

Good practices and lessons learnt providing a guidance framework for the establishment and development of effective National Mechanisms for Implementation, Reporting and Follow-Up (NMIRFs)

Marrakech Guidance Framework (MGF)

17 October 2024

The Marrakech Guidance Framework (MGF) is a summary and distillation of good practices and lessons learnt (from all regions) shared between participants at the 10th Glion Human Dialogue (Glion X) preparatory meetings held in Geneva, Switzerland, on 23 April and 10 June 2024, and at the Glion X retreat held in Marrakech, Morocco, from 16-17 October 2024. It is compiled under the authority of the Co-Chairs of the 10th Glion Human Rights Dialogue.

The discussions and reflections at Glion X built, in turn, upon earlier exchanges of experience and good practice, including in the context of regional consultations initiated by Human Rights Council resolution 42/30, and related work by UN agencies, funds, and programmes, international organisations, NHRIs, civil society organisations, and others. Those discussions and reflections also complemented related work at the Human Rights Council, including in the context of Council resolution 51/33.

The MGF is a voluntary framework, and seeks to contribute to and complement wider international efforts to support States, through exchanges of good practice, in establishing and/or strengthening NMIRFs, for example, in the context of the International Network of NMIRFs initiated through the Marrakech Declaration (December 2022) and launched through the Asunción Declaration (May 2024), as well as through technical assistance and capacity-building support extended by States, UN agencies, funds, and programmes, international organisations, civil society organisations, and others.

1. National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs)

NMIRFs are single governmental entities that provide a multisectoral and multistakeholder platform to collate, manage, coordinate, and track domestic progress with the implementation of recommendations from the main United Nations (UN) human rights mechanisms (the Universal Periodic Review – UPR, Treaty Bodies, and Special Procedures), as well as regional human rights mechanisms as appropriate, measure impact, and facilitate efficient periodic reporting. While the exact form of NMIRFs varies from country to country (see paragraph 2 below), they are all founded upon an understanding that it is more efficient for States to establish a single, standing, human rights implementation and reporting mechanism, covering all recommendations from all three main UN human rights mechanisms, rather than maintain a web of ad hoc government committees, each responsible for either different UN treaties or mechanisms.

The experience of States that have already established and developed NMIRFs suggests that these national mechanisms significantly strengthen the capacity of States to implement UN human rights recommendations, facilitate human rights dialogue across society as well as awareness of the State's

international human rights obligations and commitments, strengthen cooperation with international partners, and improve the frequency and quality of periodic reporting, thereby strengthening the enjoyment of human rights, and contributing to the attainment of the Sustainable Development Goals (SDGs) leaving no-one behind.

2. There is no 'one size fits all' approach to the establishment and/or development an effective NMIRF

NMIRFs take a variety of forms, operate in a variety of different ways, and should be tailored according to the national context, taking into consideration the availability of resources, and the need to build upon existing national implementation and reporting systems. NMIRFs may also evolve over time, taking into consideration national experiences and lessons learnt.

Notwithstanding, participants at Glion X and its preparatory meetings identified a number of common good practices that may serve to enhance the effectiveness of NMIRFs, thereby strengthening the realisation of the obligations of States to promote universal respect for, and the fulfilment and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law.

These common good practices or 'success factors' are set out in the paragraphs below.

3. NMIRFs may be permanent or 'standing,' and have a clear legal basis and mandate

A NMIRF is most effective when it is a permanent or standing structure, reflecting the continuous/perpetual nature of State review-implementation-reporting cycles with the main UN human rights mechanisms. A standing NMIRF also supports the retention of institutional knowledge.

Related to this point, a NMIRF is most effective when it has a clear legal basis, for example, where it is established by decree, statute, or legislation. This confers high-level political legitimacy, visibility, and legal authority on the NMIRF (with various benefits, including that all relevant government officials will wish to participate in meetings/activities), clarifies its mandate, objectives, and leadership (e.g., high-level co-chairs), and clearly sets out the expectations on, and responsibilities of, relevant stakeholders.

4. A NMIRF may be mandated to coordinate the implementation of and periodic reporting on a State's international human rights obligations and commitments, across all national implementing actors, through all or some of the following responsibilities:

- a.** Receiving, clustering (by theme and objective), managing, and following-up on all recommendations received from the main UN human rights mechanisms, as appropriate. The management of recommendations may be assisted by the use of databases and other digital technology solutions (see paragraph 10, below).
- b.** Facilitating national dialogue with implementation actors, on necessary actions, especially across government, to secure the implementation of UN human rights recommendations, as appropriate, and coordinating implementation measures/actions by responsible ministries or government departments, and other relevant actors.
- c.** Managing the network of implementation/reporting focal points and deputy focal points across ministries or government departments, and state agencies.
- d.** Continuously tracking progress with the implementation of recommendations, as appropriate, and collecting data to measure the impact of implementation measures on the enjoyment of human rights.

- e. Coordinating relevant national stakeholders to prepare periodic reports to the UN human rights mechanisms.
- f. Making information on inter alia the State's international human rights obligations and commitments, past periodic reports, progress with the implementation of recommendations, draft periodic reports, and the activities of the NMIRF, available and accessible to relevant government actors, parliament, the judiciary, civil society, and the general public. This information should be made available in all primary national languages and be made available in a format that is accessible to persons with disabilities.
- g. Regular reporting to the national parliament on implementation progress, and consultations with parliament on the preparation of periodic reports.
- h. Managing requests to visit from Special Procedures mandate-holders, coordinating their visits, and following-up.
- i. Ensuring regular engagement and consultations with National Human Rights Institutions (NHRIs), and civil society organisations.
- j. Strengthening the capacity of its secretariat, focal points, and other relevant national stakeholders, through training and other capacity-building initiatives; and
- k. Engaging with UN Country Teams and other international development partners to secure capacity-building and technical support for implementation, tracking, and reporting, and to address implementation gaps.

5. NMIRFs may adopt clear and detailed terms of reference

Complementing the legal base and broadly defined mandate, the adoption of detailed terms of reference and/or standard operating procedures by the NMIRF, in coordination with relevant government departments and national institutions, helps strengthen the mechanism's effectiveness by clearly setting out the organisational structure, methods of work, frequency of meetings, decision-making rules, and the roles and duties/responsibilities of those involved.

One common good practice, under methods of work, is to base the work of NMIRFs on key clusters of UN human recommendations, irrespective of which mechanism issued them.

6. Chairing, secretariat, and budget

A common practice is for NMIRFs to be chaired by a lead domestic ministry with primary responsibility for the national implementation of the State's international human rights obligations and commitments, working in close cooperation with the ministry of foreign affairs.

The chair or co-chairs may be of sufficient seniority to effectively guide the work of the NMIRF, secure the support of all relevant parts of government, and encourage the regular participation of all members of the NMIRF. For example, a common good practice is for NMIRFs to be co-chaired by ministers, deputy ministers, permanent secretaries, or deputy permanent secretaries (i.e., senior civil servants).

To be effective, a NMIRF may ideally benefit from a permanent secretariat – i.e., government officials dedicated to the task of servicing the NMIRF, where possible on a full-time basis, and, where not, with the secretariat function as a major part of the officials' job descriptions. Some States may benefit from an institutionally separate and distinct secretariat, depending on national contexts.

NMIRFs (including secretariats) should benefit from sufficient budgetary resources to effectiveness undertake their work and functions. Common practices in this regard are for States to include NMIRF budget lines in the budgets of a lead ministry or ministries, or in the government budget.

7. Composition – implementation as a ‘democratic’ rather than bureaucratic exercise

A NMIRF is most effective when it includes the participation of all relevant national and international actors important for the implementation of the States’ human rights obligations and commitments.

This includes national actors central to and with legal responsibility for the implementation of States’ international human rights obligations and commitments, and thus of UN human rights recommendations; and national and international actors that may play an important role in supporting implementation or, at a minimum, that should be consulted on implementation measures, as well as on reporting.

The roles, prerogatives, and responsibilities of these two sets of actors are different, and this distinction should inform the organisational structure and methods of work of the NMIRF. In some national examples, the first group of actors are referred to as full or permanent members of the NMIRF, and the second group of actors as observer or consultative members.

In decentralised systems of government, it may be important to provide sufficient time for consultations with and capacity-building (e.g., training) for lower levels of government, to build awareness as to their roles in human rights implementation and reporting, and to show how international human rights recommendations may be useful in informing regional and/or local policy. Engagement with sub-national actors may be facilitated by regional and/or local coordinators.

Participation may be at an appropriate level of seniority to allow for necessary decision-making.

Specifically, effective NMIRFs typically include, inter alia, the participation of the following actors:

National actors central to and with legal responsibility for the implementation of UN human rights recommendations

- a. All relevant ministries or government departments (e.g., the ministries of justice, planning, finance, health, education, gender/family/children, home affairs, foreign affairs, the attorney general’s office).
- b. State agencies (e.g., the police service, the penitentiary service, social services).
- c. The national statistics authority.
- d. The national parliament (e.g., representatives of the human rights committee, individual parliamentarians focused on a particular human rights issue, or parliamentary secretariats/clerks). The systematic involvement of parliament is essential considering that a majority of UN human rights recommendations require new legislation or legislative amendment in order to be fully implemented. Parliaments, moreover, play a central role in preparing national budgets – with important implications for human rights.

National and international actors that may play an important role in supporting implementation or, at a minimum, that are consulted on implementation measures, as well as on reporting

- e. Representatives of the judiciary (e.g., the judicial services commission) – to ensure the flow of relevant information, while respecting the independence of the judicial branch.

- f.** Representatives of regional and/or local governments.
- g.** The national human rights institution (NHRI).
- h.** A wide and diverse range of civil society organisations – selected based on the human rights issues to be addressed at a given NMIRF meeting (e.g., children’s rights NGOs for discussions on the implementation of, or reporting on, children’s rights recommendations).
- i.** Academia, including students and legal clinics.
- j.** Traditional and/or religious community leaders.
- k.** Youth representatives, and persons with disabilities.
- l.** Business enterprises, or chambers of commerce, as appropriate.
- m.** UN Resident Coordinators, and individual UN agencies, funds, and programmes.

A common good practice is to organise representatives of relevant ministries or government departments, and state agencies, into a system of focal points – individual officials with permanent responsibility for attending NMIRF meetings, for coordinating implementation actions/measures within their own ministry or agency, and for regularly updating the NMIRF (e.g., the secretariat) on progress and impact. A further good practice is to maintain a regularly updated database of focal points, and deputy or substitute focal points. These latter officials would work with the main focal points, and replace them if the main focal point cannot attend a meeting, or should the main focal point move positions/departments. This may help safeguard against disruption caused by staff turnover, and help preserve institutional memory.

It is a common good practice to integrate the roles, duties, and responsibilities of focal points and deputy focal points into job descriptions.

8. Committees and subcommittees

A common good practice is to organise the work of a NMIRF into committees and/or subcommittees. For example, a NMIRF may comprise a main committee (perhaps with more senior officials with decision-making powers, e.g., regarding how to implement recommendations, and with the power to adopt periodic reports), and one or more sub-committees to follow-up on implementation decisions, track progress, measure impact, and prepare draft periodic reports (with more technical level officials).

9. Integrated approaches to human rights and sustainable development

A common good practice is to input clusters of UN human rights recommendations into national databases (see paragraph 10, below), and link those clusters with relevant Sustainable Development Goals (SDGs) and targets, as well as commitments stemming from other major UN conferences and summits. Because human rights and sustainable development are interconnected and mutually-reinforcing, this allows the NMIRF to be a key driver of both human rights progress and progress towards the achievement of the SDGs leaving no-one behind. Connecting the two agendas also facilitates improved and timely reporting to the UN human rights mechanisms, and to the High-Level Political Forum (HLPF).

NMIRFs may also play an important role in integrating important clusters of UN human rights recommendations into national development plans. This underscores the importance of including ministries of finance and planning in the work of NMIRFs.

NMIRFs may also play an important role, in cooperation with the UN Country Team, in integrating important clusters of UN human rights recommendations into UN Sustainable Development Cooperation Frameworks (UNSDCFs), and into the country programming documents of individual UN agencies, funds, and programmes.

With this latter point in mind, one good practice is for governments to consult with UN Country Teams when defining the operation of NMIRFs, in order to facilitate dialogue and cooperation.

10. Digital technology tools to improve the efficiency and effectiveness of human rights (and SDG) implementation and reporting

NMIRFs around the world are increasingly mobilising digital technology to cluster and manage recommendations, to regularly coordinate implementation measures/actions across government, to track progress, to measure impact on human rights (by applying quantitative indicators), and to streamline periodic reporting.

Increasingly sophisticated implementation-reporting software (e.g., OHCHR's National Recommendations Tracking Database – NRTD, the SIMORE system, and IMPACT OSS) can help NMIRFs significantly strengthen implementation and reporting by:

- a.** Creating a single national database of clustered UN human rights recommendations and commitments that becomes a 'living national human rights action plan' and tracking mechanism, through continuous inputs from line ministries and other implementing actors;
- b.** Linking human rights obligations to national and international development commitments;
- c.** Automating and semi-automating many of the processes required for effective implementation, tracking, measurement, and reporting, including through data collection, data analysis and visualisation, the generation of periodic reports (to parliament and relevant international mechanisms), the identification of implementation/data gaps, and the elimination of reporting/data collection duplication across human rights obligations and development commitments; and
- d.** Improving public transparency and accountability by allowing civil society, academics, the media, and the public to track government progress with the implementation of all clusters of human rights recommendations, as well as development commitments.

A good practice is to ensure that digital tracking tools are open, public, and participatory, in order to ensure engagement with non-governmental stakeholders, and the general public.

Notwithstanding, while such digital technology tools may allow for a degree of automation, and help improve efficiency in data management, implementation follow-up and tracking, and reporting, for these systems to be effective, it is essential that they be based on robust manual processes to regularly input, review, and follow-up on information.