

Making use of the quick follow up procedures of the UN human rights treaty body system

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Typically when a UN human rights treaty body reviews a state party's report, they issue concluding observations and recommendations to be followed up by the country in question at the time of the next periodic report – usually 5 or more years later. In recent years some of the treaty bodies have adopted the practice of identifying 2 or 3 recommendations to be followed up more quickly – in 12 or 24 months. This practice provides NGOs a unique opportunity that is often going underutilized at the moment.

Example: racial discrimination and the Dominican Republic

For example, here are three recommendations for the Dominican Republic that the CERD Committee specified in February 2013 for follow up in 12 months (CERD/C/DOM/CO/13-14):

- Paragraph 11 – adopt a specific law on racial discrimination that corrects article 39 of the Constitution and articles 336 and 337 of the Criminal Code; to make sure that there is an express prohibition of discrimination on the grounds of race, colour or national origin
- Paragraph 19 – remove administrative obstacles to issuing identity documents to Dominicans of Haitian origin
- Paragraph 21 – ensure that deportation laws do not discriminate, including ending the mass deportation of Haitians in violation of due process guarantees

Answers are due from the government on these three items by February 2014. When the government submits a response, it will be posted at the Committee's website for the February 2013 session (82nd session), under the section on the Dominican Republic, subheading "Follow up State party's report".

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=776&Lang=en

Committee procedure

If the government fails to respond, the matter will be taken up next by the rapporteur appointed by the Committee to follow up such matters. He or she will contact the government in question, attempt to obtain an explanation for the missed deadline and a submission of the requested material, and then will report back on his or her results to the full Committee at a later session. States are encouraged to consult with local NGOs when planning and implementing recommendations. Each of the treaty bodies will also accept submissions from NGOs providing information about the government's implementation or failure to implement each recommendation. If the government has failed to respond by the time of the 12 month deadline, the NGO submission may be the only information the follow up rapporteur has on the subject.

Which Committees have adopted this procedure?

Five of the nine treaty bodies that regularly review country reports have now adopted this "quick follow up" practice.

CERD	12 month follow up
Human Rights Committee	12 month follow up

CAT	12 month follow up
CEDAW	24 month follow up, first cases this October
CED	12 month follow up, first cases this April
CRC	no quick follow up procedure yet adopted
CRPD	no quick follow up procedure yet adopted
CMW	no quick follow up procedure yet adopted
CESC	no quick follow up procedure yet adopted
SPT	does not apply; different sequence of reports applies

Countries “in the dock” during 2014 under this procedure

Here are the 34 countries that have a deadline during 2014 under this quick follow up procedure:

Country	Treaty body	Follow up deadline
Albania	CCPR	Jul-14
Algeria	CERD	Feb-14
Angola	CCPR	Mar-14
Bolivia	CAT	May-14
Bolivia	CCPR	Oct-14
Chile	CEDAW	Oct-14
China Hong Kong	CCPR	Mar-14
China Macau	CCPR	Mar-14
Comoros	CEDAW	Oct-14
Czech Republic	CCPR	Jul-14
Djibouti	CCPR	Oct-14
Dominican Republic	CERD	Feb-14
Equatorial Guinea	CEDAW	Oct-14
Estonia	CAT	May-14
Finland	CCPR	Jul-14
France	CED	Apr-14
Guatemala	CAT	May-14
Indonesia	CCPR	Jul-14
Japan	CAT	May-14
Kenya	CAT	May-14
Kyrgyzstan	CERD	Feb-14
Mauritania	CAT	May-14
Mauritania	CCPR	Oct-14
Mauritius	CERD	Feb-14
Mozambique	CCPR	Oct-14
Netherlands	CAT	May-14
Netherlands Antilles	CAT	May-14
Netherlands Aruba	CAT	May-14
New Zealand	CERD	Feb-14
Paraguay	CCPR	Mar-14
Peru	CCPR	Mar-14
Russia	CERD	Feb-14
Slovakia	CERD	Feb-14

Tajikistan	CCPR	Jul-14
Togo	CEDAW	Oct-14
Turkmenistan	CEDAW	Oct-14
Ukraine	CCPR	Jul-14
United Kingdom	CAT	May-14
Uruguay	CCPR	Oct-14
Uruguay	CED	Apr-14

How can NGOs utilize this procedure?

This procedure offers NGOs a unique opportunity to influence change in their country. The 12 to 24 month deadline and the concrete, specific nature of most of these quick follow up recommendations, can make lobbying and advocacy more effective. The fixed deadline provides a useful backstop to get action. By their nature, these recommendations are easier to implement in a shorter time period. It also gives an NGO a good reason for introducing themselves to key government officials to urge implementation efforts. The quick turnaround time expected, gives the whole exercise a more practical, achievable character than is often present with more general or long term recommendations.

Here is one suggested approach for how an NGO might pursue one or more of these quick follow up recommendations:

Review text; preliminary analysis

1. Review the full text of the quick follow up recommendations and note the deadline. Make a preliminary assessment of what steps the government should take to implement each recommendation. Research some good practice implementation models if appropriate. Model legislation or a model plan of action might be obtained or prepared, depending on the nature of the specific recommendation.

For example, in the example above regarding the Dominican Republic, an NGO plan might include finding someone to draft a bill to change the Criminal Code and a simple constitutional amendment that both incorporate the express language on racial discrimination that is referred to in the treaty, researching the steps necessary to amend the constitution, monitoring whether Dominicans of Haitian origin are finally getting identity documents, and monitoring whether the mass deportation of Haitians has stopped. Be prepared to document and report on your monitoring efforts as the 12 month deadline approaches.

Identify appropriate government contact points

2. Assess which government agency or officials are your best contact points. For example, you can check the Committee website for the session when the country report was reviewed. There is usually a document entitled "List of Delegation" which identifies the government officials who attended the hearing when the country report was presented. Check for any local officials who were present and who usually reside in the home country. Alternatively, contact the Ministry of Justice, or Human Rights Department, or other local ministry or agency known to be responsible for human rights matters. If legislation is required, the relevant Parliamentary Committee head might also be contacted.

Initial contact with the government

3. Make initial contact with the government as soon as possible, indicating an interest in

providing input on the implementation of these recommendations, requesting a chance to meet with the appropriate persons who will be responsible for implementation, and requesting a copy of any information submitted to the treaty body.

Prepare for, attend meeting; or repeat requests if no response

4. If the government official offers to meet with you, prepare for the meeting. If there is no contact, be sure to renew your request a few more times so that you can summarize your efforts to the treaty body before the 12 month deadline.

Prepare submission to treaty body (12 or 24 month deadline)

5. Prepare your submission to the treaty body, evaluating the government's efforts to implement the subject recommendations and whether they were willing to consult with your NGO and provide copies of submissions. Make sure to file the submission by the 12 or 24 month deadline that has been set for the government.

Consider a press release

6. Decide whether to issue a public press release that tells the story of the 12 month follow up process and the government's failure to implement the treaty body's recommendations.

Now turn to the other recommendations in the treaty body's conclusions

7. Depending upon whether or not these efforts have been successful, perhaps go on to the other recommendations in the treaty body's concluding observations. Responses for these recommendations are due by the time of the next periodic report, in about five years. Perhaps you can initiate an implementation dialogue with the government on these remaining recommendations in a similar manner as the "quick follow up" recommendations.

Document your steps

8. Be sure to document your steps along the way, especially if the government is failing to respond to your requests. This will help the treaty body's follow up rapporteur to make more concrete suggestions when discussing these matters with your government.