Bridging the Human Rights Implementation Gap

A Commonwealth Survey

The Commonwealth

UNIVERSAL RIGHTS GROUP
GENEVA

Bridging the Human Rights Implementation Gap

A COMMONWEALTH SURVEY

The Commonwealth

UNIVERSAL RIGHTS GROUP
GENEVA

Contents

Acronyms

AGD	Attorney General's Department (Australia)
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Convention on the Rights of the Child
FCDO	Foreign, Commonwealth and Development Office (UK)
HRU	Human Rights Unit (Lesotho)
IMC	Inter-Ministry Committee (Singapore)
NGO	Non-Governmental Organisation
NHRC	National Human Rights Committee (Vanuatu)
NHRIs	National Human Rights Institutions
NMIRFs	National Mechanisms for Implementation, Reporting and Follow-up
NRTD	National Recommendations Tracking Database
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
TBRT	Treaty Body Reporting Taskforce (Rwanda)
UPR	Universal Periodic Review (mechanism)
URG	The Universal Rights Group

Foreword

In January 2022, the Commonwealth Secretariat launched a survey of national frameworks for the implementation of international human rights obligations in Commonwealth member states. The primary objectives of the survey were to:

a. Contribute to the body of knowledge, such as studies conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other organisations, on the role and effectiveness of National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs).[1] Recent OHCHR studies[2] have shown that NMIRFs are vital for improved implementation and reporting on human rights. They have identified several essential 'capacities' for enhanced performance, including engagement, co-ordination, consultation and information management.

b. Map existing national systems for implementation, reporting and follow-up to understand how they implement their mandates, and thereby facilitate an exchange of good practice and lessons learnt.

c. Understand specific needs for further technical assistance for Commonwealth member states to establish and/or strengthen NMIRFs.

d. Provide information to be used in advocacy for formulating common guiding principles on NMIRFs.

The following 17 Commonwealth member states responded to the survey:[3] **Australia, Eswatini, Jamaica, Kenya, Kiribati, Lesotho, Malaysia, Maldives, Mauritius, Rwanda, St Vincent and the Grenadines, Samoa, Seychelles, Singapore, The Gambia, the United Kingdom, and Vanuatu**. The survey relied on administering a standard questionnaire to member states. The qualitative and quantitative information received facilitated the analysis of, and comparisons between, different national systems and mechanisms. The Commonwealth Secretariat wishes to convey its appreciation to all member states that participated in the survey. Their contributions will make a significant impact to the existing body of knowledge on national frameworks for the effective implementation and monitoring of, and reporting on, recommendations received from the UN human rights mechanisms, as well as relevant regional mechanisms. The survey outcomes will also assist the Commonwealth Secretariat's Human Rights Unit in developing and delivering in-country technical assistance to Commonwealth member states and facilitate the sharing of good practices across the Commonwealth through its technical assistance programmes.

---

1   See, for example, OHCHR (2016), *National Mechanisms for Reporting and Follow-up, A Practical Guide to Effective State Engagement with International Human Rights Mechanisms (https://www.ohchr.org/en/hr-bodies/upr/upr-main);* and Geneva Academy (2021), *The Role of National Human Rights Systems in the Implementation of International Human Rights Standards and Recommendations* (*https://www.geneva-academy.ch/research/publications/detail/555-national-human-rights-strategies-the-role-of-national-human-rights-systems-in-the-implementation-of-international-human-rights-standards).*

2   See OHCHR (2022), *Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up,* A/HRC/50/64 (https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session50/list-reports)

3   Replies to the Commonwealth survey were supplemented with data on implementation-reporting systems gathered as part of a global survey conducted in 2021 by URG.

The Commonwealth Secretariat wishes to thank the **Universal Rights Group** (URG), based in Geneva, for its assistance in conducting the survey and the analysis of its outcomes. We would also like to acknowledge the generous financial support received from the **UK Government**, without which, we would not have been able to undertake the survey and publish this report.

Dr Shavana Haythornthwaite
Head, Human Rights Unit
Commonwealth Secretariat
November 2022

Chapter 1: Bridging the Implementation Gap

The international community has invested enormous time and energy in building a robust international human rights system over the last 70 years. It comprises, *inter alia*, the Universal Declaration of Human Rights, the nine core international human rights instruments (or treaties), and various treaty-based and charter-based international human rights bodies. The treaty-based bodies include the ten human rights treaty bodies, while the charter-based bodies include the Human Rights Council and its mechanisms, such as the special procedures, the Universal Periodic Review (UPR) and independent investigations. These bodies/mechanisms are designed to support improved compliance, on the part of states, with their international human rights obligations and commitments (by, for example, recommending legislative and policy reforms) and to facilitate oversight of state progress, for example, by domestic civil society actors.

Notwithstanding this important normative and institutional progress at the UN, understanding the degree to which human rights obligations and commitments have been – and are being – translated into real, tangible and demonstrable on-the-ground improvements in the enjoyment of human rights has always been a challenge. Measuring and understanding this 'implementation gap' – and identifying ways to bridge it – has therefore become a priority concern for the international community.

There seem to be several reasons for this gap, including:

a.   Limited space at the Human Rights Council for states and other stakeholders to exchange information on progress made with the implementation of recommendations extended by the UN human rights mechanisms, and for states to seek international technical and financial assistance to improve implementation in the future.

b.   A lack of systematic follow-up on the implementation of recommendations by the UN human rights system.

c.   A lack of awareness and understanding among states and other stakeholders regarding the role and value of National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs) in translating UN human rights recommendations into national laws, policies and practices. The existence of an information gap regarding how states implement their human rights obligations and commitments, including by co-ordinating implementation between different government agencies, tracking progress and fulfilling reporting obligations, seems to have contributed to this general lack of awareness and understanding.

Notwithstanding the challenges described above, over the past decade, especially since the establishment of the UPR mechanism in 2006, there have been some encouraging signs that states are at last beginning to recognise and reverse these shortcomings. During that time, far more attention has been paid at the national and international levels to the 'mechanics' of implementation – in other words, the systems and processes through which states translate international recommendations into local reality. Central to that push has been the emergence, especially in Small Island Developing States (SIDS), of so-called NMIRFs. These are single, streamlined national bodies that collate, manage, co-ordinate and track progress with the implementation of recommendations from all UN human rights mechanisms (together with, in some cases, those from regional mechanisms). Some of these states, supported by OHCHR, the Commonwealth Secretariat, think-tanks such as URG and non-governmental organisations (NGOs), have also begun to develop plans and strategies for improved implementation and reporting, including by using information technology to support the work of NMIRFs.

To date, there has been significant confusion around the term NMIRFs. This can largely be traced back to the OHCHR's 2016 *Practical Guide to State Engagement with the International Human*

Commonwealth Secretariat Working Session with the Kiribati National Human Rights Task Force, 11–12 February 2020, Tarawa

Rights Mechanisms, which referred to all national systems engaged in monitoring and reporting on human rights recommendations as 'National Mechanisms for Reporting and Follow-up' or NMRFs. At the time, various stakeholders, including URG, pointed to two problems with this approach. First, there was insufficient focus on the core role of these mechanisms – that is, to co-ordinate implementation (in 2017, therefore, states at the Human Rights Council began to speak of National Mechanisms for *Implementation*, Reporting and Follow-up or NMIRFs). And second, referring to all national systems as NMRFs or NMIRFs served to obscure important differences between them, and reduced opportunities for identifying and exchanging emerging good practices (as a means of supporting the further qualitative development of NMIRFs).

In 2018–19, a 'Group of Friends on national implementation/NMIRFs' (made up of around 30 states) was established in Geneva to help address these issues and, in particular, to promote the qualitative and quantitative development of this important new type of human rights mechanism. To support the further qualitative strengthening of NMIRFs, the Group of Friends co-ordinated the organisation of subregional meetings (for

example, in the Pacific) to share good practices and define principles for the operation of NMIRFs. Subsequently, Paraguay and Brazil led the adoption of Human Rights Council resolution 42/30,[4] establishing a process of regional consultations to drive the quantitative and qualitative evolution of NMIRFs. In terms of quantitative development, in 2018 members of the group began extending UPR recommendations to all states under review to establish or strengthen an NMIRF.

While the exact form of NMIRFs varies from country to country, they enjoy several common characteristics. For example, all NMIRFs are founded upon an understanding that they are more efficient than traditional systems for implementation and reporting – because, in short, they are established as a single, standing human rights implementation mechanism to deal with recommendations from *all* UN mechanisms, as opposed to earlier approaches based on the maintenance of several *ad hoc* government bodies for different mechanisms (for example, a national

---

4   Human Rights Council (2019), *Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up*, A/HRC/RES/42/30 (https://www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow)

committee on women for recommendations made by the Committee on the Elimination of Discrimination against Women [CEDAW] or a separate committee for UPR reporting and implementation).

Currently, the only codified international principles or guidelines available to states on what an effective NMIRF might look like and/or how to build one are the 'Pacific Principles of Practice', adopted by Pacific small island states in 2020.[5] However, several recent surveys, including the one conducted for this report, have identified certain common traits or characteristics of NMIRFs. These include:

a.   effective NMIRFs tend to enjoy high-level political backing;

b.   they are 'standing' in nature, meaning they are permanent structures established through law or statute;

c.   they work according to thematic or operational 'clusters' of recommendations received from the UN human rights mechanisms, rather than working on a treaty-by-treaty or mechanism-by-mechanism basis;

d.   they follow the entire 'reporting-implementation-monitoring-reporting cycle' (that is, as standing bodies, they are responsible for preparing periodic reports to relevant UN mechanisms, co-ordinating the implementation of recommendations, tracking progress and then reporting – again – to the mechanisms); and

e.   they have one or more designated government official(s) with overall responsibility for the running of the mechanism in co-ordination with other state entities and stakeholders.

---

5   Available at: https://www.universal-rights.org/wp-content/uploads/2020/06/The-Pacific-Principles-of-Practice.pdf

Chapter 2: Mapping of Existing Mechanisms in the Commonwealth

In February 2022, the Commonwealth Secretariat and URG began a process of mapping the human rights implementation and reporting mechanisms currently in place across Commonwealth member states, including their key characteristics. This was done through a survey sent to Commonwealth member states. The survey also aimed to ascertain how many Commonwealth member states had already established, or had taken steps towards establishing, NMIRFs. It was also expected to identify emerging good practice and lessons learnt – factors that might one day inform further regional or international sets of principles in this regard (for example, building on the Pacific Principles of Practice).

Categorisation of different implementation and reporting mechanisms based on the survey:

An important objective when analysing the survey results was to identify the main types of existing national implementation and reporting systems. That analysis revealed four broad types of system present in the states that participated in the survey:

a. **Single ministerial mechanisms**
These mechanisms are based within a single government ministry that has sole responsibility for co-ordinating implementation and reporting actions with other ministries and relevant state bodies. For a given UN mechanism or treaty, the single lead ministry will assign different recommendations to relevant line ministries. That may occur during a co-ordination meeting or simply by sending emails. There is usually limited discussion between the lead ministry and relevant line ministries about appropriate implementation measures – recommendations are simply assigned – and it is up to the line ministry to then decide on, and take forward, implementing measures. Under this system, the lead ministry typically gets in touch with relevant line ministries when a future periodic report to a given UN mechanism is due. For example, in many states the ministry of foreign affairs has the overall responsibility for engagement with the UPR mechanism and will simply assign recommendations to relevant line ministries for implementation.

b. **Ad hoc interministerial co-ordination mechanisms** These mechanisms are similar to the single ministerial systems referenced above. They are located squarely within the executive branch and see a 'lead ministry' play a dominant role in co-ordinating implementation and reporting for a given UN mechanism or treaty (for example, the ministry responsible for family or child affairs leading on the Convention on the Rights of the Child [CRC]). However, in this case, the lead ministry typically establishes an interministerial committee to collectively discuss and plan implementation measures, assign responsibility, and decide how these are taken forward, rather than line ministries unilaterally being assigned recommendations and tasks. The lead ministry will also tend to be more proactive in following up with line ministries on progress and organising subsequent committee meetings. Those committees are, however, usually ad hoc – that is, organised at the behest of the lead ministry with no central government co-ordination and without any governing statute establishing the committee and/or setting its rules of procedure.

c. **Single interministerial co-ordination mechanisms** These mechanisms are similar to ad hoc interministerial co-ordination mechanisms, except that a myriad of different committees (for example, a national committee on women responsible for CEDAW recommendations) or action plans (for example, a national action plan on children's rights that incorporates UN Committee on the Rights of the Child recommendations) are replaced by a single interministerial

Inter-Ministerial Committee of Sierra Leone during the Pilot Focused Treaty Body Review, 7–9 December 2021, in Freetown. This was a joint initiative of the Geneva Academy of International Humanitarian Law and Human Rights and the Commonwealth Secretariat.

committee. This mechanism is sometimes created by statute and may have set rules of procedure covering, for example, composition, meeting frequency, etc. By their character, single interministerial mechanisms involve a significant degree of central government co-ordination. They also benefit from economies of scale because they can, at a given meeting, address a certain thematic cluster of recommendations irrespective of whether they originate within the UPR, treaty bodies, or special procedures. Such systems remain, however, predominantly 'interministerial' in character, that is, with minimal involvement on the part of parliament or the judiciary. Civil society and national human rights institutions (NHRIs) are sometimes consulted, but this usually remains ad hoc.

d. **National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs)** Like single interministerial mechanisms, an NMIRF is a single mechanism (for example, a committee) that is usually established and governed by statute or legislation, meaning that its rules of procedure, composition and responsibilities are systematised. However, and crucially, NMIRFs systematically engage with stakeholders beyond the executive

branch of government. In particular, they involve judiciaries (on implementation) and parliaments/parliamentarians (for implementation or oversight – and sometimes both). Their governing statutes also typically require the participation of civil society and NHRIs – usually on a consultative basis, though occasionally as implementing partners. NMIRFs often use implementation, monitoring and reporting software, which may, in some cases, allow them to apply impact indicators to measure progress and 'link' that progress with relevant Sustainable Development Goals (SDGs) and targets.

As shown by the aforementioned, a 'sliding scale' exists between these systems – from the least to the most 'sophisticated'. However, there are no clear lines or boundaries between them – meaning a given national implementation and reporting system may exist at the boundary of two 'types' or even retain certain characteristics of two or more of the four 'types' of mechanism. For example, one country surveyed for this report had a mechanism that looked very much like an NMIRF for UPR recommendations, yet maintained an ad hoc interministerial co-ordination system for treaty body recommendations.

Chapter 3: Selected Case Studies

3.1 Vanuatu

The survey found Vanuatu's national system for implementation and reporting corresponded most closely to the 'single ministerial mechanism' model. Here, the Ministry of Foreign Affairs, International Cooperation and External Trade played the lead role in engaging with all UN human rights mechanisms. That engagement was heavily focused on reporting to the mechanisms rather than on co-ordinating the implementation of recommendations. Within the ministry, a **National Human Rights Committee** (NHRC) made up of several ministry officials was established in 2014 to co-ordinate Vanuatu's engagement with the UN mechanisms. Two subcommittees had been established under the NHRC: a data collection subcommittee and a drafting committee.

Upon receipt of recommendations from a given UN mechanism (for example, from a treaty body), the NHRC would allocate recommendations to what it decided were the relevant line ministries. The recommendations were sent to expert-level focal points in those ministries, who were responsible for implementation (though, as noted above, Vanuatu's system appeared to be mainly focused on reporting) and monitoring of progress. The NHRC would sometimes, on an 'as needed basis', convene meetings with relevant focal points. However, there was no specific schedule of such meetings, and they were not used to discuss and agree on necessary implementing actions. Ahead of the submission of subsequent periodic reports to the UN mechanisms, the NHRC would request information on progress and impact (using indicator data from the national statistics office) from the focal points, which were used to prepare the relevant periodic reports.

There was some degree of engagement between the NHRC and parliamentarians. However, this was generally only in the context of normal official contacts between the executive and legislative branches (for example, over the national budget or scrutiny of ministries) and not as part of a regular structured process of engagement. There was also some level of engagement between the NHRC and civil society organisations, and with the Ombudsman's Office; however, such consultations were neither regular nor structured.

The NHRC did not have any software to support the process of implementation, monitoring and reporting, though this was something it was interested in developing in the future – both to streamline reporting processes and to make information on progress more readily available to the public.

3.2 Lesotho

The Human Rights Unit (HRU) of the Ministry of Justice and Law in Lesotho was found to play the lead role in co-ordinating the implementation of, and reporting on, recommendations received from the UN human rights mechanisms, in co-ordination with other relevant ministries.

Upon receipt of recommendations following a periodic review, the HRU would convene an ad hoc 'workshop' with relevant line ministry experts. For example, for recommendations received from the UN Committee on the Elimination of all forms of Discrimination against Women, relevant experts from the Ministries of Justice and Law, Gender, Foreign Affairs, Education, and Health were invited to ad hoc workshops. At those workshops, the HRU would 'share and disseminate' clusters of recommendations to the relevant line ministries. Based on that meeting, the HRU prepared a workplan to ensure that responsibilities were clear, and to aid in tracking progress and preparing future periodic reports to the UN mechanisms. Once tasks were assigned, each ministry was responsible for implementing recommendations and tracking progress.

Meetings of these ad hoc workshops were neither regular nor structured – the HRU simply convened a meeting of relevant ministry officials when the need arose. In practice, meetings were concentrated towards the end of the implementation and reporting cycle (that is, when a report was due).

The HRU would normally hear from line ministries on implementation progress when the next periodic report was due, with the HRU requesting information so that it could compile that report.

Parliamentarians were only indirectly engaged with Lesotho's national implementation and reporting system when relevant parliamentary committees were asked to validate draft periodic reports to the UN mechanisms. Civil society was, however, very much involved in the country's implementation and reporting system. NGOs and academic experts were routinely invited to ad hoc workshop meetings, as were – less regularly – representatives of the private sector.

Lesotho was at the time of the survey in the process of transitioning to a fully fledged NMIRF. A decision to establish an NMIRF was taken by the Cabinet in August 2021, mainly to help the country reduce its backlog of periodic reports to the UN human rights mechanisms. It had since received technical support from OHCHR and the Commonwealth Secretariat. Although, at the time of writing, the NMIRF was not yet operational, Lesotho expected its NMIRF to be a standing mechanism, with regular meetings (committees and subcommittees) of assigned (permanent) focal points, to be active throughout the implementation-reporting cycle, and to work in close co-operation with parliament and civil society. The subcommittees were expected to be organised according to thematic clusters of recommendations, or according to treaties/mechanisms. The HRU also hoped to introduce implementation and reporting software to support its work.

Notwithstanding these objectives, Lesotho faced challenges in establishing a well-functioning NMIRF. Nominations of focal points from each ministry had been slow, and those focal points that had been assigned at the time of this report had not reliably responded to meeting or information requests.

3.3 The Gambia

The Gambia was found to have a national implementation and reporting system most closely aligned with a single interministerial co-ordination mechanism.

In 2017, the government decided to strengthen its national implementation and reporting system by switching from a more ad hoc model, geared towards the production of periodic reports (often with the help of external consultants), to a single standing **Inter-Ministerial Task Force on Human Rights**. This task force was a significant step

Commonwealth Secretariat Working Session with the Gambia Inter-Ministerial Task Force on Human Rights, 9–11 March 2022, Banjul

forward for The Gambia. It was a more inclusive mechanism, with the full and equal participation of all relevant government ministries and state agencies, as well as parliamentarians, and enjoyed regular consultations with The Gambia's civil society. However, it was heavily focused on reporting, rather than implementation. Although this task force was in principle 'standing', in reality its meetings tended to follow the reporting cycle.

During a given reporting cycle (for example, for a certain treaty), the task force would typically meet four to five times. The first of those meetings, which usually took place shortly after the receipt of recommendations and was used to discuss recommendations, decided on implementing measures and assigned responsibilities. Thereafter, there was minimal contact between the task force and the responsible line ministries until the next periodic report was due. At that time, one or two 'review style' meetings would take place to discuss progress with implementation. Based on that information, a first draft of the report was prepared, which was then finalised following one or two further task force meetings.

The exact composition of task force meetings depended on the treaty's focus or the mechanism in question. In addition to expert-level officials from relevant ministries (as well as the President's Office), members of the National Assembly (parliament) were also invited to participate. According to Gambian officials, this included involvement in implementing recommendations (that is, it was not just holding the government to account or commenting on periodic reports), as 'most recommendations require some sort of legislative reform, financial reform, or institutional reform'. The Gambia's national statistics office also participated in meetings to provide human rights indicator data that allowed the task force to track the impact of implementing measures. The Gambia's NHRI and civil society were also actively and routinely consulted – on both implementation and reporting. Civil society was also consulted by parliament to ascertain its views on government progress with implementation (a best practice example).

The Ministry of Justice was at the time of the survey looking at how to strengthen the mechanism further, to turn it into a fully fledged NMIRF. As part of that process, the ministry was considering options to give the task force formal legal status, transform it into a truly 'standing' body,

and to institutionalise the mechanism, including by establishing a dedicated secretariat. In this, The Gambia was receiving support from OHCHR's West Africa Office and the Commonwealth Secretariat.

3.4 Rwanda

The survey found that Rwanda provided a good example of an NMIRF. The national mechanism was called the **Treaty Body Reporting Taskforce (TBRT)** – though the name was somewhat misleading as the mechanism also processed UPR and special procedures recommendations. The TBRT, initially established in 2013 and strengthened in 2015, resided in the Ministry of Justice. Upon receipt of recommendations from one of the UN mechanisms, the TBRT convened to discuss the recommendations, come to a common understanding of what was required to implement them, and assigned responsibilities to relevant line ministries. Based on these discussions, the TBRT compiled a 'table of implementation', setting out the human rights concerns in question, the relevant UN recommendations, the agreed actions to implement and the responsible arm of the state. This table also included columns to be completed as implementation was ongoing – for example, to report on impact indicators or provide information on challenges faced and necessary adjustments to timeframes. The table of implementation then went through a validation process and was disseminated among all state institutions. Rwanda was also in the process of developing software to support implementation, reporting and follow-up.

The TBRT also had a mandate to monitor implementation and, in that regard, received regular updates from line ministries and other relevant institutions. When the time came, this made it easier for the Ministry of Justice to prepare subsequent national periodic reports. Occasionally, information on implementation progress would be gathered during in-person TBRT meetings, though usually the taskforce met only at the beginning and at the end of the implementation and reporting cycle.

The TBRT was 'cross-institutional' – that is, it brought together assigned focal points from government ministries, state agencies, parliament, the judiciary, the NHRI and civil society. All these national stakeholder groups were involved in both implementation and reporting functions. It had also occasionally engaged with private sector

companies and development partners. The exact composition of the TBRT for any given meeting depended on the subject matter under discussion.

In addition to their role in the TBRT in supporting implementation and contributing to state periodic reports, parliamentarians also enjoyed an important oversight function – through hearings to consider progress with responsible government ministries.

3.5 Samoa

Samoa was found to offer a best practice example of an NMIRF. Upon receipt of recommendations from any UN mechanism, Samoa's NMIRF, which was established under a statute, convene a meeting. Recommendations are clustered and members are invited to discuss and propose implementation actions. Recommendations, implementation measures, responsible institutions, focal points and timeframes are then inputted into SADATA (Samoa's pioneering implementation-reporting software).

Samoa's NMIRF was established in 2016, with support from OHCHR, following wide acceptance within government that the previous ad hoc system was not functioning adequately. The NMIRF met at least on a quarterly basis, though in practice it met as often as was needed. It was chaired by the Ministry of Foreign Affairs, co-chaired by the Ministry of Women, Community and Social Development, and attended by senior government representatives (chief executive officers and

heads of state agencies – though more junior officials were also assigned as implementation-reporting focal points). Parliamentarians, judicial representatives, NGO representatives and the country's NHRI were also engaged, and sometimes invited to participate in NMIRF meetings, though not routinely, because implementation was the ultimate responsibility of the government.

The International Relations Division of the Ministry of Foreign Affairs acts as the secretariat of Samoa's NMIRF. As a good practice example of how to organise the work of an NMIRF, discussions are first divided by UN treaty/mechanism, and then further subdivided by key clusters of recommendations received and by relevant population groups (for example, women, children).

A unique characteristic of Samoa's NMIRF is that it is one of the first in the world to develop a dedicated implementation and reporting software: SADATA ('Samoa Database'). This is a web-based archive under the chair of the NMIRF (the Ministry of Foreign Affairs), which allows the NMIRF to easily distribute implementation tasks, eases follow-up and allows for the tracking of progress. SADATA was also found to integrate human rights indicator data from the national statistics office to allow for the measurement of human rights impact and linked this to progress on the realisation of the SDGs. SADATA also made top-line information on recommendations, progress and impact available to the public via a website.

Chapter 4: Understanding the Different Types of Mechanism

In analysing the 17 responses to the survey, the relevant mechanisms can be listed under the following four main types of national implementation and reporting systems:

Modality	Member states
Single ministerial mechanism	**2** (United Kingdom, Vanuatu)
Ad hoc interministerial co-ordination systems	**3** (Lesotho, Seychelles, Singapore)
Single interministerial co-ordination mechanism	**2** (Australia, The Gambia)
NMIRFs	**10** (Eswatini, Jamaica, Kenya, Kiribati, Malaysia, Maldives, Mauritius, Rwanda, St Vincent and the Grenadines, Samoa)

The survey has demonstrated a concerted effort by Commonwealth member states, over recent years, to move towards the establishment of fully fledged NMIRFs. For example, Eswatini, Jamaica, Kenya, Kiribati, Malaysia, Maldives, Mauritius, Rwanda, St Vincent and the Grenadines, and Samoa had each established single or standing interministerial structures that meet throughout the lifecycle of recommendations and ensure broad stakeholder engagement. It is notable that of the ten states surveyed that had established NMIRFs, seven were Least Developed Countries (LDCs) or SIDS.

Broadly speaking, this move has been driven by an increasing realisation on the part of states that standing mechanisms with broad stakeholder engagement improve institutional memory, reduce reporting burdens, and facilitate effective and sustainable implementation of recommendations by ensuring co-ordination between government, civil society and other stakeholders.

For example, in responding to the survey, **Eswatini** noted that:

> the Government recognised a need for a body responsible for the preparation of, and follow up to, the implementation of recommendations from human rights mechanisms. Previously, the country used ad hoc committees which were disbanded after the completion of an assignment. This posed a challenge for building institutional memory.

Similarly, **Maldives** recognised that its previous approach to implementation – in which engagement with treaty bodies was the responsibility of the relevant line ministry (for example, co-operation with the Committee against Torture was the responsibility of the Ministry of Home Affairs, while engagement with the special procedures was the responsibility of the Ministry of Foreign Affairs) – had led to an overall lack of co-ordination across government, leading to low levels of implementation. When implementation did occur, it was usually of recommendations that:

> fitted into or were already covered by the Government's existing policy programme. Such an approach had the further disadvantage of impeding a continuous or regularised focus on implementation. Rather, between cycles, the Maldives obligations were often forgotten – until a new periodic report was due to be submitted to the UN.

OHCHR and other stakeholders have also been instrumental in pushing for the establishment of NMIRFs through the provision of technical assistance. It is noteworthy that, with the exception of **Jamaica**, all current NMIRFs were established with technical assistance from OHCHR.

Notwithstanding these moves to set up NMIRFs, several Commonwealth member states were found to have retained structures that were more single ministerial and/or ad hoc in nature.

The **United Kingdom**, for example, had not developed any formal framework to report on, and address the implementation of, its human rights recommendations. Instead, responsibility to implement and report on progress with a particular recommendation was allocated to the relevant government department based on the recommendation's subject matter. The allocation of responsibility was co-ordinated by the Department of Justice and the Foreign, Commonwealth and Development Office (FCDO) through an 'ad hoc senior officials co-ordination effort'. However, the UK also had an interministerial mechanism dedicated to the implementation of children's rights recommendations, called the 'UNCRC Action Group'. This mechanism, originally established as an informal 'contact group' following receipt of the UN Committee on the Rights of the Child's 2008 recommendations to the UK, had developed 'through force of habit' into a more permanent structure (though not a legally established standing mechanism) to co-ordinate implementation, reporting and follow-up on committee recommendations and to discuss other children's rights issues.

Malaysia had a ministerial system prior to the establishment of its NMIRF. Under that ministerial system, responsibility for engaging with different human rights mechanisms and different treaty bodies was allocated to different ministries based on the thematic topic it primarily addressed. For example, the Ministry of Women, Family and Community Development was responsible for the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and Convention on the Rights of Persons with Disabilities. Each leading ministry could convene ad hoc interministerial consultations to gather input ahead of the preparation of a national report. The Ministry of Foreign Affairs took the lead with the support of the relevant leading ministries and agencies for implementation, reporting and follow-up for the UPR. Recently, it was found Malaysia had become the first country to introduce OHCHR's second-generation national recommendations tracking database software (NRTD 2.0) in order to improve its monitoring mechanisms on UPR and to track progress on treaty bodies and special procedures recommendations. The Ministry of Foreign Affairs also took the lead in co-ordinating responses to special procedures' communication requests and the relevant line ministry/agency took the lead on special procedures' visits and reports.

The survey found **Australia** had an interministerial mechanism, established in 2016, known as the Standing National Human Rights Mechanism ('the Mechanism') that operated at the bureaucratic level. The Mechanism brought together representatives of Commonwealth government departments with policy responsibility for human rights issues, to better co-ordinate Australia's engagement with the UN on human rights. Since 2014, implementation, co-ordination and reporting activities had been

Commonwealth Secretariat Working Session with the Malawi National Task Force for UPR, 22–23 January 2020, Lilongwe

consolidated within the Attorney General's Department (AGD) with 'a lot more effort made […] to have a team of people who have experience with working on human rights, which ensures continuity in report writing'. Prior to 2014, responsibility was distributed between the Department of Foreign Affairs and Trade and the AGD and, therefore, the process was less streamlined and 'someone may have to write reports from scratch without knowing the background of the previous similar reports or responses'. Now the AGD was responsible for co-ordinating the implementation of and reporting on treaty body and special procedure recommendations by passing them on to relevant agencies and government ministries, and by preparing reports in collaboration with them.

The Australian government established the Mechanism to strengthen its overall engagement with the UN human rights reporting and to improve co-ordination across federal, state and territory governments. This mechanism included an interdepartmental committee that met at a bureaucratic (that is, not ministerial) level and a Commonwealth-State-Territory Standing Committee on Treaties that enabled consultation between federal, state and territory governments. The Mechanism provided an opportunity to consult on and engage with responsible government departments on their implementation of treaty body and special procedures recommendations.

In **Seychelles**, a poor level of institutionalisation of its standing interministerial committee (the Human Rights Treaty Committee) led the country to revert to a more ad hoc process, whereby once the Ministry of Foreign Affairs received human rights recommendations, it convened a consultation with all implementing ministries/department/agencies to discuss the allocation of implementation responsibilities. In the absence of a more permanent structure, the Ministry of Foreign Affairs took an advisory role in reminding responsible ministries about, and seeking information on progress with, their implementation commitments.

The broad nature of human rights reporting had given rise to some challenges, leaving the Ministry of Foreign Affairs to play the role of reporting co-ordinator. Recognising these challenges, the Seychelles government had been working to reinvigorate its interministerial committee by appointing focal points from all line ministries. In the meantime, the Ministry of Foreign Affairs (responsible for co-ordinating) had decided to establish a Treaty Reporting Committee to serve as its national reporting mechanism. This included representatives from all relevant governmental departments and agencies, as well as from civil society and the country's NHRI. Its goal was 'to address the current reporting backlog'.

Singapore was found to have a series of standing inter-ministry committees (IMCs) with a clearly defined composition based on the expertise needed to address issues relevant to a particular human rights treaty. Each committee was led by a single ministry and met periodically to address implementation and reporting for a specific treaty. This had allowed the respective IMCs to have the substantive policy expertise necessary to holistically assess human rights-related issues and recommendations and decide how best to implement them in Singapore's context. Moreover, there was a standing IMC on human rights, led by the Ministry of Foreign Affairs, which tracked and reviewed the implementation of recommendations received from the UPR, treaty bodies and special procedures, thereby serving as a monitoring body.

Chapter 5: Understanding the Key Characteristics of National Mechanisms

5.1 Legal basis, terms of reference and mandate

One key factor that differentiates the different types of national mechanism is whether they have a formal mandate and are established by legislation (that is, through parliament), through an executive regulation (that is, a cabinet decree), or through any other administrative statute having the force of law. Ad hoc mechanisms or ministerial systems, such as Vanuatu's, generally do not have a formal mandate, functioning – at best – on the basis of terms of reference and – more often – on the basis of informal modes of practice among government officials. These working methods are not always clearly defined and depend largely on the initiative of individual officials. Such mechanisms tend to find it difficult to build an institutional memory and do not normally have a formal secretariat or direct budgetary support.

A formal mandate also helps to strengthen accountability and enhances the authority of the mechanism. This in turn helps boost attendance at meetings and engagement on the part of line ministries. Finally, a formal mandate or legal basis can help ensure, and set the parameters for, participation on the part of parliamentarians, judges, NHRIs, civil society, etc.

Of the Commonwealth member states surveyed, those with NMIRFs tended to have the clearest formal mandate. They were typically established by a cabinet decree (**Jamaica, Kiribati, Samoa, Lesotho**) or ministerial decree (**St Vincent and the Grenadines, Kenya, Eswatini, Mauritius, Rwanda**), laying out their mandate, composition and working methods. In **Maldives**, while no specific legislation, statute or decree was adopted to create its national mechanism, the decision to do so was endorsed by the President.

There was no formal legal basis for The **Gambia's** or **Vanuatu's** national mechanisms, which, as a result, tended to function in an ad hoc manner and were generally only convened for reporting purposes. The Gambia had, however, recognised the value of providing its task force with a formal legal status and permanent institutional structure as a means of 'strengthening the mechanism's institutional memory and identifying economies of scale'. It was therefore exploring options to provide its task force with a fully operational secretariat.

While **Singapore** did not have a single legal basis for a unified national mechanism, its various IMCs each had their own guidelines that specified the committee's composition and the periodicity of meetings. Moreover, each IMC operated under the responsibility of a lead ministry that acted, in effect, as an informal secretariat. In **Malaysia**, although the country's implementation and reporting system was largely ad hoc, the allocation of responsibilities between ministries was institutionalised by decree.

5.2 Secretariat and budget

When a national implementation and reporting system is established with a clear legal basis and clear terms of reference, it has several important institutional 'knock on effects', including the likelihood of having a dedicated secretariat and/or having its own resources from the national budget.

A few of the national mechanisms surveyed for this report had their own dedicated and permanent staff to ensure that the mechanism worked continuously – that is, throughout the full reporting-implementation-reporting cycle – and could develop a strong institutional memory.

Where states did claim to have some form of secretariat for their national mechanism, it was usually a small team of officials from a main co-ordinating ministry (for example, the Ministry of Foreign Affairs or the Justice Ministry), who supported the essential functioning of the mechanism in addition to other work at the ministry. As a result, they generally only had time to conduct the most essential of a national mechanism's

tasks (for example, convening meetings, compiling spreadsheets of UN recommendations, forwarding recommendations to relevant line ministries by email – but with no follow-up, and – in advance of reporting deadlines – sending further emails to request information on progress). **Jamaica**, **Mauritius** and **Samoa** can be provided as examples in this regard.

Although **Kiribati** employed a similar model (that is, the 'secretariat' was made up of staff from a single ministry – the Human Rights Division of the Ministry of Justice), the secretariat played a more comprehensive role. This included maintaining a regularly updated database of implementation activities and (to inform that database) regularly sending requests for progress updates to relevant line ministries.

Eswatini offered a slightly different model for an 'informal secretariat'. Instead of the 'secretariat' being staffed by officials from a single ministry, it was composed of seconded officials from several key ministries, including the Ministry of Justice, the Ministry of Foreign Affairs and the Deputy Prime Minister's Office.

Similarly, in **Kenya**, officials carrying out the NMIRF's secretariat function were assigned from more than one ministry, for example, from the Office of the Attorney-General and Department of Justice. Like Kiribati, this 'secretariat' conducted a relatively broad range of activities to ensure the smooth functioning of the NMIRF, including providing appropriate background briefings to the committee; preparing committee reports and disseminating any information deemed relevant to the committee; undertaking research and liaising with the relevant government departments and any other institutions in order to gather relevant information necessary for informing the committee; and creating and maintaining a database of reports, position papers, concluding observations and recommendations.

St Vincent and the Grenadines offered an example of a further step towards (though still short of) a full-time secretariat with a single 'national co-ordinator' assigned the task of co-ordinating implementation and reporting on a permanent basis.

Very few of the mechanisms surveyed for this report seemed to have their own budget lines. In nearly all cases, the functions of a national

mechanism were subsumed under the normal operational budget of the (overall) lead line ministry, while other major costs associated with engagement with the UN human rights mechanisms (for example, the travel and accommodation costs associated with appearing before treaty bodies) were usually borne by the relevant (lead) line ministry. Likewise, the costs associated with implementing recommendations were borne by the relevant line ministry.

Jamaica and **Kiribati** provided two exceptions to this general rule. Both national mechanisms had their own small budget allocation to cover operating costs (in the case of Kiribati, this budget was also sometimes used to compensate members of the NMIRF for meetings convened outside of working hours).

Establishing a permanent secretariat and providing an NMIRF with its own budget are two important areas for possible improvement for Commonwealth member states. This point has been recognised by **Eswatini,** which has acknowledged a 'need for sharing of best practices from states that have a fully functional secretariat in exercising all the capacities of the NMIRF'. **Kenya** likewise acknowledged that its NMIRF 'requires a dedicated annual budget to assist it to fulfil its mandate', as well as 'a well-supported secretariat to co-ordinate the activities of the Committee'.

5.3 Composition

Composition can be considered as one of the most important factors distinguishing different types of national implementation and reporting mechanisms.

Single ministerial mechanisms and ad hoc interministerial systems tend to have narrow participation in decision-making related to the implementation of, and reporting on, UN human rights recommendations, meaning a few ministries (usually represented at the technical level) are involved with little or no participation from outside the executive.

A good example was the **United Kingdom**, where FCDO simply disseminated recommendations to relevant line ministries, then got back in touch when the next periodic report was due. There was little or no regularised engagement with Members of Parliament, nor with judges and lawyers. Civil society organisations were consulted on the content of subsequent periodic reports.

On the other hand, more complex systems like NMIRFs, by definition, have broad governmental representation and non-governmental participation. That means a wide range of ministries and state agencies are involved, with the exact composition dependent on the treaty or cluster(s) of recommendations under consideration, plus parliamentarians, representatives of the judiciary, national statistics offices, NHRIs and civil society (although it is important to note that this does not mean each of these groups enjoys equal participation).

In some member states, such as **Mauritius, Samoa, St Vincent and the Grenadines**, and **Eswatini**, all line ministries were represented in the national mechanism. Moreover, in all Commonwealth member states surveyed for this report that were found to have a fully functioning NMIRF, the judiciary was also systematically involved (usually through a representative of the prosecutor's office or by individual magistrates – for example, **Kenya**). Most also included representatives from relevant agencies, such as the independent policing oversight bodies (for example, **Kenya**), law reform commissions (for example, **Samoa**), correctional services (for example, **Jamaica**), or anti-trafficking in persons units of the police force (for example, **St Vincent and the Grenadines**).

Even in member states with complex NMIRFs, few had regularised the legislature's participation in meetings of the national mechanism. Of all the member states with NMIRFs surveyed for this report, only **Eswatini, Rwanda** and **Samoa** had done so (though **Lesotho** and **The Gambia** reported that parliamentarians were involved on a fairly regular basis).

In **Mauritius**, officials reported that, 'parliamentarians are not involved in the NMIRF'. Moreover, the involvement and influence of parliamentarians (that is, in the context of the normal parliamentary oversight of the government) was further reduced by the fact that there was no human rights committee in the national parliament. In Mauritius, parliamentary involvement was limited to being 'made aware' of UN reports and recommendations and having an opportunity to comment on state periodic reports and national action plans on human rights.

In **Kenya**, parliament was more involved, but still not as a regular partner in the work of the country's NMIRF. Here, parliament was sent, for example, the concluding observations of UN treaty bodies, and was invited to 'stakeholder review and validation forums' with stakeholders on draft periodic reports ahead of reviews. But it was not consulted, as a matter of course, in discussions on implementation, nor in regularised monitoring/oversight of progress.

In member states without an NMIRF, the involvement of parliamentarians is similarly (and perhaps even more) ad hoc. In the **UK**, a joint committee on human rights did discuss international human rights policy and endeavoured to hold the government to account. However, this work tended to focus on country and thematic situations around the world, rather than the UK's own human rights record.

In **Australia**, the Parliamentary Joint Committee on Human Rights examined all bills and legislative instruments for compatibility with human rights and enquired into any matter relating to human rights which was referred to it by the Attorney-General. The committee had engaged with the UPR process in the past; however, it did not have any systematic involvement in Australia's reporting-implementation-reporting cycle.

Considering the vital role parliaments must necessarily play if UN human rights recommendations are to be effectively implemented (for example, through new or amended legislation), much needs to be done to get parliamentarians involved in a more systematic way, especially with NMIRFs. As a **Gambian** official pointed out during the survey, 'most recommendations will require some sort of legislative reform, financial reform or institutional reform'. The most likely reason for low levels of systematic parliamentary involvement across the Commonwealth could be one of perception. As an **Australian** official surveyed for this report explained, 'engagement with international human rights mechanisms is viewed as an activity and responsibility of the executive arm of government'.

With important positive implications for the collection of human rights indicator data to measure impact during the implementing stage, most Commonwealth member states with an NMIRF (**Kenya, Kiribati, Jamaica, Mauritius, St Vincent and the Grenadines, Rwanda**) regularly invited national statisticians to participate in meetings of the national mechanism. However, this involvement was not always based on the

premise of proposing and elaborating impact measurement indicators except in the case of member states like **Kiribati** and **Samoa**. In the cases of **St Vincent and the Grenadines** and **Rwanda**, for example, the national statistics offices participated to help inform the national mechanisms' human rights surveys.

5.4 Organisational structure and working methods

States with standing national mechanisms (especially those with a clear legal basis and mandate) tend to have far clearer and more elaborate/complex organisational structures and working methods than those that work through more ad hoc or ministerial mechanisms, even when they do not reach the best practice standards of an NMIRF. Moreover, they have structures and working methods geared to the entire reporting-implementation-reporting cycle, whereas ad hoc or ministerial mechanisms tend to be geared, primarily, to preparing periodic reports.

The Gambia offered a good example of this as it possessed an organisational structure and working methods designed to co-ordinate the implementation of recommendations, to follow up and monitor implementing actions, and to prepare future reports. The Gambia's national mechanism typically met four or five times during the reporting-implementation-reporting cycle of a given UN mechanism. The first of those meetings, which took place shortly after the receipt of, for example, a treaty body's concluding observations, was used to consider the recommendations and decide on which ministries should be responsible for implementation. According to a Gambian official, 'all ministries and other institutions of the State are typically invited to this initial meeting'. Once implementing tasks had been assigned, relevant line ministries (and other institutions) were left to get on with the process of implementing recommendations, though the national mechanism was kept updated on progress and further meetings may be organised where necessary. Then, before the next periodic report was due, there would typically be one or two dedicated 'review style' meetings to assess progress with implementation. Based on the information gathered, a first draft report would be prepared. A further meeting of the task force, involving senior officials from relevant line ministries, would then be convened to complete

and validate the report. The final draft was reviewed by the heads of each ministry or state agency. The completed report was then submitted to the UN by the Ministry of Justice.

During the recent technical assistance working session organised by the Commonwealth Secretariat in March 2022, the **Gambian** government expressed its commitment to formalise its national mechanism and provide it with adequate resources to bring it in line with the best practice model of an NMIRF.

Rwanda's mechanism - the Treaty Body Reporting Taskforce (TBRT), which could be described as an NMIRF, had an organisational structure and methods of work that were clearly premised on the full reporting-implementation-reporting cycle. Upon receipt of recommendations from the UN mechanisms, the TBRT convened a stakeholder workshop with a wide range of stakeholders to debate implementation measures, assign responsibilities, and agree timelines and impact indicators. Based on those discussions, an implementation plan was formulated. The TRBT was then responsible for following up with responsible line ministries to collect information on progress. Where necessary, the TRBT would convene further meetings (on a given set or cluster of recommendations) to review progress with the line ministries and make adjustments to the implementation plan. For each set of recommendations, the TBRT would meet at least four times – once upon the receipt of recommendations, once at the mid-term point to evaluate progress with implementation, once (when a report was due) to collect and share information on implementation, and once to validate the final periodic report.

Nearly all Commonwealth member states surveyed for this report that were found to have established NMIRFs, had working methods that emphasised regular meetings and regular follow-up with line ministries throughout the reporting-implementation-reporting cycle. The NMIRFs of **Jamaica, Mauritius, Eswatini, St Vincent and the Grenadines,** and **Kiribati**, for example, met quarterly, regardless of whether a report was due. In reality, many of them met more frequently, especially at the expert level (in working groups). That is not to say that these systems worked perfectly. **St Vincent and the Grenadines,** together with others, reported that

they sometimes found it difficult to achieve a quorum, especially for working group or drafting group meetings.

Typically, the organisational structures and working methods of these NMIRFs are based on the designation of permanent focal points within each line ministry. These focal points are the individuals responsible for following up on agreed implementation measures within their ministry, and for keeping the NMIRF abreast of progress. Sometimes, for example in **Jamaica, Saint Vincent and the Grenadines,** and **Kenya**, the focal points were designated at technical level, whereas in other cases (for example, **Eswatini**, and **Samoa**) they were more senior (for example, director level). In **Samoa**, two focal points were designated per ministry to help avoid the problem of quorum and ensure that all relevant ministries were represented.

Maldives' NMIRF offered an example of a particularly innovative organisational structure. An NMIRF steering committee, which formed the first tier of the NMIRF, was made up of senior representatives of the President's Office, the Attorney General's Office, and the Ministry of Foreign Affairs. The steering committee, in consultation with relevant ministries, decided on the composition of second tier subcommittees, based on the subject matter of the treaty/concluding observations. This second tier of Maldives' NMIRF consisted of treaty-based subcommittees (for instance, the CEDAW subcommittee, CRC subcommittee, CAT subcommittee etc.) which carried out both reporting and implementation co-ordination functions. These subcommittees met on a need basis and will only consider the recommendations from the relevant UN mechanism. For example, the CEDAW subcommittee considered recommendations from the Committee on the Elimination of Discrimination against Women. The government had also ensured that parliament, the judiciary (represented by the Judicial Service Commission and the Department of Judicial Administration) and the Maldives Bureau of Statistics were permanent members of every subcommittee.

All ministries participating in the subcommittees designated two officials – one at expert level and one at policy level. These officials were not referred to as focal points because the high turnover of staff made it difficult to assign responsibilities for any significant period of time. Since Maldives was at the time of the survey working with OHCHR to establish a national recommendation tracking database (NRTD), the government was working to bring some structural changes to the NMIRF, changing it to a three-tier system to address important deficits in the current structure. As part of this restructuring process, the government was exploring the possibility of adding a tier in between the two current tiers. This new structure would oversee the work of all subcommittees, make important decisions regarding the NMIRF, and oversee and make decisions regarding the NRTD (the members of this committee would be NRTD focal points). The government was also planning to ensure that the technical-level officials representing a specific ministry, for example, in the CEDAW subcommittee, were the same as those who sat in the CRC subcommittee. This would make them the NMIRF focal point from the respective ministry.

In comparison, single ministerial mechanisms such as **Vanuatu's** had less elaborate structures and working methods. These were, moreover, usually dedicated to responding to reporting requirements (rather than also being focused on implementing received recommendations). In **Vanuatu**, a ministerial human rights committee based within the Ministry of Foreign Affairs convened on an ad hoc basis in response to reporting needs. The committee's organisational structure also reflected this preoccupation with reporting. The committee was divided into two subcommittees: one for data collection and the other for drafting. Similarly in **Malaysia**, responsibility was assigned to relevant line ministries upon receipt of recommendations, but this was primarily for the purpose of drafting subsequent reports (each ministry or agency designated two focal points, one at undersecretary level and another at expert level, who met in an ad hoc committee to draft reports).

This does not assume that more ad hoc ministerial or interministerial systems do not display important examples of best practice. In **Lesotho**, for example, upon receipt of UN recommendations, a meeting was convened by the Ministry of Justice to share and disseminate the recommendations, cluster them, and form a workplan to track progress. Separately, an ad hoc interministerial expert-level committee was formed to maintain contact with responsible line ministries (under the workplan), track progress and eventually produce the next periodic report.

A final important point on working methods relates to the clustering of recommendations. This best practice (whereby recommendations are clustered by theme and objective, irrespective of which mechanism issued them) appears to be rare among Commonwealth states. Indeed, only **Samoa** and (perhaps) one or two other states with NMIRFs were found to focus their implementation discussions and actions on clusters rather than, for example, all recommendations received from a particular treaty body. In **Samoa**, immediately upon receipt of a new set of recommendations from a UN mechanism, the first step taken by the NMIRF was to combine them with other recommendations received from the UN, and then group them by both thematic area of focus and affected population group. According to Samoa, this greatly eased the burden of managing so many UN recommendations, facilitated implementation actions, and helped streamline tracking and reporting. As a result of this approach, which might also be considered by other Commonwealth member states, the 691 recommendations received by Samoa since the establishment of its NMIRF had been grouped into 11 clusters and associated with 56 implementation actions. This approach, together with the implementation and reporting software used by Samoa's NMIRF, had the added advantage of allowing the country to link human rights implementation actions and the measurement of human rights progress with relevant SDG implementation targets and actions.

5.5 IT systems and data management

Samoa was one of only two Commonwealth member states surveyed for this report to have developed or installed software to strengthen their NMIRF's efficiency and effectiveness. The other was **Mauritius** and **Malaysia**, **Maldives** and **Rwanda** had such systems in development.

Information management systems are an important tool to boost and safeguard institutional knowledge, improve co-ordination in implementation actions and budgeting, facilitate monitoring and reporting, overcome capacity constraints by creating synergies through recommendation clustering (including with the SDGs), and strengthen transparency, public accountability and stakeholder participation.

While **Mauritius** used OHCHR's national recommendations tracking database (NRTD), **Samoa** used a tailored version of IMPACT OSS called SADATA. Both platforms serve to track, cluster, analyse implementation gaps, allocate implementation responsibilities, monitor levels of implementation, and assess progress through impact indicators (covering both human rights obligations and SDG commitments).

5.6 Stakeholder engagement

Another key to successful implementation and reporting is the level of engagement with non-governmental actors such as civil society, national human rights institutions and the private sector. These actors play a fundamental role as information providers, accountability actors and – in some cases – implementation partners. Overall, the Commonwealth member states surveyed had relatively high levels of engagement with non-governmental stakeholders, though the modalities of engagement varied. Relatively few of the states with NMIRFs systematically included non-governmental stakeholders in their meetings. **Samoa** and **Mauritius** were two exceptions, as their NMIRFs systematically invited representatives from civil society, NHRIs and chambers of commerce to participate in meetings. **Rwanda** also invited these stakeholders to participate in its 'stakeholder workshops'. Moreover, the country's NHRI, which was formally part of the national mechanism, was mandated to monitor implementation, produce progress reports and share its findings with the national mechanism so that adjustments could be made and implementation strengthened in the future. **Malaysia** had institutionalised biannual multistakeholder consultations, including with its NHRI, the UN Country Team in Malaysia and civil society. In addition to these biannual consultations, additional consultations with civil society were also held upon their request.

In most of the Commonwealth member states surveyed, civil society was only consulted on an ad hoc basis and generally only ahead of a national review (for example, to comment on a draft periodic report). **Vanuatu,** for example, explained that 'while there is some involvement of civil society, this engagement is not structured and there is room for improvement'. The situation appeared to be similar in **Kiribati, Lesotho,** and **St Vincent and the Grenadines**, where officials explained that while there were civil society consultations,

these were not institutionalised. In other cases, civil society engagement was more institutionalised, but did not directly serve to drive implementation, reporting and follow-up, or was only limited to one of the human rights mechanisms. **Australia**, with its institutionalised civil society forum organised every year by the Attorney General's Department, to consult and communicate with NGOs on human rights issues in Australia, was an example of the former.

Chapter 6: Conclusions and Lessons Learned

1. There is a clear trend among Commonwealth member states towards the establishment of single interministerial mechanisms for implementation, reporting and follow-up, including the best practice model of NMIRFs.

2. There is a general appreciation among states that have recently established single standing interministerial mechanisms or NMIRFs that they tend to improve intergovernmental co-ordination, ease reporting burdens, enhance implementation and monitoring capacity, and strengthen stakeholder engagement.

3. The surveyed national mechanisms tended to focus more on reporting, rather than implementation and monitoring.

4. The lack of mandate and/or focus on implementation and monitoring calls for more training and capacity development to help strengthen the institutional resilience and mandates of the mechanisms. It also calls for greater resource allocation, and more robust and reliable organisational structures such as fully functioning secretariats.

5. Improved information management systems are vital in developing more robust implementation and monitoring capacity in NMIRFs, which could improve the quality of reporting.

6. There is room to further enhance stakeholder engagement, notably with parliamentarians, judges and lawyers, national statistics agencies, and civil society.

The Commonwealth

D19081