**National Mechanisms for Implementation, Reporting and Follow-up**

**Suggested elements for Terms of Reference**

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| Background A national mechanism for implementation, reporting and follow-up (NMIRF) is a permanent national governmental mechanism or structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms (including treaty bodies, the universal periodic review, and special procedures), and to coordinate and track national follow-up and implementation of the treaty obligations and the recommendations emanating from these mechanisms. It may be ministerial, inter-ministerial or institutionally separate.The NMIRF performs these functions in coordination with ministries, specialized State bodies (such as the national statistics office), SDG implementation focal point (agency/Ministry), parliament and the judiciary, as well as in consultation with the national human rights institution(s) and civil society. A national mechanism for implementation, reporting and follow-up may be established by legislation (passed through parliament), formal regulation (by the executive, but not through parliament), or a policy mandate (formed after the adoption of an executive/ministerial policy provision).In addition, effective NMIRFs typically have the following four key capacities: * Engagement capacity: The capacity to engage and liaise with international and regional human rights bodies and organize and centrally facilitate the preparation of reports and responses to international and regional human rights mechanisms;
* Coordination capacity: The capacity and authority to disseminate information, and to organize and coordinate information gathering and data collection from government entities, the national office for statistics, SDG implementation focal point (agency/Ministry), parliament and the judiciary, for reporting and follow-up to recommendations;
* Consultation capacity: The capacity to foster and lead consultations with the country’s NHRI(s) and civil society; and
* Information management capacity: The capacity to (1) Track the issuance of recommendations and decisions by the international and regional human rights mechanisms; (2) Systematically capture and thematically cluster these recommendations and decisions (including against SDGs) in a user-friendly spreadsheet or database; (3) Identify responsible government ministries and/or agencies for their implementation; (4) Develop Human Rights Mechanism recommendations implementation plans, including timelines, with relevant ministries to facilitate such implementation; and (5) Manage information regarding the implementation of treaty provisions and recommendations, including with a view to preparing the next periodic report
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*In their efforts to establish or strengthen an existing NMIRF, States may wish to take the elements below into consideration when drafting or amending the text describing and NMIRF’s Terms of Reference. These elements are based on existing national practices as well as findings as reflected in the Practical Guide and Study on NMIRFs.*

**[Name of the NMIRF]**

**Terms of reference**

1. **Rationale**

[*This section sets out the general background and rationale for establishing the NMIRF. Elements which may be included are:*

* *The recognition that reporting and engaging with international human rights mechanisms offer a unique opportunity for the advancement of human rights domestically, self-assessment, and legislative and policy review;*
* *The identification of the need to adopt a comprehensive, efficient and sustainable approach to implementing treaty obligations, reporting to and engaging with the international and regional human rights systems and following up on the recommendations or decisions emanating from them;*
* *The announcement that the State is establishing an NMIRF, titled the [name of body/structure];*
* *The acknowledgement that this sustainable approach will create national ownership of reporting and implementation, regular interaction within and between State bodies; and structured and formalized contacts with parliament, the judiciary, national human rights institution (NHRI) and civil society.*]
1. **Functions**

[*This section sets out the mandated functions of the NMIRF. Elements which may be included can be (not exhaustive):*

* *to engage and liaise with international human rights bodies, including the UN human rights treaty bodies, the Special Procedures of the Human Rights Council and the UPR of the Human Rights Council;*
* *to engage and liaise with regional human rights bodies, including [name of the regional human rights mechanism, if applicable];*
* *to organize and centrally facilitate the preparation of reports to international human rights mechanisms, including mid-term and follow-up reports including possibly the preparation of voluntary national reports on SDG implementation;*
* *to respond to individual communications and follow-up questions and recommendations/decisions received from such mechanisms, as well as to facilitate visits by Special Procedures mandate holders and the Sub-Committee on Prevention of Torture;*
* *to disseminate information, and to organize and coordinate information gathering and data collection from Government entities, fully involving other national State actors such as the National Office for Statistics, SDG implementation focal point (agency/Ministry), the parliament and the judiciary, for reporting and follow-up to recommendations;*
* *to foster and lead regular consultations for reporting and follow-up with the NHRI and civil society organizations;*
* *to track the issuance of recommendations and decisions by the international and regional human rights mechanisms, to systematically capture and thematically cluster these recommendations and decisions, to identify responsible Government ministries and/or agencies for their implementation, to develop HRM implementation plans if appropriate, including time-lines, with relevant ministries to facilitate such implementation or to mainstream Human Rights Recommendations in relevant sectoral plans; and to manage information regarding the implementation of treaty provisions and recommendations, including with a view to preparing the next periodic report.*]
1. **Structure and composition**

[*This section sets out the structure and composition of the NMIRF. It is always up to the State to determine the structure that works best at the national level, be it ministerial, inter-ministerial or institutionally separate. The section could specify:*

* *Which Ministry or Government entity has the lead of the NMIRF;*
* *which Ministries are part of the NMIRF network (ideally all, including the National Statistical Office and SDG implementation focal point/lead agency/Ministry)*
* *the level of representation of the member Ministries (ideally Ministerial level with a designated alternate);*
* *that each member Ministry designates a NMIRF focal point at the working level;*
* *[that the network of member Ministries shall appoint a member from the NMIRF to serve as chair for one/two years;]*
* *The modalities of involvement of parliament and the judiciary in the work of the NMIRF.]*
1. **Meetings of the NMIRF**

*[This section could specify:*

* *the frequency of the meetings of (a) the Ministerial NMIRF network, and (b) the network of Ministerial NMIRF focal points (ideally, the Ministerial network meets 3-4 times per year, and the focal point network meets more frequently, depending on the tasks at hand, such as drafting of reports, coordination of follow up and implementation efforts);*
* *Whether the meetings of the Ministerial NMIRF network are public or closed meetings (ideally civil society and the NHRI are invited to participate at selected meetings);*
* *The involvement and role of civil society and the NHRI in meetings of the Ministerial NMIRF focal points (NB: the involvement of an NHRI should be in an observer capacity, so as to safeguard its independence in line with the Paris Principles – A/RES/48/134.)*
1. **NMIRF Secretariat**

*[If an executive secretariat to the NMIRF is envisaged, this section could specify:*

* *The location of the NMIRF executive secretariat, as well as its staffing (also aiming at gender balance in its composition);*
* *The functions and responsibilities of the executive secretariat, which could include:*
	+ *The continuous building of knowledge and capacities on international and regional human rights mechanisms of its secretariat staff*
	+ *the engagement with international and regional human rights mechanisms*
	+ *the facilitation of visits of Special Procedures mandate holders and the Sub-Committee on Prevention of Torture*
	+ *to respond to individual communications and follow-up questions and recommendations/decisions received from international human rights mechanisms*
	+ *the servicing of meetings of the NMIRF member network*
	+ *the coordination of information collection from Ministerial NMIRF focal points (for reporting purposes as well as the management of information on implementation of recommendations)*
	+ *the coordination of the drafting process*
	+ *the organisation of consultative processes with the NHRI as well as civil society organisations (including at the local level)*
	+ *the periodic circulation of a table of clustered recommendations of the international human rights mechanisms*
	+ *the coordination and tracking of the implementation of the recommendations*
	+ *the reporting on NMIRF meetings*
	+ *the maintaining of an NMIRF website and/or social media presence*
	+ *to ensure hand-over to new secretariat staff and to establish a sustainable filing system for the purpose of retaining institutional memory.]*
1. **Resources**

*[The effectiveness of an NMIRF is enhanced through extensive planning, with individual ministries providing for the necessary budgetary allocations to cover the work of the NMIRF. Another important factor is the continuity of staff. This section could specify:*

* *Which ministry(ies) are to make budgetary allocations (including for travel for UPR and TB reviews, knowledge management tools, secretariat functions, and the organisation of consultations at the national and local levels)*
* *That budgetary resources should be sufficient for the performance of NMIRF activities*
* *That sufficient human resources be dedicated to the NMIRF (Ministerial focal points and NMIRF secretariat staff)*
* *The modalities for secondment of Ministry staff to support the NMIRF executive secretariat.*]
1. **Working methods and operational aspects**

*This section could specify that the working methods of the NMIRF (its operational aspects) are to be elaborated and adopted at the first plenary NMIRF meeting(s).*

*[The rules of procedure that are to be adopted at such a meeting could elaborate upon:*

* *The required quorum for NMIRF meetings*
* *The procedure for agenda setting and dissemination of working documents*
* *The establishment and use of email lists of NMIRF members and NMIRF Ministerial focal points*
* *The conditions for inviting stakeholders and external experts to NMIRF meetings*
* *The establishment and use of an email list of stakeholders (NHRI, CSOs)*
* *The development and use of:*
1. *an NMIRF work plan and calendar of activities;*
2. *an inventory of upcoming UPR reviews, TB reporting obligations and reviews, SP mandate holder visits and SPT visits;*
3. *standardized internal reporting guidelines and procedures (which would include the details of how to coordinate with Ministries, the national statistical office, the judiciary and parliament, and how consultations with the NHRI and CSOs should be conducted);*
4. *a checklist for the organization of visits of SP mandate holders and the Sub-Committee on Prevention of Torture.*]

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