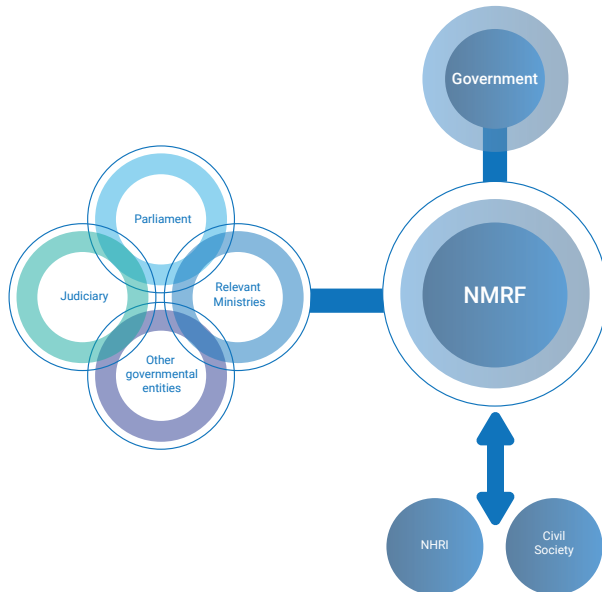
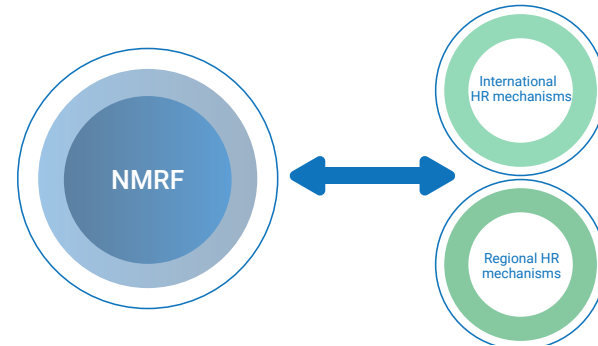


A visual guide on NMRF

a. Key functions – what should effective NMRF do?

▶ **Engage and communicate** with international and regional mechanisms

NMRF takes care of all engagement and communication with relevant regional and international human rights mechanisms as national focal and contact point.



▶ **Coordinate preparation at the national level** for the reviews by regional and international mechanisms including drafting and submission of national reports



NMRF will:

- ◆ **Keep track** of all relevant reporting and review **schedule** of international and regional mechanisms
- ◆ **Inform** all relevant national bodies about upcoming reviews and submission of national reports
- ◆ **Collect data and information** from all relevant national bodies including judiciary and parliament
- ◆ Prepare i.e. **draft reports**
- ◆ **Consult** with **other national stakeholders**, whenever possible, for finalisation of the national report concerned
- ◆ **Submit reports** to respective regional or international mechanisms

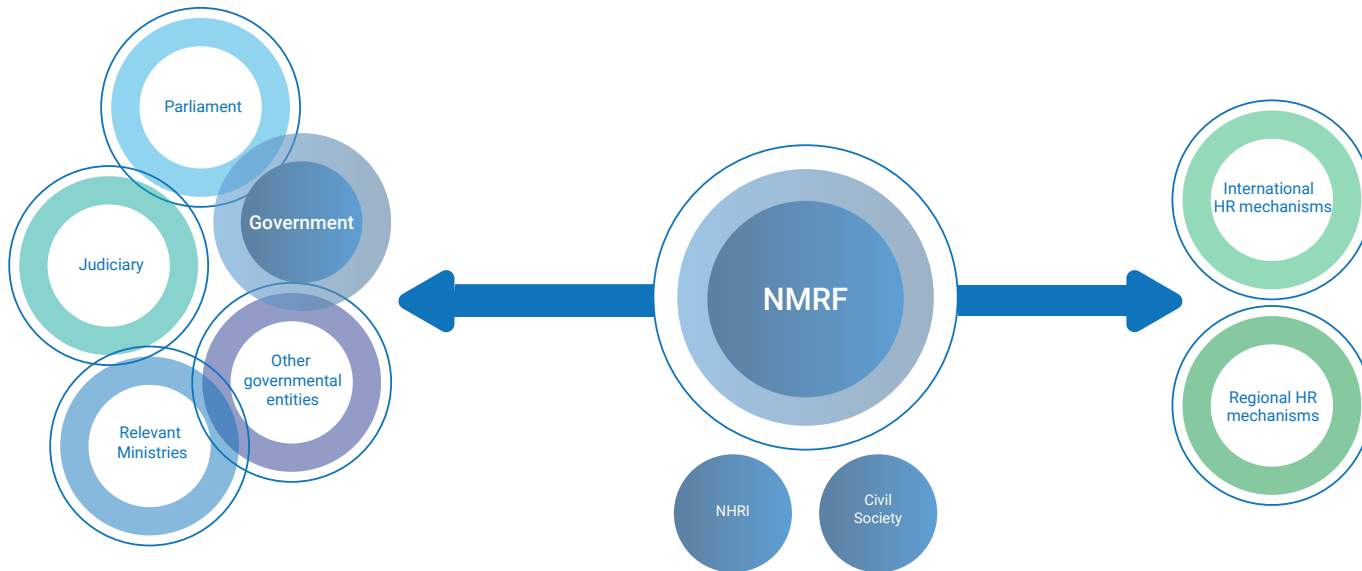


Coordinated national follow-up actions to **implement recommendations** from international and regional mechanisms

NMRF will:

- ◆ Analyse and **cluster recommendations** from international and regional mechanisms
- ◆ **Identify relevant national / governmental agencies** for implementation of each (cluster) of recommendations
- ◆ **Develop national follow-up plans** with concrete timeframe
- ◆ **Divide tasks** and **assign responsibilities** among relevant national / governmental agencies for implementation
- ◆ **Coordinate actions** and **communication** among relevant national bodies e.g. different Ministries, specialised bodies (e.g. Statistics Office), Parliament and judiciary
- ◆ **Manage information** about the status of implementation
- ◆ Prepare and submit, whenever applicable, **national follow-up reports** to international and regional bodies

b. Benefits of NMRF



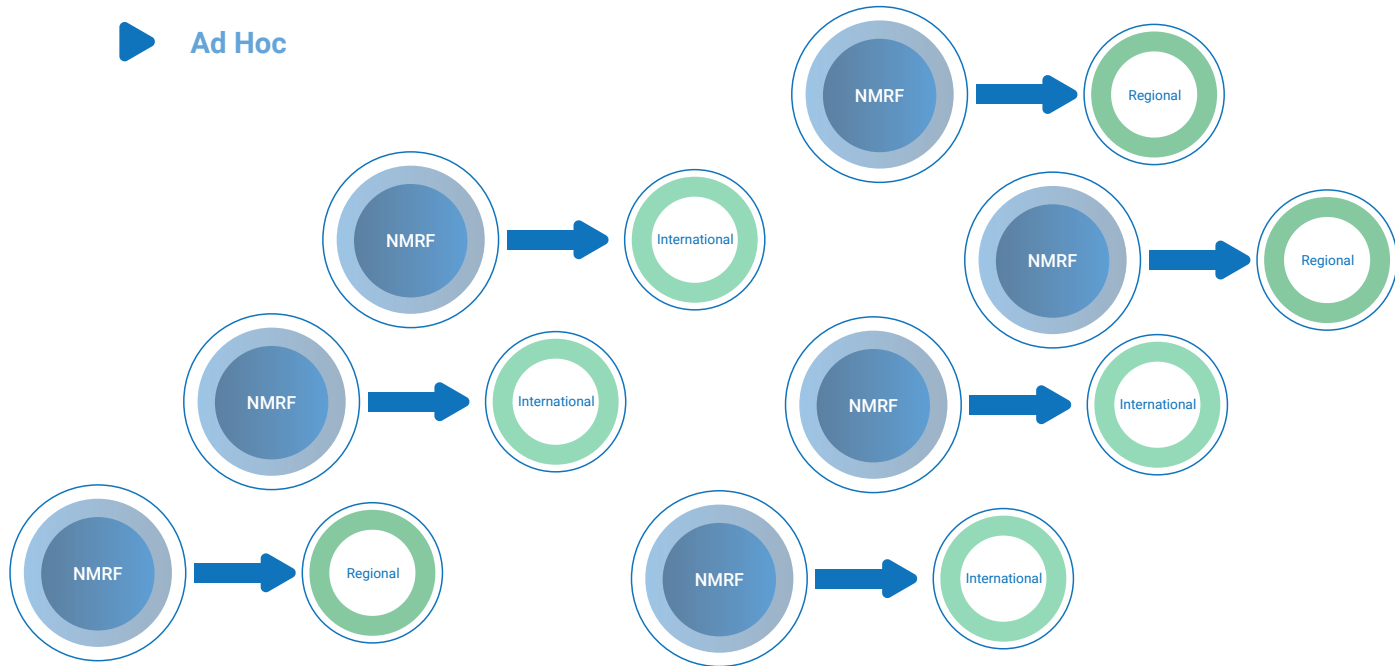
- ◆ Effective coordination at national level
- ◆ Systematic and high quality engagement
- ◆ Efficient use of resources
- ◆ Efficient division of responsibilities
- ◆ Sustainable institutional capacity

- ◆ Increased impact and usefulness of international and regional mechanisms
- ◆ Improved implementation of international HR laws and recommendations

- ◆ Timely reporting and effective follow-up
- ◆ Systematic and high quality engagement

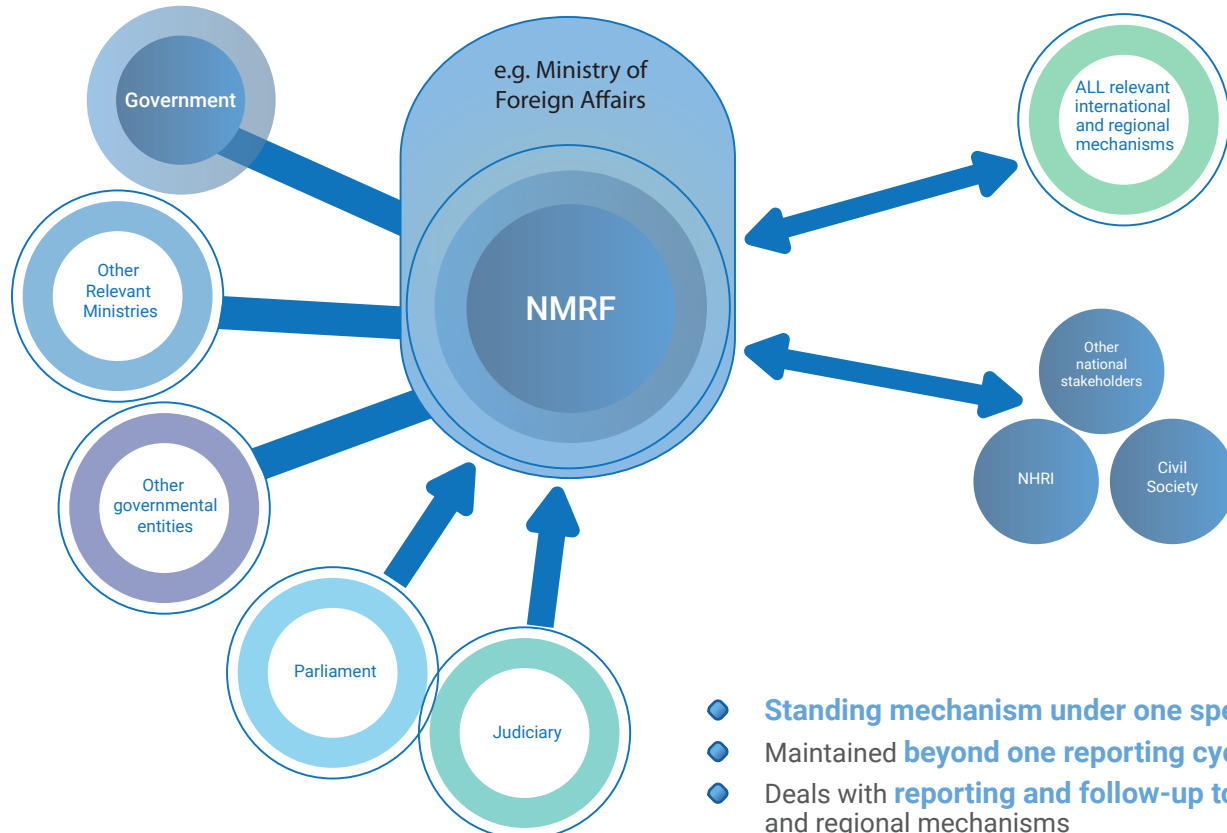
c. Basic forms of NMRF

▶ Ad Hoc



- ◆ Created for one specific reporting and **dissolved** after completion
- ◆ Ministerial or interministerial
- ◆ **No long-term mandate** of coordinating implementation
- ◆ **No institutional capacity** retained

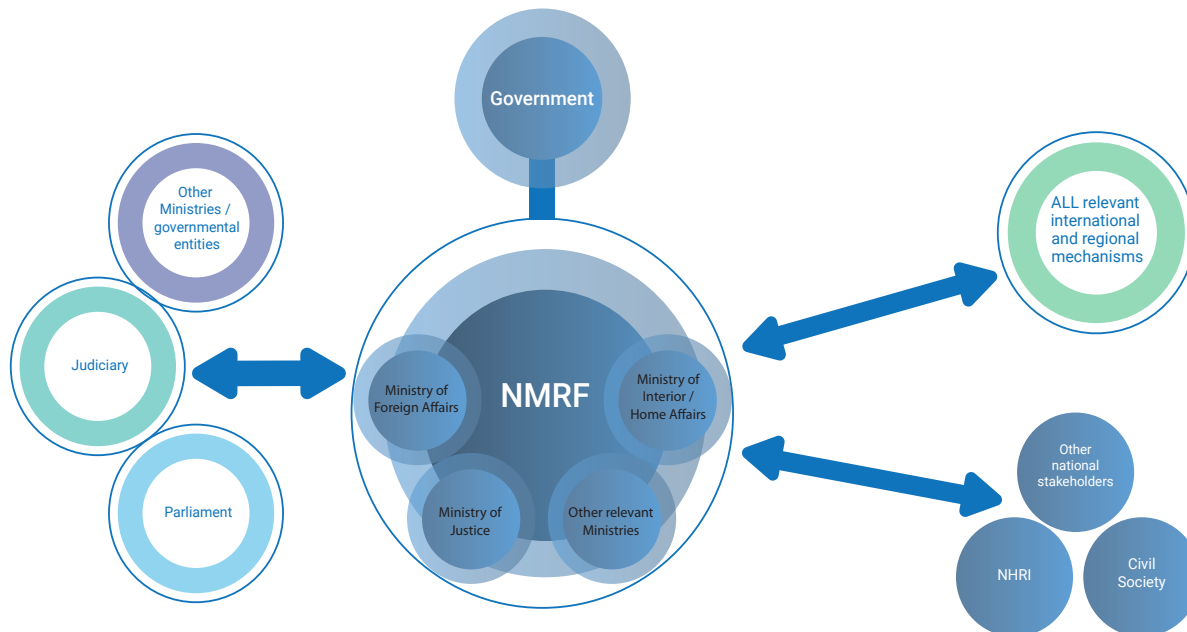
▶ Ministerial



- ◆ **Standing mechanism under one specific ministry**
- ◆ Maintained **beyond one reporting cycle**
- ◆ Deals with **reporting and follow-up to all** international and regional mechanisms
- ◆ **Institutional capacity** retained **within the respective ministry**

Interministerial

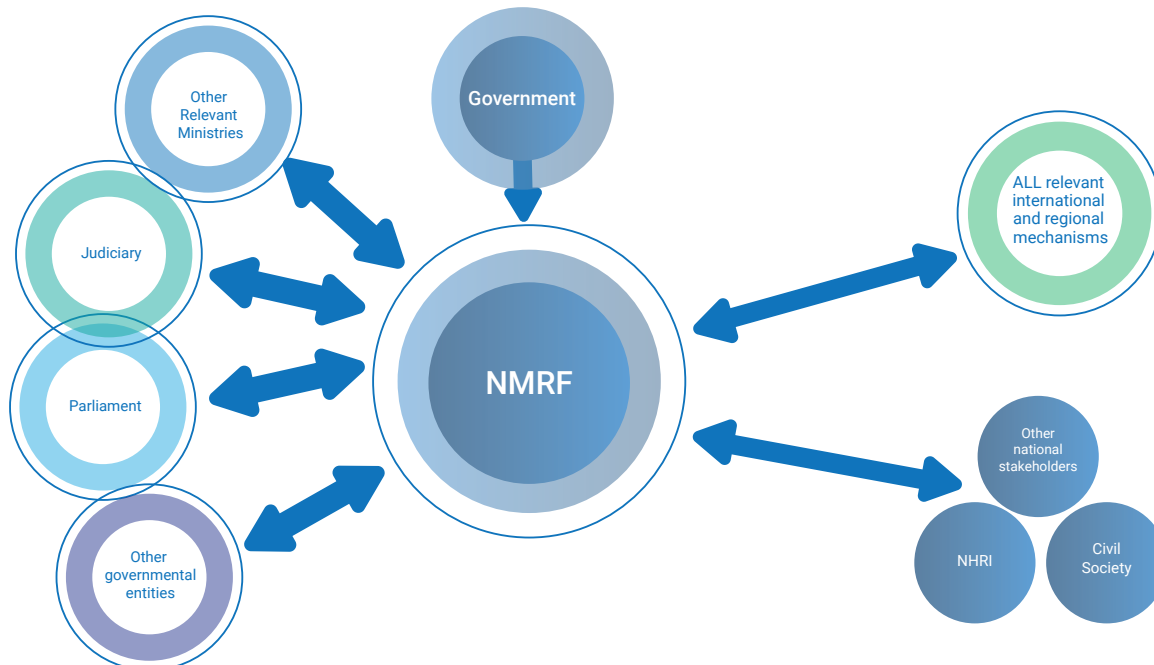
- ◆ **Standing** mechanism **across two or more ministries**
- ◆ Maintained **beyond one reporting cycle**
- ◆ Deals with **reporting and follow-up to all** international and regional **mechanisms**
- ◆ Often serviced by **executive secretari at** (e.g. set up under MoFA or MoJ)
- ◆ **Institutional capacity** retained across multiple ministries involved
- ◆ Convenes **regular meetings of its members**



A visual guide on NMRF

▶ Interministerial

- ◆ A **separate institution specifically established by the government**
- ◆ Maintained **beyond one reporting cycle**
- ◆ Deals with **reporting and follow-up to all** international and regional mechanisms
- ◆ **Separate budget and staff** from other ministries or governmental entities
- ◆ **Separate institutional capacity** retained



d. Key elements of effective NMRF

In order to be effective, and independent from different national context, a NMRF should at least have:

- ▶ **Clear legislative and/or policy mandate**
- ▶ **Standing structure (not Ad Hoc)**
- ▶ **Extensive planning**
- ▶ **Common intragovernmental understanding of its role**
- ▶ **National ownership**
- ▶ **Continuity of staff or knowledge**

Annex

Examples of NMRF from Portugal

- ▶ Interministerial mechanism
- ▶ Created by a Council of Ministers' Resolution in March 2010 in response to UPR recommendation
- ▶ Mandate: "in charge of the coordination of the various Ministries, in order to define the national position in international human rights bodies and also to uphold the compliance of obligations arising from international instruments in this area"³
- ▶ Chaired by the Secretary of State for Foreign Affairs and Cooperation, Ministry of Foreign Affairs (Human Rights Division of MFA acts as the permanent secretariat)
- ▶ All Ministers are represented, as members include⁴:
 - ◆ Ministry of Foreign Affairs
 - ◆ Secretary of State for the Citizenship and Equality
 - ◆ Ministry of Finance
 - ◆ Ministry of National Defense
 - ◆ Ministry of Internal Affairs
 - ◆ Ministry of Justice
 - ◆ Ministry of Education
 - ◆ Ministry of Culture
 - ◆ Ministry of Labour, Solidarity and Social Welfare
 - ◆ Ministry of Health
 - ◆ Ministry of Economy
 - ◆ Ministry of Agriculture, Forests and Rural Development
 - ◆ National Institute for Statistics,

3 <https://www.direitoshumanos.mne.pt/en/the-pnhrc/mandate>

4 <https://www.direitoshumanos.mne.pt/en/the-pnhrc/structure>

- ▶ Supported by a network of human rights focal points in all relevant ministries. After each election and a new government is formed, MFA will ask whether the existing focal points should remain or replaced.
- ▶ Does not have separate budget or staff (the budget and the staff necessary for the operation of the permanent secretariat come from the Human Rights Division of the MFA).
- ▶ Expenses for the participation of each member i.e. focal point in the international meetings such as Treaty Body and UPR review are covered by the Ministry they represent.
- ▶ Has adopted its own rules of procedure
- ▶ Attorney General's Office and Portuguese Ombudsman have a standing invitation (not member, but can always participate in the meetings as observers) for both plenary and Working Group meetings
- ▶ No formal institutionalised link with the Parliament, but individual MPs can be invited to meetings, so as civil society organisations, academics and other stakeholders
- ▶ Communication mainly through email, mailing list among members and ministerial focal points are maintained and updated by permanent secretariat
- ▶ A dedicated website is created under MFA: <https://www.direitoshumanos.mne.pt/en/>
- ▶ Concrete functions:
 - ◆ Inter-governmental coordination for human rights policies and actions
 - ◆ Plenary meetings 3 times / year (at least one plenary meeting has to be open to participation of civil society)
 - ◆ Reports of the plenary meetings and executive summary of WG meetings are drafted by permanent secretariat, and approved by NMRF

- ◆ Meeting of Working Groups whenever necessary
- ◆ Development, and frequent update, of a list* of recommendations issued to Portugal by the Treaty Bodies, UPR, Special Procedures of the UN Human Rights Council, the Council of Europe and other regional human rights mechanisms
 - *list is circulated among its members
- ◆ Adopts annual action plan with at least 3 pledges for action from each member (members are obliged to report back at the end of the year on what they have done to implement the pledges)
- ◆ Produces annual report at the end of the year
 - *annual action plan and annual report are published on NMRF's website⁵, and also sent to foreign embassies in Lisbon as well as Portuguese embassies and permanent missions abroad
 - *annual action plan is also translated into English and sent to OHCHR
- ◆ In preparation for reporting to Treaty Bodies:
 - Identify upcoming reporting obligations
 - Circulate a table allocating relevant articles of the Treaty concerned as well as relevant recommendations issued by the Body concerned to responsible line ministries
 - Set deadlines for inputs from the line ministries
 - Establish Working Group based on the provisions / focus of the respective Treaty
 - *Each member gathers information within his or her Ministry and sends integrated answers to permanent secretariat
 - *Permanent secretariat prepares draft of the report
 - *Adjustments of draft, its finalisation and approval of final draft done by all members
 - Organise consultation with NGOs before submission of reports
 - Compose delegation for the review in Geneva and organise its work before and during the review
- ◆ In preparation for reporting to UPR
 - Send a table to its members with recommendations and ministries responsible for implementation
 - *Feedbacks are given by ministries and report drafted by NMRF
 - Share draft report with NGOs, who have 10 days to comment, and organise a meeting with NGOs

5 <https://www.direitoshumanos.mne.pt/en/the-pnhrc/annual-strategic-work-plans-and-annual-reports>

- ◆ In preparation for interactive dialogue with Treaty Bodies or UPR WG (review in Geneva)
 - *Process is led by permanent secretariat, but NMRF members directly involved in drafting reports actively participate
 - Circulate at all plenary meetings, a calendar of all future interactive dialogue (up to 5 years in advance)
 - Request line ministries to prepare necessary budget for their own participation in the interactive dialogue
- ◆ In follow-up to Treaty Body reviews:
 - Circulate recommendations issued after the review to all members
 - Publish recommendations on the website
 - Discuss and analyse recommendations in the next meeting, with a debriefing from the head of delegation
 - Regular update on the progress in the implementation of recommendations done by the line Ministries
 - Preparation and submission of follow-up reports, if applicable, to relevant bodies
- ◆ In follow-up to UPR including mid-term reporting
 - Cluster recommendations and designate responsible line ministries
 - For mid-term report, circulate a table with clustered recommendations and responsible ministries among members and set a deadline for members to report back on what they have done so far to implement recommendations
 - Draft and submit mid-term report



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