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ARCHITECTS OF HUMAN RIGHTS IMPLEMENTATION AT THE NATIONAL LEVEL:

A study of framework development of the National Mechanisms for Implementation, Reporting, and Follow-up in the States of Paraguay and Portugal to address the implementation of soft law recommendations from the United Nations Human Rights Mechanisms

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‘...implementation will only be as effective as the network of actors prepared to work together for the improvement of human rights performance on the ground’.

– Navanethem Pillay, former United Nations
High Commissioner for Human Rights.

i. ABSTRACT

Over the years, the United Nations (UN) human rights framework has significantly expanded. The establishment of numerous treaties and bodies responded to the need to monitor the States' human rights implementation. Even though (well-intentioned) States commit to comply is difficult for them to implement and keep track of all recommendations issued by these bodies. One of the ways in which the UN and other stakeholders try to support state implementation and compliance is through the National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs). NMIRFs comprise government-led structures with a systematic, inter-institutional, participative procedure to implement, report, and follow-up recommendations.

This qualitative approach thesis addresses to what extent can national framework setting (of Paraguay and Portugal) be qualified as effective in implementing soft law recommendations from the UN bodies by establishing NMIRFs. The framework of NMIRFs is based on criteria identification retrieved from NMIRFs development at the international level and conceptual notions. E.g., a standing inter-ministerial structure with a mandate based on engagement, coordination, information management, and consultation. Likewise, it comprises a working method to retain institutional memory, inter-institutionality, periodic capacity-building activities, and the use of IT tools. As a next step, this thesis applies the criteria in both countries to illustrate these national frameworks' effectiveness to address soft law recommendations adopted by the UN human rights mechanisms. Thus, NMIRFs maintain a standing structure and provide good governance, human rights mainstreaming, policy-making, reporting system, and civil service engagement and training.

Keywords: human rights implementation, national mechanisms, recommendations, UN system, Paraguay, Portugal.

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iv. TABLE OF ABBREVIATIONS

CESCR	Committee on Economic, Social, and Cultural Rights
CSOs	Civil Society Organisations
HRC	Human Rights Council
HLS	High level segment
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IT	Information technology
Marrakech Declaration	Marrakech Declaration on National Mechanisms for Implementation, Reporting and Follow-up
NHRIs	National Human Rights Institutions
NMIRFs	National Mechanisms for Implementation, Reporting and Follow-up
OHCHR	Office of the United Nations High Commissioner for Human Rights
PNHRC	Portuguese National Human Rights Committee
SDGs	Sustainable Development Goals
SIMORE Plus	Monitoring System for Human Rights Recommendations and Sustainable Development
SNRCM	Standing National Reporting and Coordination Mechanism
Pacific Principles	Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up
Paris Principles	Principles Relating to the Status of National Human Rights Institutions
UDHR	Universal Declaration on Human Rights
UN	United Nations Organisation
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
UPR Funds	UPR Voluntary fund for technical and financial assistance

1. INTRODUCTION

1.1. Background and importance of the topic

After 77 years of expansion of the United Nations (UN) human rights framework, the international human rights system comprises an extensive number of instruments and mechanisms, such as the Universal Declaration on Human Rights (UDHR) and the nine core conventions. The establishment of an extensive number of treaties and bodies responded to the need to monitor state implementation on human rights issues. The extension of these mechanisms also divides into conventional and extra-conventional.

The extra-conventional mechanisms comprise the Human Rights Council (HRC) with its Universal Periodic Report (UPR) and special procedures, covering 45 thematic rapporteurships and 14 country mandates as to February 2023.¹ The HRC conducts assessments of States with the UPR where 47 HRC States members provide feedback and recommendations to UN State members at a peer-to-peer level. The UPR examines each UN State member at cycles of four and a half years where the State provides a report of measures taken to implement the recommendations.² The special procedures undertake country visits, send communications to States, and conduct thematic studies for reports.³ In that regard, the HRC State members and the mandate holders of the special procedures adopt recommendations in view of the human rights situation of the State being examined.

As for the conventional ones, the mechanisms comprise ten treaty-based bodies with their periodic reporting on the implementation of the nine UN human rights conventions. From the moment States sign and ratify the treaties mentioned above, there are compliance and periodic reporting obligations. More specifically, these bodies provide feedback on the implementation of the treaty obligations at the interactive dialogue of the reporting process. The outcome is the presentation of the UN treaty bodies

¹ United Nations Office of the High Commissioner for Human Rights, ‘Special Procedures of the Human Rights Council’ (*ohchr.org*) <<https://www.ohchr.org/en/special-procedures-human-rights-council>> accessed 28 February 2023

² United Nations Human Rights Council, ‘Basic facts about the UPR’ (*ohchr.org*) <<https://www.ohchr.org/en/hr-bodies/upr/basic-facts>> accessed 6 July 2023

³ United Nations Office of the High Commissioner for Human Rights, ‘Special Procedures of the Human Rights Council’ (*ohchr.org*) <<https://www.ohchr.org/en/special-procedures-human-rights-council>> accessed 28 February 2023

concluding observations and recommendations on ‘how the State party could better fulfil the objectives of the human rights conventions.’⁴ Hence, there is an extensive UN human rights framework for States to uphold and comply with.

Despite the consolidation of the cited framework of norms and mechanisms, queries arise from a pragmatic point of view. In what way do States implement the UN human rights recommendations they receive? Do they have a standardised process? Is that process supported by any framework? The reality calls for innovative measures that ensure a standing and continuous implementation of human rights.

Even well-intentioned and engaged States struggle with implementation. This is reflected in the June 2023 update of the general UN treaty database where 168 States have 582 overdue reports.⁵ The reasons are the increasing number of recommendations, the overlapping reporting to the mechanisms, and the lack of an encompassing domestic framework to deal with the operationalisation of human rights obligations.⁶ In that regard, there have been efforts to counteract this situation by promoting National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs).

To contextualise what NMIRFs comprise it is necessary to go back to the remarks of the former UN Secretary-General Kofi Annan in his 2005 proposal to reform the UN Commission of Human Rights (the current Council) to take place at the time.⁷ Annan stressed the vital transition from a declarative era about international standards towards an implementation era, as part of the reformation proposal.⁸ In doing so, the proposal

⁴ Helen Keller and Geir Ulfstein, ‘Introduction’ in Helen Keller and Geir Ulfstein (eds), *UN Human Rights Treaty Bodies: Law and Legitimacy* (Cambridge University Press 2012) 4.

⁵ United Nations Human Rights Treaty Bodies, ‘UN Treaty Body Database’ (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx> accessed 13 June 2023.

⁶ United Nations General Assembly, ‘Strengthening United Nations Action in the field of Human Rights through the Promotion of International Cooperation and the Importance of Non-Selectivity, Impartiality and Objectivity Report of the Secretary-General to the UNGA’ (21 August 2017) A/72/351.

⁷ Kofi Annan, UN Secretary-General, ‘Address to the United Nations Commission on Human Rights’ (Human Rights Council session, Geneva 7 April 2005)

⁸ Marc Limon, ‘The Global Human Rights “implementation agenda” and the Genesis of NMIRFs’, in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 187.

envisioned that States should track their progress on international human rights obligations and commitments at the local level.

In 2014, the former UN High Commissioner for Human Rights Navanethem Pillay also contemplated a new approach for States' compliance with standing national reporting and coordination mechanisms.⁹ The rationale behind it is that '... implementation will only be as effective as the network of actors prepared to work together for the improvement human rights performance on the ground'¹⁰. Indeed, Pillay's focus became a pivotal argument to the States' monitoring and implementation of recommendations.

The UN Office of the High Commissioner for Human Rights (OHCHR) started discussions to strengthen State's coordination and reporting mechanisms focused on human rights mechanisms' recommendations. These dialogues led to the adoption of the UN General Assembly (UNGA) Resolution 68/268 'Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System' in 2014.¹¹ Two years later, the OHCHR worked in a series of regional consultations with the participation of several States of different regions and legal systems to draft a study and a practical guide to determine an appropriate concept of NMIRFs. The OHCHR concluded that NMIRFs are national frameworks that lead or coordinate government actions for the implementation and follow-up of human rights obligations, and subsequent recommendations, resulting from international and regional human rights mechanisms' reviews.¹²

Following these discussions, stakeholders gathered for an initiative called the Glion Human Rights Dialogue which was organised by the governments of Norway and Switzerland. Glion provided a setting to debate on the topic of 'human rights

⁹ Domenico Zipoli, 'National Human Rights Strategies: The Role of National Human Rights Systems in the Implementation of International Human Rights Standards' (2021) 18 Academy Briefing 6.

¹⁰ Navi Pillay, 'The International Human Rights Treaty System: Impact at the Domestic and International Levels' (2014) 21 Human Rights Brief 32.

¹¹ United Nations General Assembly Resolution 68/268, 'Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System' (21 April 2014) A/RES/68/268.

¹² United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Practical Guide to effective State Engagement with International Human Rights Mechanisms' (May 2016) HR/PUB/16/1.

implementation and compliance: turning international norms into local reality'.¹³ In that session, stakeholders discussed that a 'one size fits all' formula may be problematic due to particularities of governments structures, geographical context, and legal systems.¹⁴ However, stakeholders agreed on creating international standards or principles for NMIRFs as a next step. Furthermore, other initiatives at the HRC took a parallel approach with the adoption of UN resolutions in favor of NMIRFs (see Section 2.1.) All in all, the consolidation of NMIFRs standards is still a pending issue, but it may result in innovative paths for the future of domestic rights implementation.¹⁵

To a certain extent, NMIRFs broad concept intended to include the plurality of governmental structures and systems. This arrangement gives States a convenient setting to engage and coordinate with the establishment and use of NMIRFs.¹⁶

1.2. Research question and methodology

This thesis aims to answer the main research question: Using the examples of Paraguay and Portugal, to what extent can national frameworks be qualified as effective to address soft law recommendations adopted by the United Nations Human Rights Mechanisms in light of the National Mechanisms for Implementation, Reporting, and Follow-up? This thesis examines two national NMIRF frameworks, the Monitoring System for Human Rights Recommendations and Sustainable Development (SIMORE Plus) of Paraguay and the Portuguese National Human Rights Committee (PNHRC).

Both national frameworks present acknowledged NMIRFs in their respective regions to address recommendation's compliance at the UN human rights mechanisms.¹⁷

¹³ Universal Rights Group, 'Universal Rights Group Geneva' (*universal-rights.org*, May 2016) <<https://www.universal-rights.org/the-glion-human-rights-dialogue/>> accessed 28 May 2023.

¹⁴ Universal Rights Group, 'Universal Rights Group Geneva' (*universal-rights.org*, May 2016) <<https://www.universal-rights.org/the-glion-human-rights-dialogue/>> accessed 28 May 2023.

¹⁵ Marc Limon, 'The Global Human Rights "implementation agenda" and the Genesis of NMIRFs', in Rachel Murray and Debra Long (eds) *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 199.

¹⁶ Universal Rights Group, 'Glion Human Rights Dialogue 2016. Human Rights implementation and compliance: turning international norms into local reality' (May 2016) <https://www.universal-rights.org/wp-content/uploads/2016/10/Glion_2016_page.pdf> accessed 28 May 2023.

¹⁷ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (4 May 2022) A/HRC/50/64.

The selection of Paraguay and Portugal represents different cultural, governmental, and geographical scenarios with a common framework to illustrate the sustained processes of domestic implementation of UN human rights recommendations. This thesis focuses on the two NMIRFs frameworks in order to establish the extent to which they comply with the internationally established criteria and how their usefulness is perceived by those working with it (see Chapter 4).

This thesis is divided into three sub-questions to unravel the scope of the topic and answer the research question:

- What has been the development of NMIRFs at the international level?
- What are the defining criteria for National Mechanisms for Implementation, Reporting, and Follow-up?
- To what extent NMIRFs in Paraguay and Portugal adopted the defining criteria, and what best practices can be learned?

The scope of this thesis limits to emphasise that NMIRFs provide a useful and effective framework for States (of Paraguay and Portugal) to work on the implementation, report, and follow-up of recommendations. Other topics as the tracking of reporting processes of both countries and effectiveness assessment based on concluding observations of the mechanisms are out of the scope of this thesis.

The first sub-question examines the NMIRFs development as a national framework for implementation, reporting, and follow-up recommendations. By looking at this sub-question, this thesis comprises the beginnings of NMIRFs, the role of the mechanisms in setting criteria, and further progress towards normative consolidation in Chapter 2. The second sub-question presents the conceptual notions about NMIRFs. By presenting the concept and characteristics of NMIRFs (on top of the NMIRF development of the first sub-question), the thesis aims to define the criteria for NMIRFs in Chapter 3. The third sub-question focuses on the NMIRFs frameworks of Paraguay and Portugal. By centering on the framework development of these two NMIRFs, this thesis seeks to establish the extent to which these NMIRFs comply with the criteria, how their usefulness is perceived by those working with them, and the NMIRFs' best practices in Chapter 4.

About the sources used for this thesis, it is worth noting that scholarly work has yet to reach the pace of the development of NMIRFs. The discussions at the international level merely started in 2016, which means that the topic still needs more literature. This issue also makes this thesis' topic essential and might contribute from an academic point of view. Furthermore, there is an increase in resolutions and reports from the UN, which might bring further scholarly contributions to the discussion. The sources used for the thesis comprise journal articles, resolutions, reports, NMIRFs documents of the States of Paraguay and Portugal, and official webpages.

In addition, there were six interviews conducted with experts involved directly and indirectly in the study and practice of NMIRFs. They represented sectors of academia, the UN, NHRIs, and the governments of Paraguay and Portugal (see Appendix 1). The interviews took place virtually and in person. Although certain interviews were recorded, a part of them were not upon request. In both instances, extensive notes were taken during the interviews. I provided a set of questions to the interviewees comprising their background experience with the study or practice related to NMIRFs, essential criteria for NMIRFs, and the role of UN human rights mechanisms in the matter. Likewise, the possibility of consolidating NMIRFs in a normative framework. For interviewees from Paraguay and Portugal, the questions also comprised topics on their domestic experiences regarding NMIRFs (see Appendix 2).

In summary, by focusing on the framework development of NMIRFs at the international level, the conceptual notions, and the NMIRFs in Paraguay and Portugal, this thesis addresses the essential criteria for NMIRFs. The criteria establish a standing inter-ministerial structure with a mandate based on engagement, coordination, information management, and consultation. Likewise, it comprises a systematic working method to retain institutional memory, a variety of institutions and staff, periodic capacity-building activities, and the use of IT tools.

On that basis, this thesis concludes that the NMIRFs frameworks of Paraguay and Portugal indicated functionality to work in the implementation, reporting, and follow-up of recommendations. Namely, the functionality for maintaining a standing mandate,



provides good governance, human rights mainstreaming, policy-making, reporting system, and civil service engagement and training.

2. DEVELOPMENT AT THE INTERNATIONAL LEVEL

This chapter examines the development of NMIRFs as a national framework for implementation, reporting, and follow-up recommendations. For that purpose, the chapter comprises the participation of the UN human rights mechanisms in this development process, namely, the HRC and the UN treaty bodies. First, it presents an overview of the work of the HRC with the council's landmark resolutions and initiatives. Furthermore, the chapter explores other initiatives derived from the HRC (the Pacific Principles and the Marrakech Declaration) that provide new approaches to 'codification' or 'standardisation' of NMIRFs. Second, the chapter discusses the lack of pronouncement of the UN treaty bodies on the establishment and use of NMIRFs by the States, as well as the incoming joint declaration proposal led by the Committee on Economic, Social, and Cultural Rights (CESCR). In summary, this chapter seeks to encompass the NMIRFs framework development, obtain essential elements for NMIRFs criteria, and glance at its continuing process towards normative consolidation.

2.1. Human Rights Council

Landmark resolutions

Although the concept of NMIRFs is not recent, the States and the UN dedicated a special focus on establishing and reinforcing these national mechanisms in recent years. The establishment of NMIRFs was a key recommendation of the UN High Commissioner for Human Rights report on treaty body strengthening in 2012 (A/66/860), paved the way for the UNGA Resolution 68/268 on 'Strengthening and enhancing the effective functioning of the human rights treaty body system'.¹⁸ This resolution recognises the need for improved coordination of reporting at the national level and the importance of exchanging best practices.¹⁹

¹⁸ United Nations General Assembly, 'United Nations reform: measures and proposals Note by the Secretary-General' (26 June 2012) A/66/860.

¹⁹ United Nations General Assembly Resolution 68/268, Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System (21 April 2014) A/RES/68/268.

In the framework of the 2020 UN treaty body review process provided in the UNGA Resolution 68/268, a report of the co-facilitators highlighted that the implementation of human rights recommendations would benefit from expanded, institutionalised follow-up at the national level, such as through the introduction or strengthening of NMIRFs.²⁰ The NMIRFs development at the HRC comprises four resolutions on these national mechanisms. In 2015, with UNGA Resolution 30/25, the HRC encouraged States to establish and strengthen national human rights follow-up systems and processes.²¹ In the present resolution, the experiences of NMIRFs were essential for States to engage and share good practices.

In 2017, the adoption of UNGA Resolution 36/29 committed its mandate to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993. The resolution underlined the contribution of NMIRFs to the implementation of the Sustainable Development Goals (SDGs).²² NMIRFs started to connect human rights with the SDGs to improve the implementation process.

However, the paradigm shift for NMIRFs arrived with the adoption of UNGA Resolution 42/30 in 2019. This resolution introduced the ‘part of implementation’ as one of the main pillars of such mechanisms and further encouraged States to establish NMIRFs.²³ Prior to that year, NMIRFs omitted to directly refer to implementation because it was already implicit in the concept of the national mechanism itself. The resolution focused NMIRFs criteria on the constructive role and contribution of all stakeholders in the implementation process. It enhanced the notion that States ought to integrate their obligations and commitments under international human rights law into their national legislation and public policies. The rationale behind the UN resolution was

²⁰ United Nations General Assembly Resolution 68/268, ‘Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System’ (21 April 2014) A/RES/68/268.

²¹ United Nations General Assembly Resolution 30/25, ‘Promoting international cooperation to support national human rights follow-up systems and processes’ (12 October 2015) A/RES/30/25.

²² United Nations General Assembly Resolution 36/29, ‘Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development’ (10 October 2017) A/RES/36/29.

²³ United Nations General Assembly Resolution 42/30, ‘Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up’ (8 October 2019) A/RES/42/30.

that the use of NMIRFs to frame State actions at the national level is effectively directed towards the promotion and protection of human rights.

Furthermore, the UNGA Resolution 42/30 requested the OHCHR to organise five regional consultations to exchange good practices on the establishment and development of NMIRFs, and their impact on the effective implementation of human rights recommendations.²⁴ The resolution requested the OHCHR to prepare a report with conclusions and recommendations made at those regional consultations to identify cooperation synergies between the HRC and the NMIRFs. The regional consultations would be in different regional hubs. Nevertheless, the coronavirus pandemic affected the plans, and the consultations were online. The report of the regional consultations included recommendations such as the support of peer-to-peer NMIRFs exchanges, the creation of a community of practice and a knowledge hub, the development of the digital infrastructure for NMIRFs, and UPR funding to achieve the recommendations.²⁵

In 2022, the HRC adopted the UNGA Resolution 51/33 to continuously promote international cooperation amongst NMIRFs. In that document, the HRC highlighted the technical assistance and capacity building provided by the OHCHR and the UNDP supporting NMIRFs. Moreover, the cited resolution requested the HRC to organise additional capacity building activities in 2023 and 2024 to facilitate sharing experiences amongst States to improve their NMIRFs. Likewise, the UNGA Resolution 51/33 called for the creation of a virtual knowledge hub to share promising practices and facilitate the creation of a digital community.²⁶ This was one of the main recommendations resulting from the OHCHR regional consultations on NMIRFs organised in 2021.

NMIRFs Group of Friends

²⁴ United Nations General Assembly Resolution 42/30, 'Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up' (8 October 2019) A/RES/42/30.

²⁵ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (4 May 2022) A/HRC/50/64.

²⁶ United Nations General Assembly Resolution 51/33, 'Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up' (22 October 2022) A/HRC/RES/51/33.

In 2016 the State of Portugal and a CSO called Universal Rights Group planned the creation of an initiative within the HRC: the NMIRFs Group of Friends. This initiative aims to promote the quantitative and qualitative development of NMIRFs.²⁷ The cited hub was created on the basis of the OHCHR's report on NMIRFs, the Glion III dialogue, and the available tools of multilateralism.²⁸ Portugal chairs the initiative. Nowadays, the Group of Friends includes the following States: Angola, Azerbaijan, Bahamas, Belgium, Botswana, Brazil, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Georgia, Haiti, Italy, Mexico, Morocco, Netherlands, North Macedonia, Paraguay, Portugal, Republic of Korea, Seychelles, Slovenia, Sweden, Thailand, Timor-Leste, Tunisia, and Uruguay.²⁹ In total, the NMIRFs Group of Friends has 28 UN states members.

The rationale of the Group of Friends is to provide a space for States to share experiences on the establishment and development of NMIRFs at the international level, e.g., HRC's sessions.³⁰ Usually, the State members of this group present joint statements on NMIRFs at the HRC's sessions and provide recommendations to other States about NMIRFs establishment and strengthening during the UPR reviews. As a result, the Group became the main engine for intergovernmental progress on the elaboration of universal norms for NMIRFs.³¹

In sum, the recognition of States to establish and strengthen national mechanisms is a step forward due to the inclusion of specific recommendations at the UPR.³² This is

²⁷ Marc Limon, 'The Global Human Rights "implementation agenda" and the Genesis of NMIRFs', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 203.

²⁸ The Danish Institute for Human Rights, 'Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up' (2021) 37.

²⁹ Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva, 'HRC 51 - General debate on Implementation, Reporting and Follow-up Statement on behalf of the Group of Friends of National Mechanisms on Implementation, Reporting and Follow-up' (nuoi.missaoportugal.mne.gov.pt, 29 September 2022) <<https://nuoi.missaoportugal.mne.gov.pt/en/statements/2022/hrc-51-general-debate-on-implementation,-reporting-and-follow-up>> accessed 24 June 2023.

³⁰ David Joseph Deutch, 'What are friends for?: 'Groups of Friends' and the UN system' (*universal-rights.org*, 31 March 2020) <<https://www.universal-rights.org/what-are-friends-for-groups-of-friends-and-the-un-system/>> accessed 20 June 2023.

³¹ Marc Limon, 'The Global Human Rights "implementation agenda" and the Genesis of NMIRFs', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 203.

³² United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (4 May 2022) A/HRC/50/64.

possible because of the advocacy of the Group of Friends at the HRC. Overall, this practice has been the most notorious practice that States do to support NMIRFs spreading in the international sphere.

52nd session

The HRC organises its inaugural session at the beginning of every year. This part is known as the ‘high-level segment’ (HLS), a space for representatives of States to share their concerns and priorities on human rights issues.³³ This year, the OHCHR organised a side event for the 2023 HLS to continue the discussions regarding the UNGA Resolution 51/33 on promoting international cooperation to support NMIRFs (see Section 2.1. Landmark resolutions) and the remarks during the Marrakech Declaration (see Section 2.1. Marrakech Declaration on NMIRFs). The organisation of the event was jointly co-organised with the Permanent Missions to the United Nations of Morocco, Paraguay, and Portugal. The event brought together various stakeholders to exchange views and propose actions towards the operationalisation of the creation of a virtual knowledge hub and an international network of NMIRFs.³⁴

During the session, several stakeholders took the floor to express their remarks. Cisse-Gouro from the OHCHR emphasised that initiatives in which State members share best practices and engage with human rights provide an added value to increase national capacity in favor of international obligations of States.³⁵ On behalf of Paraguay, Minister Arriola expressed that NMIRFs are the fruit of collective efforts and deep commitment to human rights.³⁶ Likewise, Minister Gomes Cravinho added that Portugal has 13 years

³³ ARC International, ‘High Level Segment (*arc-international.net*)’ <<http://arc-international.net/global-advocacy/human-rights-council/report-on-the-31st-session-of-the-human-rights-council/high-level-segment/>> accessed 9 July 2023.

³⁴ The Danish Institute for Human Rights, ‘The Institute shares lessons to inspire establishment of international network of National Mechanisms for Implementation, Reporting and Follow-up’ (*humanrights.dk*, 6 March 2023) <<https://www.humanrights.dk/news/institute-shares-lessons-inspire-establishment-international-network-national-mechanisms>> accessed 9 July 2023.

³⁵ Mahamane Cisse-Gouro, Director of Human Rights Council and Treaty Mechanisms Division OHCHR, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

³⁶ Julio César Arriola Ramírez, Minister of Foreign Affairs of Paraguay, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

of positive experience with the use of NMIRFs and that system fostered more effective inter-ministerial coordination on human rights issues.³⁷

The event also encompassed insightful discussions about the future of a normative framework of NMIRFs. Thygesen mentioned that the experiences of networks of NHRIs could be complementary formative to the future hub of NMIRFs, and would help shape its structure and mandate.³⁸ Meanwhile, Limon stressed that NMIRFs are the first concerted attempt to streamline, improve, and build systems to take recommendations and turn them into laws and policies at the national level.³⁹ Overall, the discussions on the event constituted a valuable gathering to reach future consensus on essential features for the establishment and use of NMIRFs.

53rd session

In June 2023, the OHCHR organised a one-day seminar to share experiences on NMIRFs during the 53rd session of the HRC.⁴⁰ The rationale for this event was to continue the discussions on the future of NMIRFs and to apply the UN Resolution 51/33 on promoting international cooperation to these national mechanisms (see Section 2.1. Landmark resolutions). The main objectives of this event were to provide feedback on the prospective hub for NMIRFs virtual hub and to identify key characteristics for effective NMIRFs institutional setting and mandate.⁴¹

The seminar divided into three sessions. The first session addressed the legal and institutional framework for NMIRFs. More specifically, the need for a budget, and a

³⁷ João Gomes Cravinho, Minister of Foreign Affairs of Portugal, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

³⁸ Mette Thygesen, Director of the Danish Institute for Human Rights, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

³⁹ Marc Limon, Director of Universal Rights Group, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

⁴⁰ United Nations Human Rights Office of the High Commissioner, ‘National Mechanisms for Implementation, Reporting and Follow-up’ (*ohchr.org*) <<https://www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow>> accessed on 23 June 2023.

⁴¹ United Nations Human Rights Council, ‘1st Meeting, Intersessional Seminar on National Mechanisms - Human Rights Council’ (*unweb.org*, 23 June 2023) <<https://media.un.org/en/asset/k17/k17onvzvzc>> accessed 23 June 2023.

secretariat to sustain the implementation work. As part of the sustainability process for NMIRFs, the session also focused on necessary leverage, including political one at the highest level, to fulfil the mandate. In addition, the agenda addressed the inclusion of stakeholders, e.g., participation of the parliament, judiciary, statistics offices, and local governments, as well as an institutionalised consultation with NHRIs and CSOs.

The second session focused on NMIRFs' mandate beyond the report drafting to UN human rights mechanisms and tracking the follow-up. NMIRFs should aim to advocate and coordinate within the implementation processes. As for the third session, pursuant to UNGA Resolution 51/33, the HRC requested the OHCHR to establish and maintain a virtual hub to enable NMIRFs to share promising practices and facilitate the creation of an online community of practice. The session presented the progress made in the implementation of the cited resolution through a live demo of the NMIRF platform hub as it currently stands.

Several stakeholders took the floor to express their remarks. The State of Portugal, on behalf of the Group of Friends of NMIRFs, said that domestic experiences show that NMIRFs contribute to better internal coordination within the administration for the reporting and implementation of recommendations.⁴² The representative of Portugal also encouraged all States to recommend for the creation or the strengthening of NMIRFs at the UPR. Usually, the State members of the Group of Friends of NMIRFs carry out this practice to expand the use of the national mechanisms by other States who still do not have them.

Cisse-Gouro from the OHCHR mentioned that NMIRFs are contributing to reducing the disconnection between standards and practices on the ground.⁴³ In addition, Ambassador Scappini expressed that although each State has different political structures, the NMIRFs are helpful frameworks to set dialogue about human rights

⁴² Mara Sousa, Diplomat of the Permanent Mission of Portugal to the United Nations, 'Statement delivered by Portugal, on behalf of the Group of Friends of National Mechanisms on Implementation, Reporting and Follow-up' (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁴³ Mahamane Cisse-Gouro, Director of Human Rights Council and Treaty Mechanisms Division OHCHR, 'Statement' (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

implementation.⁴⁴ Meanwhile, Limon argued that NMIRFs ought to be standing to preserve institutional memory, e.g., established by law or decree.⁴⁵ Likewise, Brás Gomes stated that NMIRF ought to have a strong legal and institutional basis with the broadest composition and representation as possible.⁴⁶ As a keynote, Kothari stressed that some NMIRFs criteria should be common.⁴⁷ Overall, the discussions on the cited side event constituted a valuable part of a series of gatherings to reach future consensus on essential features for the establishment and use of NMIRFs.

The findings and conclusions of the seminar will be published during the second one-day seminar at beginning of 2024. The second seminar will aim at addressing two topics. First, the coordination and consultation capacities of national mechanisms. Second, the linkage with other implementation and follow-up processes at the national level. The outcomes of both seminars will be compiled in the report of the High Commissioner to be presented to the HRC at its 57th session in September 2024.

2.2. Pacific Principles on NMIRFs

On 3 July 2020, the Pacific Principles of Practice of National Mechanisms for Implementation, Reporting, and Follow-up (Pacific Principles) were launched during a virtual side event at the 44th session of the HRC.⁴⁸ The Pacific Principles are the result of a group of UN member States in the Pacific coming together to agree on how to ensure better implementation (as well as tracking and measuring of progress) of their human rights and sustainable development commitments.⁴⁹

⁴⁴ Marcelo Scappini Ricciardi, Head of the Permanent Mission of Paraguay to the United Nations, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁴⁵ Marc Limon, Director of Universal Rights Group, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁴⁶ Virgínia Brás Gomes, former member of the Committee on Economic, Social, and Cultural Rights, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁴⁷ Miloon Kothari, former special rapporteur on the right to housing, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁴⁸ Pacific Community, ‘‘Pacific Principles of Practice’ launched as a guide towards global human rights implementation’ (*spc.int*, 15 July 2020) <<https://www.spc.int/updates/news/media-release/2020/07/pacific-principles-of-practice-launched-as-a-guide-towards>> accessed on 9 July 2023.

⁴⁹ Pacific Island States: Fiji, Federated States of Micronesia, Kiribati, Republic of Marshall Islands (RMI), Palau, Papua New Guinea, Samoa, and Vanuatu.

The Pacific Principles provide a framework for the establishment and development of NMIRFs. It seeks universal consensus and unity on the matter. Three broad principles encompass the cited document. First, there is no ‘one size fits all’ approach to NMIRFs.⁵⁰ Second, NMIRFs should be standing and established by the executive or legislative branches of the government.⁵¹ Third, NMIRFs should be ‘given a structure, mandate, and resources to effectively coordinate and track national implementation of human rights and other overlapping frameworks.’⁵² The cited principles encourage flexibility in response to the national context. At the same time, the principles identify roles, responsibilities, and characteristics essential for the effectiveness of any national mechanism.

As for the third broad principle, the cited document devised seven sub-clauses to address guidance for States to achieve the effective establishment and use of NMIRFs. Amongst the sub-clauses, there are essential elements on broad composition, an ideal mandate⁵³:

- ‘Reception, clustering, organisation, tracking and centrally managing all human rights recommendations.
- Centralised data collection and information management to continuously track progress and identify implementation gaps.
- Regular convening of all national implementing actors.
- Making all recommendations, past reports, and implementation status publicly available in primary national languages.
- Regular reporting to parliament.
- Public consultations on all draft reports and implementation plans.’

⁵⁰ The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020, principle 1.

⁵¹ The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020, principle 2.

⁵² The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020, principle 3.

⁵³ The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020, principle 3.

The following items of the principle three include the connection with SDGs, use of IT, working method, secretariat support, and resources.⁵⁴ Importantly, the Pacific Principles state that NMIRFs should pass from the *Ad hoc* approach.⁵⁵ In doing so, this setting avoids duplication or gaps, fosters efficiency, and facilitates an implementation-focused approach as opposed to an *Ad hoc* approach that can only seek to address the reporting burden.

According to Limon, the regional effort by a group of Pacific Island States marked ‘success factors’ or key characteristics of effective mechanisms that enable us to identify a best practice model NMIRF.⁵⁶ In contrast, Brás Gomes explained that setting principles or standards regarding NMIRFs could cause counter incentives for States at this early stage.⁵⁷ This view presents a picture where States who do not have these mechanisms could see NMIRFs establishment as far-fetched according to their possibilities. Lorion mentioned that setting standards might be a premature step right now because if rushed they might present a restrictive framework for the States and the right holders, as many actors in Geneva are still focused on international recommendations follow-up and not yet fully associate implementation and national dynamics with NMIRFs.⁵⁸

Meanwhile, Zipoli reflects that the Pacific Principles did not proceed with an encompassing consultation process amongst stakeholders, which might have mitigated the engagement of States of other regions.⁵⁹ Therefore, consultation processes should be of the broadest and most extensive approach, and also to focus on essential features that NMIRFs should include.

⁵⁴ The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020, principle 3.

⁵⁵ The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020

⁵⁶ Marc Limon, Director of Universal Rights Group, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁵⁷ Interview with Virgínia Brás Gomes, former Chair of the UN Committee on Economic, Social and Cultural Rights and former member of PNCHR (online, 6 July 2023)

⁵⁸ Interview with Sébastien Lorion, senior adviser of the Human Rights and Governance Programme at the Danish Institute for Human Rights (online, 28 June 2023)

⁵⁹ Interview with Domenico Zipoli, project coordinator of the Geneva Human Rights Platform at the Geneva Academy of International Humanitarian Law and Human Rights (online, 5 July 2023)

In summary, the discussions and analysis of norms for NMIRFs might still be at a growing stage. However, there is a crucial need to identify in a document the essential criteria for the establishment and use of NMIRFs after examining practices for years. Otherwise, there is no authoritative normative guide for States' implementation of recommendations. In that regard, Limon argues:

‘While it is important to exchange good practices and understand that realities of different States mean that different good practices may be more or less relevant in different contexts, there are nevertheless identifiable best practices that should form the basis of a common understanding of the necessary criteria to be recognisable NMIRF’.⁶⁰

2.3. Marrakech Declaration on NMIRFs

Conscious of the importance of NMIRFs as a good framework for implementation and follow-up of human rights recommendations, as highlighted on many occasions by the UNGA resolutions (see Section 2.1), several stakeholders organised an international seminar on NMIRFs in 2022 in Marrakech to further continue the conversations about NMIRFs' future.⁶¹ Amongst its attendees, there were officials from ministerial departments and NMIRFs, alongside human rights experts, as well as experts from the OHCHR, NHRIs, and CSOs. Essentially, the event gathered representatives from different regions of the world.⁶²

The seminar in Marrakech had amongst its objectives to further discuss three issues.⁶³ First, to exchange views on how NMIRFs demand greater focus to allow States to determine what is good practice. Second, to engage in what are the best and most useful means to report to international and regional bodies. Third, to continue the follow-up on

⁶⁰ Marc Limon, Director of Universal Rights Group, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

⁶¹ United Nations Human Rights Office of the High Commissioner, ‘National Mechanisms for Implementation, Reporting and Follow-up’ (*ohchr.org*) <<https://www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow>> accessed on 13 June 2023.

⁶² United Nations Human Rights Office of the High Commissioner, ‘National Mechanisms for Implementation, Reporting and Follow-up’ (*ohchr.org*) <<https://www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow>> accessed on 13 June 2023.

⁶³ The Danish Institute for Human Rights, ‘Report on the International Seminar on National Mechanisms for Implementation, Reporting and Follow-up in the field of Human Rights’ (2023) 21.

the recommendations made by the OHCHR regional consultations (see Section 2.1.). The four capacities for NMIRFs outlined by the OHCHR were reiterated during the seminar: engagement, coordination, consultation, and information management (see Section 3.3.).

The outcome of the event resulted in a declaration (the so-called ‘Marrakech Declaration’) whereby the States representatives of NMIRFs committed to promoting the establishment or strengthening of NMIRFs, and engage in a network of NMIRFs under the leadership of the State of Morocco.⁶⁴ More specifically, the Marrakech Declaration included between its various conclusions and recommendations to further encourage NMIRFs establishment and strengthening with a formal mandate.⁶⁵ The Marrakech Declaration called for the necessary political, technical, and financial for NMIRFs to fulfil its roles.⁶⁶ Furthermore, the Marrakech Declaration appealed to continue technical cooperation and hubs for NMIRFs. In sum, the Marrakech Declaration seeks to enhance the international network of NMIRFs beyond the efforts of the UN resolutions at the HRC, with the aim to institutionalise international cooperation, partnership, dialogue, and a community of exchange of experiences on NMIRFs.

2.4. Treaty bodies

The lack of participation of the treaty bodies in the discussions regarding NMIRFs is a pending issue towards strengthening their universalisation. NMIRFs are the central national frameworks that address what the treaty bodies adopt: the soft law recommendations. These recommendations derive from the concluding observations at the periodic reporting (see Section 1.1). Hence, one could argue that the treaty bodies are also amongst the beneficiaries of the establishment and use of NMIRFs.

The national mechanisms provide a framework to carry on with the implementation of the recommendations and the reporting to those treaty bodies. As part of the 2021 regional consultations report on NMIRFs, the OHCHR conducted a survey

⁶⁴ Marrakech Declaration on National Mechanisms for Implementation, Reporting and Follow-up 2022

⁶⁵ The Danish Institute for Human Rights, ‘Report on the International Seminar on National Mechanisms for Implementation, Reporting and Follow-up in the field of Human Rights’ (2023) 98.

⁶⁶ Marrakech Declaration on National Mechanisms for Implementation, Reporting and Follow-up 2022

to identify essential elements of the use and practices of these national mechanisms. The mentioned survey included a question on engagement with UN human rights mechanisms. As a result, 78% of NMIRFs interviewed expressed that they engage with the UPR of the HCR, 69% with all treaty bodies, and 56% with special procedures.⁶⁷ The cited figures demonstrate the synergies between the NMIRFs and treaty bodies. Thus, the pronouncement of treaty bodies on the matter could support NMIRFs.

The OHCHR is of the opinion that all UN human rights mechanisms should engage with NMIRFs. The report derived from the OHCHR regional consultations included a section of conclusions and recommendations on NMIRFs. In the part of the recommendations, the OHCHR emphasised that all UN human rights mechanisms should promote NMIRFs as ‘key human rights structures at the national level’ and adopt recommendations to establish or strengthen them.⁶⁸ Therefore, treaty bodies have a task to encourage the establishment and use of NMIRFs. Likewise, to examine NMIRFs performance in the reporting processes.

Committee on Economic, Social, and Cultural Rights

In February 2023, at the 73rd session of the Committee on Economic, Social, and Cultural Rights (CESCR), it was presented an initiative to work on a Joint Statement about the NMIRFs, and also to include other treaty bodies and UN human rights mechanisms for its consultation, discussion, and adoption.⁶⁹ This proposal aims to recognise the NMIRFs as a government-led good practice for compliance with international human rights recommendations and international human rights law, alongside other related benefits.⁷⁰ Additionally, this initiative aspires to promote the establishment of NMIRFs and the strengthening of existing ones, as well as to promote

⁶⁷ United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (4 May 2022) A/HRC/50/64.

⁶⁸ United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (4 May 2022) A/HRC/50/64.

⁶⁹ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

⁷⁰ United Nations Committee on Economic, Social and Cultural Rights, ‘Joint Statement proposal on National Mechanisms for Implementation, Reporting and Follow-up of International Human Rights Recommendations of the United Nations’ (2023).

transparency, accountability, and engagement in the implementation processes at national level.

In accordance with the International Covenant on Economic, Social and Cultural Rights (ICESCR), States should accommodate all available resources to progressively achieve the fulfillment of human rights, including the obligation of periodically reporting on the implementation of the recommendations delivered by the CESCR.⁷¹ Likewise, this obligation is recurrent throughout the treaty bodies. These provisions can provide a framework for States to continue to develop capacities and practices that will match human rights obligations.

The aim of the proposal is to elaborate the first statement where treaty bodies and other UN human rights mechanisms can subscribe the relevance of the establishment and use of NMIRFs. Until this date, only the HRC with its UPR has been advocating and enhancing the value of these national mechanisms (see. Section 2.1.). That situation leaves treaty bodies and special procedures with a pending discussion about the NMIRFs. Brás Gomes stated that the project of delivering a joint statement by treaty bodies with a strengthened approach to clarify these essential criteria for NMIRF will be more than welcomed to strengthen the use of NMIRFs.⁷² Hence, this joint statement project could seize the momentum that NMIRFs are encountering at the reporting, implementation, and follow-up processes.

The main objectives of the joint statement seek to recognise NMIRFs as good practices for compliance with obligations under international human rights law. It also looks to propose essential criteria on institutional set up, mandate, coordination, and consultation capacities for NMIRFs.⁷³ Likewise, the joint statement project aims to link NMIRFs in the development of public policies to ensure consistence with recommendations stemming from international and regional human rights mechanisms

⁷¹ International Covenant of Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 1976) ICESCR art 2.1 and 16.1.

⁷² Interview with Virginia Brás Gomes, former Chair of the UN Committee on Economic, Social and Cultural Rights and former member of PNCHR (online, 6 July 2023)

⁷³ United Nations Committee on Economic, Social and Cultural Rights, 'Joint Statement proposal on National Mechanisms for Implementation, Reporting and Follow-up of International Human Rights Recommendations of the United Nations' (2023)

and provide sustained collaboration with structures reporting on the implementation of SDGs.⁷⁴ States should establish procedures to monitor and evaluate the progress made in implementing human rights recommendations. With the establishment and use of NMIRFs, States would be promoting transparency, inclusivity, and the participation and engagement of all relevant stakeholders, including CSOs and NHRIs.

This document is still under construction leading up to the 74th session of the CESCR, during which it will be discussed.⁷⁵ After its approval within the CESCR, it will be open to interested signatories and will be notified upon official sharing after the 74th session of the Committee.

Recapping the development of NMIRFs, it is worth noting that the framework is relatively new to the UN and States' scheme of work. The OHCHR compiled the practices of States that established such national mechanisms to identify common elements of their functioning. In parallel, the HRC engaged in NMIRFs' common elements, adopting landmark resolutions and putting the topic on the international agenda. New perspectives for cooperation and universalisation of NMIRFs emerged from these initiatives. In doing so, certain thematic and regional groups discussed that essential elements NMIRFs have the potential to have a normative framework, which may be a reality in the long term.

According to the international community, it is worth noting that NMIRFs criteria should include the following:

- A standing structure with a mandate.
- A working system.
- A coordinating role.
- Human rights mainstreaming.
- Use of technology.
- Capacity building for officers.

⁷⁴ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

⁷⁵ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

Overall, the development of NMIRFs comprises a trajectory of good practices and the characterisation as a national framework of reference for States, which also will be covered in the next chapter as a closure to define the criteria.

3. NOTIONS ABOUT NMIRFS

This chapter addresses notions to define criteria for NMIRFs. The conceptual notions of this chapter, on top of previously discussed NMIRFs' development, determine the essential elements for the use and establishment of NMIRFs. The chapter presents concepts about implementation and compliance to understand its implications under the duties that encompass the mandate of NMIRFs. The central focus of this descriptive chapter examines the notions and characteristics of NMIRFs. The chapter explains NMIRFs' capacities, according to the OHCHR study and its practical guide, which are: engagement, coordination, information management, and consultation. Furthermore, the chapter delves into the categorisation of NMIRFs according to the OHCHR: *Ad hoc*, ministry-based, institutionally separate, and inter-ministerial. The chapter sets the defining criteria for NMIRFs to later discuss (in Chapter 4) the NMIRFs in Paraguay and Portugal.

3.1. Notions of compliance and implementation

The concepts of implementation and compliance are intertwined notions. The two are usually bouncing between legal and political dynamics at play. The scopes of implementation and compliance lead to identifying the factors that facilitate, promote, or impede effective governance within a certain State.⁷⁶ It is important to distinguish what each concept entails and which one to target first in order to achieve the second.

First, there is the concept of implementation. It focuses on the process of putting international obligations into practice.⁷⁷ Murray explains it as the 'process in which individual or collective measures are taken through legislation, judicial decision, administrative action, executive decree, or other steps, to give effect to an adverse decision or judgment'.⁷⁸ Implementation encompasses the 'how to' question and which

⁷⁶ Andreas von Staden, 'Implementation and Compliance', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 17.

⁷⁷ Kal Raustiala and Anne-Marie Slaughter, 'International Law, International Relations and Compliance', in Walter Carlsnaes, Thomas Risse and Beth A Simmons (eds), *Handbook of International Relations* (Sage 2002) 539.

⁷⁸ Andreas von Staden, 'Implementation and Compliance', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 17.

actors will carry out the actions needed. Focusing on implementation facilitates the assessment of measures adopted to fulfil norms, rules, or decisions. Therefore, implementation is the beginning (and ongoing) step for a State to comply with its human rights obligations.

International treaties expressly require the implementation of measures to give effect to its provisions. This may occur in a presently with the (types of) measures specified in the treaty or the choice of means may be left to the State party's discretion. Human rights treaties, for example, express obligations for State parties to harmonise their domestic law in line with the provisions in the treaty through law amendments or the passing of new ones. Indeed, some have defined implementation as essentially legal implementation, addressing the 'measures that states take to make international accords effective in their domestic law'.⁷⁹ Identifying and assessing States' course of action, stakeholders, and processes involved in the policy-making provide meaningful insights towards the observance of international obligations.⁸⁰

Second, there is the concept of compliance. It is understood as the extent of the conformity of behaviour or outcomes with what is required or prohibited, as the case might be, by a given obligation.⁸¹ Scholars have suggested that it would be advantageous to describe compliance as a process, rather than as an outcome, and that by using such a process-based understanding⁸². At the international human rights protection level, the UN system calls for 'States' compliance' with their obligations when identifying and monitoring violations of rights. States ought to grasp the issue and implement measures to secure compliance. Thus, compliance also encompasses a continuous process and cannot only be categorised as a result.

⁷⁹ Andreas von Staden, 'Implementation and Compliance', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 17.

⁸⁰ Andreas von Staden, 'Implementation and Compliance', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 17.

⁸¹ Andreas von Staden, 'Implementation and Compliance', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) citing Rachel Murray, 'Addressing the Implementation Crisis: Securing Reparation and Righting Wrongs' (2020) 12 *Journal of Human Rights Practice* 1 6.

⁸² Courtney Hillebrecht, 'Compliance: Actors, Context and Causal Processes', in Wayne Sandholtz and Christopher Whytock (eds), *Research Handbook on the Politics of International Law* (Edward Elgar Publishing 2017) 27 54.

At each implementation step, it can be asked whether the status achieved is sufficient for compliance, but the answer may vary in each framework. In other words, standards are broadly set by international organisations, e.g., UN resolutions, or interpreted specifically by its treaty bodies or other mechanisms, e.g., concluding observations of the UN treaty bodies after the review of a specific State member. Provisions require authoritative interpretation to further the sense and scope of the right. For instance, this process involves obligations that are vaguely worded or use indeterminate terms ('fair proceedings', 'reasonable time', 'adequate measures', 'progressive realisation', etc.), which requires interpretation before it is comprehensively understood, implemented, and fulfilled.⁸³

Implementation and compliance are connected concepts or even often taken as synonyms. All in all, implementation is the evidence that precedes compliance. In other words, implementation keeps track of the progress towards the culmination of an objective. As for the concept of compliance, it encompasses the conclusion of the implementation process and the achievement of a result.

3.2. NMIRFs concept and characteristics

From Annan's statement to encourage States to track progress initiatives to Pillay's emerging idea to establish a standing national reporting and coordination mechanism, NMIRFs conceptualisation originated within the international community (see Section 1.1). In doing so, the OHCHR reached a consensus on the following concept. Accordingly, NMIRFs are domestic entities or structures 'tasked with coordinating institutional actions for the follow-up and implementation of treaty obligations and recommendations emanating from international and regional human rights mechanisms.'⁸⁴

⁸³ Courtney Hillebrecht, 'Compliance: Actors, Context and Causal Processes', in Wayne Sandholtz and Christopher Whytock (eds), *Research Handbook on the Politics of International Law* (Edward Elgar Publishing 2017) 27-54.

⁸⁴ United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Practical Guide to effective State Engagement with International Human Rights Mechanisms' (May 2016) HR/PUB/16/1.

Zipoli refers to the concept by explaining that NMIRFs encompass a domestic coordination amongst a variety of State institutions and may include consultations with other relevant stakeholders, such as NHRIs, and CSOs.⁸⁵ Sarkin emphasises that NMIRFs contemplate ‘necessary key machineries for a successful national human rights protection system in States’, as well as they prove themselves to be useful in overcoming any impediments to the implementation of human rights issue due to its coordination and cohesion.⁸⁶ In accordance with these notions, NMIRFs comprise government-led structures, with a systematic, inter-institutional, and standard procedure to prepare State reports, implement, and follow-up UN human rights recommendations with a comprehensive participation of stakeholders.

NMIRFs are a new national framework for implementation and reporting due to the rationale that they embody a single mechanism and not a multiplicity of institutional groups that duplicates efforts for each UN human rights mechanism report.⁸⁷ For instance, as many national mechanisms as UN body reports are due.⁸⁸ After all, States have sovereignty to establish their political structure yet the wide-ranging use of NMIRFs allows them to be more assertive in the distribution of tasks for implementation.

NMIRFs set networks of focal points that are part of the process of State reports’ submissions and liaise with human rights mechanisms. NMIRFs set in motion this network of civil servants that periodically meet, collaborate, and provide input towards implementation actions with regard to human rights recommendations.⁸⁹ The work system includes the assessment and clustering of human rights recommendations that the State receives after the UN human rights mechanisms’ review. In the context of NMIRFs,

⁸⁵ Domenico Zipoli, ‘National Human Rights Strategies: The Role of National Human Rights Systems in the Implementation of International Human Rights Standards’ (2021) 18 Academy Briefing 6.

⁸⁶ Jeremy Sarkin, ‘The Role of National Human Rights Mechanisms for Reporting and Follow-Up (Nmrf): Understanding These New Global Domestic Processes Using the Cases of Georgia And Portugal As A Focus’ (2019) 113 Teisé 168, 175.

⁸⁷ United Nations General Assembly, ‘Strengthening United Nations Action in the field of Human Rights through the Promotion of International Cooperation and the Importance of Non-Selectivity, Impartiality and Objectivity Report of the Secretary-General to the UNGA’ (17 August 2017) A/72/351.

⁸⁸ The Commonwealth Secretariat, ‘Bridging the Human Rights Implementation Gap. A Commonwealth survey’ (August 2022) <https://www.thecommonwealth-library.org/index.php/comsec/catalog/view/1095/1094/9666> accessed 27 May 2023.

⁸⁹ Sébastien Lorion and Stephanie Lagoutte, ‘What are Governmental Human Rights Focal Points?’ (2021) *Netherlands Quarterly of Human Rights*, 39(2), 87 <<https://doi.org/10.1177/09240519211020627>> accessed 26 June 2014

domestic recommendations’ analysis encompasses human rights provisions, the targeted group or population, and intersectional topics surrounding it. In addition, the NMIRFs process seeks to identify the concerned institutions to operationalise each recommendation and supervise the follow-up process.

The intended network, and its work process, aim to guarantee the standing involvement of the State institutions at all levels and governmental designs. However, this setting can only be a strengthened mechanism with the input of other relevant domestic actors, namely, NHRIs and CSOs. These interactions can provide meaningful contrast towards human rights’ realisation at the national level, which tends to be overlooked by States during the implementation process.

3.3. Capacities

In 2016, the OHCHR conducted a series of consultations with States and other stakeholders to summarise NMIRFs practices across the regions. In their publication, the OHCHR identified four capacities that summarised NMIRFs’ functioning throughout the various categories of national mechanisms. The report encompassed the capacities of engagement, information management, coordination, and consultation.⁹⁰ In that regard, these four capacities include essential features for States when incorporating a framework and shaping it for building their own national mechanism for reporting to the UN human rights mechanisms. These four capacities address and enhance potential shortcomings that States may experience during the implementation and follow-up process.

However, the cited NMIRFs’ features and capacities present a framework that States opt for including in their government structure in the exercise of their sovereignty. In that regard, the international community has yet to set NMIRFs as guidelines for implementation and follow-up of recommendations. According to Limon, when the OHCHR framed NMIRFs’ concept and four capacities in 2016, it could have been an

⁹⁰ United Nations Office of the High Commissioner for Human Rights, ‘National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms’ (June 2016) HR/PUB/16/1/Add.1.

introductory standard-setting or universal principles⁹¹. At that time, the OHCHR opted not to position NMIRFs as such and present them as a mapping of practices. Therefore, the development of NMIRFs as norms is a continuous process at international fora (See Chapter 2).

Engagement

This capacity presents the feature to engage and liaise with international and regional human rights bodies.⁹² NMIRFs mainstream and enhance human rights at all governmental levels of States. That situation leads to intergovernmental understandings of implementation and follow-up, as well as boosting political ownership at the highest level. As Zipoli points out, solid and engaged NMIRFs function as a counterbalance of overlapping recommendations coming from different monitoring bodies.⁹³ With the engagement capacity, NMIRFs can channel government institutions' participation and dialogue with various stakeholders as an involved and encompassing network.

NMIRFs' position as an established national mechanism appointed by the government can pose a challenge for new States opting for the model. In other words, to sustain political-institutional commitment in continuity and stability. And in the face of successive changes in government administrations. For such cases, NMIRFs establishment ought to be enacted by law, decree, or any other legal regulation in the State. In addition, a strong institutional framework and a separation of powers are required to ensure the functionality of the State institutions and, subsequently, NMIRFs.

The engagement capacity reflects on the domestic measures taken by the State in the context of reporting, interactive dialogues, or facilitation of visits.⁹⁴ Likewise, the

⁹¹ Marc Limon, 'The Global Human Rights "implementation agenda" and the Genesis of NMIRFs', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 202.

⁹² Centre for Civil and Political Rights, 'A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar' (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

⁹³ Domenico Zipoli, 'National Human Rights Strategies: The Role of National Human Rights Systems in the Implementation of International Human Rights Standards' (2021) 18 Academy Briefing 6.

⁹⁴ United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms' (June 2016) HR/PUB/16/1/Add.1.

engagement capacity seeks to enhance institutional commitment and to respond to communications and follow-up questions and recommendations or decisions. Essentially, the engagement capacity focuses on the collaborative approach to create national ownership of implementation and follow-up.

Overall, the engagement capacity entails the organisation and facilitates the preparation of reports to international and regional human rights mechanisms and responses to communications and follow-up questions and recommendations/decisions received. NMIRF's collaborative feature aims to have an institutional capacity to facilitate the drafting of multiple periodic reports, including its annual planning, standardising reporting procedures and retaining key drafters within drafting committees.

Information management

This capacity aims to track the issuance of recommendations and decisions by the international and regional human rights mechanisms.⁹⁵ The information management capacity of NMIRFs deals with four key elements:⁹⁶

- Dissemination of recommendations.
- Analysis and clustering of recommendations.
- Development of follow-up plans.
- Documentation of progress.

These features encompass a human resources component (focal points or civil servants), and a system component (information technology 'IT' and organisational tools).

First, the process follows the adoption of the recommendations to share them with the concerned institutions taking part in the NMIRFs. This step encompasses a direct

⁹⁵ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/50/64) 4 May 2022.

⁹⁶ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/50/64) 4 May 2022.

communication channel amongst the institutional network and secures the organisation. Second, the analysis of recommendations clusters them by theme, category, affected groups, and the type of human rights violation (collective or individual). In addition, governments can benefit from the use of user-friendly databases (e.g., national databases or use of the UN human rights index) or on paper (compilation of recommendations).

As for the development of follow-up plans, the process requires periodic meetings and the use of human rights indicators to track the implementation.⁹⁷ NMIRFs' focal points need to build capacities to provide in-depth and detailed information. The State actions to operationalise the recommendations include not only laws and policies (structural indicators) but also the implementation steps (process indicators) and the results achieved for the beneficiaries (outcome indicators).⁹⁸ Overall, progress documentation is in each of the parts abovementioned. It manages all the data collection related to monitoring the implementation of recommendations, including the drafting of periodic reports.

For this working process to take place, States ought to preserve the institutional know-how. For instance, ensuring capacity building training periodically, thus being prepared for human resources mobility. According to the OHCHR, maintaining that role remains a constant challenge because of turnover among human rights focal points.⁹⁹ That situation is likely to occur when government administrations end the term and a new administration takes the lead. NMIRFs' functioning is secured by institutionalising practices and knowledge for recurrent staff (focal points).

The ideal mandate for NMIRFs includes a list of responsibilities such as receiving, clustering, planning, tracking, and centrally managing human rights recommendations, centralised collection of data and information management to track progress, and identify

⁹⁷ Domenico Zipoli, 'Working papers: The Emergence of Digital Human Rights Tracking Tools and Databases' (2023) The Geneva Human Rights Platform <<https://www.geneva-academy.ch/joomla-tools-files/docman-files/working-papers/The%20Emergence%20of%20Digital%20HR%20Tracking.pdf>> accessed 20 June 2023.

⁹⁸ Sébastien Lorion, *Defining Governmental Human Rights Focal Points: Practice, Guidance and Concept* (The Danish Institute for Human Rights 2021) 44.

⁹⁹ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/50/64) 4 May 2022.

implementation gaps.¹⁰⁰ Additionally, it could benefit from synergies with the sustainable development goals implementation and reporting; the use of information technology (IT) to facilitate the aims and functions of NMIRFs and to simplify reporting, secretariat support, and resources.¹⁰¹

The benefits of the information management capacity help in the evaluation, revision or development of legislation, public policies, plans, and programmes in accordance with the international human rights commitments made by the State. At the same time, it enhances transparency and accountability, which facilitates national dialogue within the government, academia, and CSOs. Ultimately, the information collected serves as input for national reports to be submitted to UN human rights mechanisms.

Coordination

The capacity for disseminating information, organising, and coordinating information gathering and data collection from government entities, but also other State actors such as the national statistics office, parliament, and the judiciary, for reporting and follow-up to recommendations.¹⁰² The coordination capacity is instrumental in ensuring that the recommendations from UN human rights mechanisms reach ministries and the different branches of the State. It seeks to overcome the fragmentation of competencies of executive actors, distribute tasks thoroughly to avoid duplication of activities, and maximise the use of resources.¹⁰³ The coordination, thus, encompasses the three branches of government, as well as across different levels of government, (e.g., municipalities) to mainstream the capacities and implementation process.

¹⁰⁰ Sébastien Lorion, *Defining Governmental Human Rights Focal Points: Practice, Guidance and Concept* (The Danish Institute for Human Rights 2021) 44.

¹⁰¹ United Nations General Assembly, ‘Strengthening United Nations Action in the field of Human Rights through the Promotion of International Cooperation and the Importance of Non-Selectivity, Impartiality and Objectivity Report of the Secretary-General to the UNGA’ (17 August 2017) A/72/351.

¹⁰² United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (A/HRC/50/64) 4 May 2022.

¹⁰³ Sébastien Lorion and Stéphanie Lagoutte, ‘Implementers or Facilitators of Implementation? Governmental Human Rights Focal Points’ Complex Role in Enhancing Human Rights Compliance at the National Level’, in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 127.

It becomes an asset with government entities because it allows for activities, such as developing a calendar and holding regular meetings with focal points from institutions.¹⁰⁴ In addition, NMIRFs can establish a mailing list and share information on a regular basis and ensure briefings by the head of the delegation after reviews by the UPR and treaty bodies, including the recommendations received.

The coordination capacity is instrumental in setting up and preparing the national delegations designated to take part in dialogues with treaty bodies and the UPR. In practice, most of the representatives and members of delegations during the UPR are part of the NMIRF.¹⁰⁵ The reporting process starts with a preparatory meeting of the NMRF to explain how the relevant human rights mechanism works and highlight the structure and content of the next report.

Subsequently, a template/table is sent to NMRFs members and focal points listing previous recommendations with the responsible ministries, with a request for information or draft periodic report, including word limits and deadlines for submission. This step-by-step procedural feature encompasses the coordination capacity.

Consultation

This capacity allows NMIRFs to encourage and lead consultations for reporting and follow-up with National Human Rights Institutions (NHRIs) and CSOs. This feature provides a space for consultation with all stakeholders with reporting deadlines in mind, as well as establishing a ‘window’ in the NMIRF responsible for consulting with the NHRIs and CSOs.¹⁰⁶ Thus, it creates partnerships amongst stakeholders.

This capacity aims for governments to consult with NHRIs in the preparation of States' reports on human rights mechanisms (e.g., sharing the draft report for comments).

¹⁰⁴ Sébastien Lorion, *Defining Governmental Human Rights Focal Points: Practice, Guidance and Concept* (The Danish Institute for Human Rights 2021) 44.

¹⁰⁵ United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (A/HRC/50/64) 4 May 2022.

¹⁰⁶ The Danish Institute for Human Rights, ‘Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up’ (2021) 27.

This step is commonly known as socialisation process in the reporting. NMIRFs may include NHRIs or CSOs representatives in their working process and meetings. This activity does not mean that NHRIs nor CSOs would compromise their mandates have or voting rights on a government decision. However, it facilitates a space for interaction so that CSOs' feedback and observations can be considered by the State.¹⁰⁷

Establishing CSOs' contact and network presents another asset that NMIRFs' consultation capacity provides. CSOs' participation in reporting processes is of the essence to enhance NMIRFs' outcomes. All in all, CSOs' attendance and input in NMIRFs' meetings give insights into implementation aspects in which States should improve.

The capacity of consultation promotes the participation and input of CSOs, which contribute to the transparency and accountability of States. At the same time, it commits to the functioning of a democratic State. NMIRFs' consultation capacity fosters good governance.

3.4. Categories

In 2016, the OHCHR divided NMIRFs' types into four categories. These were determined based on their location and degree of institutionalisation. E.g., from *Ad hoc* arrangements to fully institutionalised mechanisms.¹⁰⁸

The OHCHR report has shown that none of the *Ad hoc* mechanisms maintained an enduring network of focal points across ministries or departments for reporting and follow-up.¹⁰⁹ In contrast, most of the standing (i.e., ministerial, inter-ministerial or institutionally separate) mechanisms did. States that use *Ad hoc* mechanisms to prepare their reports typically face the same capacity constraints every time they constitute a new

¹⁰⁷ Cancillería Paraguay, 'SIMORE - Monitoring System on International Recommendations' (15 July 2015) <<https://www.youtube.com/watch?v=5R-spwu0YXc>> accessed 26 June 2023.

¹⁰⁸ United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms' (June 2016) HR/PUB/16/1/Add.1.

¹⁰⁹ Sébastien Lorion, *Defining Governmental Human Rights Focal Points: Practice, Guidance and Concept* (The Danish Institute for Human Rights 2021) 61.

drafting committee, as there is no accumulation of experience. They may also face challenges caused by a lack of coordination and weak institutional memory. Under the typology presented, only ministerial, institutionally separate, and inter-ministerial national mechanisms are standing.

Ad hoc

An *Ad hoc* NMIRF is created solely to complete a specific report and disbanded when it delivers it.¹¹⁰ *Ad hoc* mechanisms are established by a ministry or an inter-ministerial committee. It does not retain an enduring set of practices, such as an organisational substructure or a network after completing the report.

The temporary arrangement of this kind of NMIRF has no objective or mandate for the follow-up to recommendations from international human rights mechanisms. However, it may use standardised reporting and coordination practices for the determined report within its objective. According to Lorion and Lagoutte, permanence is a condition for the sustainable accumulation of expertise and other types of capacities: standing bodies can follow the whole cycle of monitoring, reporting, review, and follow-up and stand ready for future cycles without needing processes of creating temporary *Ad hoc* structures and assigning and training new focal points.¹¹¹

Implementation and reporting challenges are exacerbated when there is a long-time lag between the submission of a report and its consideration by a UN treaty body. If that were the case, States could find that certain or most of the drafters (public officers) are no longer part of the government in the same position at the time of the dialogue or the reports they prepared. This reduces the additional input these officers can collaborate or update for the State reports. In addition, it weakens institutional memory or know-how. As a result, the capacities of new public officers will need to be built up again.

¹¹⁰ Centre for Civil and Political Rights, 'A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar' (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

¹¹¹ Sébastien Lorion and Stéphanie Lagoutte, 'Implementers or Facilitators of Implementation? Governmental Human Rights Focal Points' Complex Role in Enhancing Human Rights Compliance at the National Level', in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 127.

Since most States parties submit their reports after the due date, it may be many years before their next report to a treaty body needs to be prepared and rebuild capacity will present itself again at that time.¹¹² To a lesser extent, the turnover of the officials also affects the capacity of States to respond to the views of the treaty bodies. Establishing standing NMIRFs makes less burdensome the preparation of reports and engagement with human rights mechanisms.

Ministry-based

A ministerial NMIRF comprises a single government ministry. It takes responsibility for engagement, coordination, report writing, and consultation. It is included amongst the standing mechanisms because it creates dedicated structures and practices that are subordinated to and maintained by a line ministry, even after the completion of a periodic report.¹¹³ NMIRFs under the ministerial category retain its institutional capacity, practices, network or knowledge for reporting and follow-up.

Ministerial NMIRFs usually rely on staffing, budget, and other resources of an office. However, it leaves an administrative burden when implementing and following up on multiple recommendations to the selected institution. In terms of bureaucratic tasks, the designated institution covers a wide range of human rights issues without other government offices' collaboration. The information management capacity is centralised and does not mainstream human rights recommendations within the domestic policies adopted by the ministries and offices.

As for the coordination capacity of NMIRFs, the ministerial type only organises its own work and does not include a collaborative system with other parts of government. Thus, the effectiveness of the ministry-based NMIRFs will depend on the degree of

¹¹² United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database' (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx> accessed 13 June 2023.

¹¹³ Centre for Civil and Political Rights, 'A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar' (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

political will within the selected institution to fulfil the mandates of implementation, reporting, and follow-up.

Institutionally separate

An institutionally separate NMIRF comprises one entity responsible for all the engagement, coordination, information management, and consultation functions. In other words, it has been created to implement and follow up on human rights recommendations. The institutionally separate NMIRFs encompass an organisational chart with various offices and programmes, which means it has an autonomous budget and staff for the NMIRF.¹¹⁴ It is the only type of NMIRF with administrative structure and resources that are autonomous and standing.

On a critical view, Fiorio explains that the institutionally separate NMIRFs may present a discontinuity risk for States regarding their institutional capacity, practices, and knowledge for reporting and follow-up.¹¹⁵ Likewise, the government will only have a centralised expert entity, which decreases the human rights mainstreaming, and know-how, subsequently, affecting implementation practices. Moreover, developing States may not be able to sustain and institutionally separate NMIRFs, compared to an inter-ministerial one. The administrative and financial costs could limit its performance and follow-up reach.

Inter-ministerial

Inter-ministerial NMIRFs are standing national mechanisms convened across two or more ministries and take responsibility for coordination and consultation functions.¹¹⁶ These types of NMIRFs are established through a formal legislative or executive

¹¹⁴ United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms' (June 2016) HR/PUB/16/1/Add.1.

¹¹⁵ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹¹⁶ United Nations Office of the High Commissioner for Human Rights, 'National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms' (June 2016) HR/PUB/16/1/Add.1.

mandate, for instance, law or decree. Inter-ministerial NMIRFs have a standing feature beyond completing a periodic report.

Unlike ministerial NMIRFs, Inter-ministerial ones do not subordinate to a single ministry. Inter-ministerial NMIRFs comprise a joint structure or network established or co-coordinated between two or more offices. Furthermore, inter-ministerial NMIRFs avoid leaving burden for a single institution when implementing and following up on recommendations. Inter-ministerial NMIRFs practice a collaborative approach to using existent administrative resources within the NMIRF institutions.

This NMIRF category comprises an executive secretariat or coordination, e.g., the Ministry of Justice, Human Rights or Foreign Affairs. Generally, it includes a regular action plan where a network of human rights focal points engages with the implementation and follow-up. Accordingly, it distributes the engagement capacity within all the other institutions that conform NMIRFs. Institutions are responsible for collecting input as State actions towards the implementation and follow-up of human rights mechanisms' recommendations. The appointed coordinating institution collects the information, convenes the work meetings, and compiles a first draft of reports.

The inter-ministerial feature aims to retain institutional memory, practices, network, and knowledge for reporting and follow-up. It ensures the continuity of the implementation mechanism and capacity building of a wide range of civil servants. These assets help to mainstream human rights and build reporting and coordination capacities across multiple ministries. Therefore, it tends to be less dependent on its effectiveness on the degree of political will within one office.

3.5. Criteria for NMIRFs

After considering the development of NMIRFs at the international level, this thesis comprised the evolutive process of these national mechanisms within the UN human rights mechanisms and derived initiatives that elucidate essential elements for its functioning and usefulness (see Chapter 2). Likewise, this thesis covered the conceptual notions regarding NMIRFs to settle the criteria that national mechanisms should have to

address the implementation, reporting, and follow-up of recommendations (jointly with the previous chapter). NMIRFs should encompass the four capacities framed by the OHCHR: engagement, coordination, information management, and consultation. Furthermore, for the rationale stated above (see Section 3.4. Inter-ministerial), this thesis sustains that the inter-ministerial category is the most suitable for NMIRFs and should be part of the criteria. All the following concepts and elements are included in the criteria.

In summary, this thesis has identified criteria that all NMIRFs should include within their national frameworks when addressing the implementation, reporting, and follow-up of recommendations.

All NMIRFs should have:

- Standing structure and mandate established by a statute or legislation.
- Operational secretariat or coordinator in charge of managing the national mechanism.
- Inter-ministerial NMIRF model to engage with and encompass the broader number of institutions from different branches of the government.
- Systematic working method to retain institutional memory.
- Periodic capacity building for the members of the NMIRF.
- Consultation processes with CSOs and NHRIs.
- IT tools or databases to track implementation processes, achieve sustainability of the processes, and guarantee transparency, and public access to the information.

As a next step, this thesis applies the criteria to the NMIRFs of Paraguay and Portugal. In doing so, this thesis aims to illustrate the level at which these national frameworks comply with the selected criteria to address soft law recommendations adopted by the UN human rights mechanisms. Likewise, to address how NMIRFs' usefulness is perceived by those working with it.

4. NMIRFS AT PRACTICE

This chapter reviews Paraguay and Portugal's NMIRFs frameworks and practices. In order to do so, the chapter provides some introductory remarks on the historical background of the States of Paraguay and Portugal, along with their respective international obligations undertaken through the ratification of international treaties. In addition, the international and domestic legal frameworks are included, as well as the previous context where both States did not include NMIRFs in their domestic implementation processes. The chapter focuses on the mandate, structure, and functioning of the Paraguayan NMIRF called 'Monitoring System for Human Rights Recommendations and Sustainable Development' (SIMORE Plus) and the Portuguese NMIRF called National Human Rights Committee (PNHRC). This chapter addresses if these national frameworks comply with the selected criteria to address soft law recommendations adopted by the UN human rights mechanisms and how NMIRFs' usefulness is perceived by those working with them.

Background information about the State of Paraguay

Paraguay has ratified the nine core UN human rights conventions and a number of other international instruments for the promotion and protection of human rights.¹¹⁷ After the end of the dictatorship and the return of democracy in 1989, the State of Paraguay undertook the responsibility of submitting itself to the various mechanisms for monitoring compliance that exist at both the International and Inter-American fora.¹¹⁸ With the signature and ratification of the abovementioned international conventions, the State of Paraguay assumed voluntarily, and in the use of its sovereignty, obligations in the framework of the international human rights law. Furthermore, the Republic of Paraguay consecrates the promotion, respect, and protection of human rights in its

¹¹⁷ United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database: ratification status for Paraguay' (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=135&Lang=SP> accessed 19 June 2023.

¹¹⁸ Ley N° 1/89 que Aprueba y Ratifica la Convención Americana sobre Derechos Humanos o Pacto San José de Costa Rica 1989; Ley N° 69/89 que Aprueba y Ratifica la Convención Contra la Tortura y Otros Tratos o Penas Cruelles, Inhumanos y Degradantes 1989

Constitution.¹¹⁹ Hence, these arrangements entailed the consequent possibility of resorting to their recommendations as guidelines in the standing and dynamic process of advancing towards the observance of human rights standards.

However, the State of Paraguay has also experienced difficulties common to other States regarding the follow-up and implementation of recommendations.¹²⁰ This is due to the great variety of international human rights instruments and mechanisms and the consequent growing number of obligations and recommendations emanating from them. The situation described ultimately affects the adequate and timely submission of reports to the different mechanisms.

In 2009, the Human Rights Network of the executive branch was created to articulate the government's policies, plans, and programmes for improving the promotion and protection of human rights in Paraguay. Initially the Ministry of Justice and Labour coordinated the network. However, it was later divided into justice affairs and labour separately.¹²¹ This change responded to the fact that the executive branch needed to expand its collaboration with other institutions and be the lead entity on specific public affairs. By becoming a ministry focused entirely in justice affairs, the cited institution created new offices to strengthen access to justice, the monitoring and implementation of human rights, and the public policies regarding the deprivation of liberty.

Although there were policy-related developments, such as the creation of this network and its action plan, the efforts of compliance were still at early stages.¹²² The 2010-2011's action plan of the cited network set out as one of its strategic objectives to elaborate a governmental diagnosis of the human rights situation in Paraguay.¹²³ In that regard, the Ministry of Justice, as the coordinating institution, started the process to draft

¹¹⁹ Constitución de la República del Paraguay 1992, preamble, art. 143, 145.

¹²⁰ United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database' (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx> accessed 13 June 2023

¹²¹ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹²² Decreto del Poder Ejecutivo N° 2290 que 'Crea e integra la Red de Derechos Humanos del Poder Ejecutivo' 2009

¹²³ Presidencia de la República y el Ministerio de Justicia y Trabajo. 'Plan de Acción 2010-2011 de la Red de Derechos Humanos del Poder Ejecutivo, Gobierno de la República del Paraguay' (January 2010) <<https://acnudh.org/load/2019/07/001-Plan-de-Acci%C3%B3n-Derechos-Humanos-2009.pdf>> accessed 19 June 2023.

and adopt the first National Human Rights Plan in Paraguay.¹²⁴ The drafting included the recommendations of UN treaty bodies, the UPR, and Special Rapporteurs to diagnose and contextualise the State actions to be taken for enhancing the human rights situation in Paraguay.¹²⁵ The State of Paraguay started slowly to monitor and implement human rights recommendations with a policy-related framework establishment. Yet, the capacities to perform these tasks were solely covered by the executive branch and did not encompass other branches of the Paraguayan government.

Despite all the above, the Paraguayan State's difficulty was mainly due insufficient capacity to monitor and implement recommendations. The government of Paraguay required an encompassing, organised, and systematic framework to visualise and apply them. The recommendations were not clustered and framed for inter-institutional coordination, which allowed the overlapping of the actions of the Paraguayan State.¹²⁶ Hence, it was not yet possible the capitalisation, orientation, and registration of these recommendations for the plans and public policies in Paraguay.

Background information about the State of Portugal

At the end of the dictatorship in 1974, the State of Portugal undertook the responsibility of submitting itself to the various mechanisms for monitoring compliance that exists at both the international and the European fora.¹²⁷ Specifically, Portugal has ratified eight out of the nine core UN human rights conventions for the promotion and protection of human rights.¹²⁸ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the remaining

¹²⁴ Naciones Unidas, 'Paraguay lanza Plan Nacional de Derechos Humanos apoyado por la ONU' (Noticias ONU, 23 December 2011) <<https://news.un.org/es/story/2011/12/1231551>> accessed 19 June 2023.

¹²⁵ Presidencia de la República Ministerio de Justicia y Trabajo. 'Plan Nacional de Derechos Humanos' (February 2013) <<https://www.ohchr.org/sites/default/files/Documents/Issues/Education/Training/actions-plans/Excerpts/Paraguay2013.pdf>> accessed 19 June 2023.

¹²⁶ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

¹²⁷ University of Minnesota Human Rights Library, 'Ratification of International Human Rights Treaties – Portugal' (hrlibrary.umn.edu) <<http://hrlibrary.umn.edu/research/ratification-portugal.html>> accessed 19 June 2023.

¹²⁸ United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database: ratification status for Portugal' ([ohchr.org](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=135&Lang=SP)) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=135&Lang=SP> accessed 19 June 2023.

convention at the UN human rights system yet to be signed and ratified by the country. All in all, the State of Portugal is a State member of most of the UN treaty bodies and is obliged to report its human rights implementation within the correspondent cycle of each treaty body monitoring procedure.

the State of Portugal assumed voluntarily, and in the exercise of its sovereignty, obligations in the international human rights law framework. Likewise, at the domestic level, the Portuguese Republic consecrates the promotion, respect, and protection of human rights in its Constitution.¹²⁹ Nevertheless, the State of Portugal has also experienced difficulties common to that of other States regarding the follow-up and implementation of recommendations.¹³⁰ This is due to the great variety of international human rights instruments and mechanisms, and the consequent growing number of obligations and recommendations emanating from them. Thus, the situation described above ultimately affects the adequate and timely submission of reports to the different mechanisms.

Prior to 2009, the State of Portugal did not encompass a national human rights mechanism. Notwithstanding the above, the mandates of the Ombudsperson and other public institutions complementarily addressed human rights-related issues. Hence, Portugal needed a domestic structure to entail a human rights action plan and the possibility of resorting to the UN recommendations as guidelines in the standing and dynamic process of advancing towards the observance of human rights standards.

4.1. Paraguay: Monitoring System for Human Rights Recommendations and Sustainable Development (SIMORE Plus)

Creation and mandate

The start of the Monitoring System for Human Rights Recommendations (SIMORE in Spanish) has its genesis closely linked to the process of the UPR in 2010-

¹²⁹ Constitution of the Portuguese Republic 1976, preamble, art. 7, 16.

¹³⁰ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

2011.¹³¹ During the preparation of the national report of Paraguay, with regards to the UPR's first cycle, it was possible to identify specific difficulties and weaknesses in the State's capacity to follow-up, implement, and report on UN human rights recommendations.¹³² This UPR national report marked the beginning of a process of constant evolution and growth that went through various stages until it matured into what we now call SIMORE Plus.

First, the process of drafting Paraguay's report for the UPR's first cycle of the Universal Periodic Review was in charge of an *Ad hoc* national drafting team from all branches of government and was carried out within the novel framework of the Human Rights Network of the executive branch.¹³³ The first UPR report carried out by Paraguay took a year of conversations, surveys, and data exchanges between officials from various public institutions, generating an overload of work and inefficiency in the use of time.¹³⁴ At the case of the first UPR report, Paraguay did not have a standing mechanism such as a NMIRF for the implementation and follow-up of the recommendations. Consequently, the exercise of collecting the data and drafting a report became a complex task for the government.

The State of Paraguay resorted to asking for technical cooperation to the OHCHR to comply with its international human rights commitments. That request led to the appointment of a Human Rights Advisor for Paraguay in 2010 to design a cooperation plan.¹³⁵ In 2011, a tool called 'Search Engine for Human Rights Recommendations' was launched for public use.¹³⁶ This tool provided online access to the recommendations received by Paraguay from the mechanisms of the international system for the protection

¹³¹ Cecilia Alemany and Paola Vaccotti, 'Experiencias de valoración de la cooperación Sur-Sur en el MERCOSUR: los casos del Paraguay y el Uruguay' (Documentos de Proyectos (LC/TS.2021/76) Comisión Económica para América Latina y el Caribe CEPAL 2021) 25.

¹³² Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹³³ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹³⁴ Cecilia Alemany and Paola Vaccotti, 'Experiencias de valoración de la cooperación Sur-Sur en el MERCOSUR: los casos del Paraguay y el Uruguay' (Documentos de Proyectos (LC/TS.2021/76) Comisión Económica para América Latina y el Caribe CEPAL 2021) 25.

¹³⁵ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹³⁶ Naciones Unidas Derechos Humanos – Paraguay. 'Sistema de Monitoreo de Recomendaciones (SIMORE). Experiencia Paraguaya' (June 2014) 15.

of human rights. It organised and systematised recommendations, which allowed them to be grouped and visualised through search filters according to criteria such as year, mechanism, population, and theme, or search by words, facilitating their implementation by government institutions.

Although the webpage was rather simple, it comprised the first database of Paraguay for human rights recommendations. Based on this search engine, the need was identified to move forward in a second stage to develop an inter-institutional mechanism to monitor compliance with human rights obligations and commitments. The search engine could improve by uploading information on the progress of the national institutions in charge of the follow-up and its persistent challenges through a more encompassing and user-friendly platform.

To that end, the OHCHR Human Rights Adviser for Paraguay collaborated with the Paraguayan State through a project for the follow-up of international human rights recommendations to Paraguay. This project was developed with the voluntary fund for technical and financial assistance in the implementation of the Universal Periodic Review (UPR Funds) to assist countries at implementing the UPR recommendations, subject to country interest and application to the funds.¹³⁷ In 2013, the project was approved and fostered the creation of an inter-institutional mechanism to monitor and follow-up on the implementation of international recommendations made to Paraguay in the human rights field. As a result, in 2014 an online platform called System for Monitoring Recommendations (SIMORE) was launched.

A year later, the Ministry of Foreign Affairs submitted a project to the executive branch cabinet of the Paraguayan government to consolidate SIMORE's continuity. By Decree N° 4368 of 9 November 2015, SIMORE was established as a mechanism for implementation and follow-up of the State actions related to the recommendation of international human rights bodies.¹³⁸ SIMORE started its work as an inter-institutional

¹³⁷ Naciones Unidas Derechos Humanos – Paraguay. 'Sistema de Monitoreo de Recomendaciones (SIMORE). Experiencia Paraguaya' (June 2014) 16.

¹³⁸ Decreto del Poder Ejecutivo N° 4368 que 'Establece el Sistema de Monitoreo de Recomendaciones (SIMORE) como medio informático en el cual constarán las acciones del Estado relacionadas al

mechanism that facilitates the systematisation of human rights recommendations made to Paraguay by the different human rights bodies and special procedures of the United Nations and the Organisation of American States (OAS).¹³⁹ For instance, the use of SIMORE allowed a swift reporting process for the UPR second cycle, because the preparation of the national report took around only four months of work, as opposed to previous processes taking up to more than one year.¹⁴⁰

SIMORE's upgrading to its Plus version was possible through technical cooperation provided by the OHCHR Regional Office for South America and the United Nations Development Programme (UNDP) in Paraguay. The SIMORE coordination, exercised by the Ministries of Foreign Affairs and Justice, took advantage of the platform and capacities installed in the SIMORE Focal Points Network to expand it to the Sustainable Development Goals (SDGs). From that point onwards, SIMORE incorporated the SDGs goals and indicators to enhance the monitoring and implementation efforts.¹⁴¹ The new version, SIMORE Plus, also included the participation of the CSOs under the name of CSO Plus at the platform and network consisting of consultation and feedback.¹⁴²

In sum, SIMORE Plus further enhanced the tool and networks' capabilities as a mechanism for implementation through public policy design, planning, and evaluation.¹⁴³ The Plus version of SIMORE allowed a connection of human rights topics, SDGs, and collaborative participation of CSOs, which strengthened the tracking progress and implementation of the recommendations.

cumplimiento e implementación de las sugerencias formuladas al Paraguay por los diferentes mecanismos internacionales de protección de los Derechos Humanos' 2015

¹³⁹ Comisión Interamericana de Derechos Humanos, 'Guía de Buenas Prácticas y Orientaciones Básicas para la Implementación de Decisiones de la Comisión Interamericana de Derechos Humanos' (Serie Transformaciones 01 2021) 52.

¹⁴⁰ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁴¹ Ministerio de Relaciones Exteriores, 'SIMORE Plus' (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023.

¹⁴² Domenico Zipoli, 'Working papers: The Emergence of Digital Human Rights Tracking Tools and Databases' (2023) The Geneva Human Rights Platform <<https://www.geneva-academy.ch/joomlafiles/docman-files/working-papers/The%20Emergence%20of%20Digital%20HR%20Tracking.pdf>> accessed 20 June 2023.

¹⁴³ Cecilia Alemany and Paola Vaccotti, 'Experiencias de valoración de la cooperación Sur-Sur en el MERCOSUR: los casos del Paraguay y el Uruguay' (Documentos de Proyectos (LC/TS.2021/76) Comisión Económica para América Latina y el Caribe CEPAL 2021) 25.

Structure

SIMORE Plus has two features: the human component and the IT component. The first has a network of public officers acting as focal points appointed by their institutions. The second is a tracking database that gathers public data on State actions regarding the recommendations from the UPR, UN treaty bodies and special procedures, as well as the Inter-American Court of Human Rights judgements (IACtHR). These two features combine the necessary parts put into practice the monitoring, implementation, and follow-up of human rights recommendations.

As for the human component of this NMIRF, SIMORE Plus operates through a network of 180 focal points within 80 public institutions¹⁴⁴ of the executive, judiciary, and legislative branches. In the case of the legislative branch, it is divided into a Senate chamber and a chamber of Representatives, which means that they have two offices for the implementation of human rights recommendations. For instance, they have two technical Human Rights or SIMORE Plus offices at the National Congress. These offices have the highest follow-up rates per recommendation.¹⁴⁵ SIMORE Plus also includes other offices that do not belong to the three cited branches of the government and have an extra-branch category.¹⁴⁶ All in all, the membership status at the NMIRF in Paraguay allows the State institutions to participate and report their actions and challenges about the implementation of human rights recommendations at the SIMORE Plus platform.

The focal points of the SIMORE Plus network are public officers appointed by their respective institutions.¹⁴⁷ They are technical officers in human rights, legal affairs, public policies, planning, and development, amongst others. According to Ruíz Díaz, focal points' daily tasks consist of uploading information regarding the implementation and follow-up of recommendations or requesting complementary information from other

¹⁴⁴ The Danish Institute for Human Rights, 'Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up' (2021) 20.

¹⁴⁵ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹⁴⁶ Extra branch offices: the Prosecutor's Office, the Attorney's General Office, and the Ministry of Public Defence are amongst the extra branch institutions.

¹⁴⁷ Decreto del Poder Ejecutivo N° 4368 que 'Establece el Sistema de Monitoreo de Recomendaciones (SIMORE) como medio informático en el cual constarán las acciones del Estado relacionadas al cumplimiento e implementación de las sugerencias formuladas al Paraguay por los diferentes mecanismos internacionales de protección de los Derechos Humanos' 2015

offices of their institutions.¹⁴⁸ In summary, the focal points of the SIMORE Plus represent their institutions as essential members of the NMIRF at work meetings, capacity building activities, interactive dialogue processes, and report drafting processes.

SIMORE Plus also has members with consultation status. In that regard, this NMIRF encompasses the participation of the National Mechanism against Torture and the Ombudsperson Office (NHRIs), which allows them to comment and make observations on the follow-up of recommendations. In the case of CSOs, approximately 80 CSOs representatives participate in the SIMORE Plus platform, which makes them also part of the consultation process on the follow-up of recommendations and the socialisation process in the national reporting cycles to the UN human rights mechanisms.¹⁴⁹ The consultation feature for the CSOs consist of the accreditation as part of SIMORE Plus network and provide comments for the Paraguayan State's improvement on the follow-up of recommendations at the platform or meetings.

With regards to the IT feature of SIMORE Plus, it comprises a system located in the server of the Ministry of Foreign Affairs, which is maintained periodically by the IT specialists of the cited institution, and is accessible through its webpage.¹⁵⁰ The SIMORE Plus platform is administered jointly by the Ministry of Foreign Affairs and the Minister of Justice.¹⁵¹ Each member of SIMORE Plus has one institutional IT user for their access to the platform, according to its appointment at the Focal Points Network (see section 4.1. par. 3). All in all, the focal points are responsible for bringing recommendations and reporting processes to the attention of its respective institution to start or engage with the implementation and follow-up processes.

The SIMORE Plus platform is a catalogued IT human rights tracking tool and database.¹⁵² NMIRFs with IT further enhance the coordination of institutional networks

¹⁴⁸ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹⁴⁹ Ministerio de Relaciones Exteriores, 'SIMORE Plus' (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023.

¹⁵⁰ Ministerio de Relaciones Exteriores, 'SIMORE Plus' (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023.

¹⁵¹ Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

¹⁵² Domenico Zipoli, 'Working papers: The Emergence of Digital Human Rights Tracking Tools and Databases' (2023) The Geneva Human Rights Platform <<https://www.geneva-academy.ch/joomlatools->

and systematise the input collection. According to Fiorio, NMIRFs working within systems of mailing listing and meetings are functional.¹⁵³ However, NMIRFs such as SIMORE Plus could benefit from IT features to establish swift processes of implementation, transparency, and accountability for the fulfilment of the recommendations.¹⁵⁴

NMIRFs with digital human rights tracking tools and databases facilitate a working method for public officers. It encompasses the systematization and prioritisation of the international human rights recommendations made to the State by different human rights bodies and mechanisms. For instance, in the Paraguayan case, SIMORE Plus grants access to updated public information on the actions and statistics linked to the follow-up and implementation of these recommendations, as well as the remaining challenges to full compliance.

Functioning

The SIMORE Plus working system includes on-site activities for the Focal Points Network and periodic reporting through the platform. The first type comprises ordinary and extraordinary meetings. The ordinary meetings set annual plans, meeting schedules, continuous updating and capacity building to the Focal Points.¹⁵⁵ The regular meetings ought to be carried out every three months according to SIMORE Plus' regulations and guidelines.¹⁵⁶

As for the extraordinary meetings, the Focal Points are called to them each time the State is informed of new recommendations by the UN human rights mechanisms. Furthermore, these meetings also are carried out with to initiate the elaboration of periodic

files/docman-files/working-papers/The%20Emergence%20of%20Digital%20HR%20Tracking.pdf>
accessed 20 June 2023.

¹⁵³ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁵⁴ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁵⁵ Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

¹⁵⁶ The Danish Institute for Human Rights, 'Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up' (2021) 33.

national reports on human rights.¹⁵⁷ Extraordinary meetings occur every time a report draft is finalised and to be socialised with NHRIs and CSOs.

SIMORE Plus has a process to cluster and systematise the recommendations of the UN human rights mechanisms to facilitate periodic reporting through the platform. The inter-institutional work comprises roundtables convened by the SIMORE Plus coordination acting as an operational secretariat.¹⁵⁸ The roundtables correspond to thematic elements¹⁵⁹, as well as a catalogue of groups¹⁶⁰ and the SDGs connection. A recommendation can be linked to more than one institution in the understanding that intersectionality makes part of an encompassing view of human rights. Additionally, the multiple contributions of the various institutions enrich the reach of information and activities reported. After the roundtable process is conducted using the themes, groups, SDG, and concerned institutions, the recommendations are uploaded to the platform and awaiting to be reported.¹⁶¹

As for the reporting process, each focal point has an IT institutional user with access to the SIMORE Plus platform. The recommendations that apply to their institution are displayed to upload information on the implementation and follow-up of the recommendations. When focal points enter the recommendations section, they click on the option of creating a follow-up report of up to 700 characters in chart one of the programme.¹⁶² Moreover, a second chart is available to detail the persistent challenges for the implementation, as well as the inclusion of public policies, indicators, statistics, or other relevant information.

¹⁵⁷ Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

¹⁵⁸ Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

¹⁵⁹ E.g.: institutional strengthening, access to justice, amongst other fifty options available at Ministerio de Relaciones Exteriores, 'SIMORE Plus' (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023

¹⁶⁰ Groups: persons in situation of poverty, children and adolescents, women, indigenous peoples/afro-descendants/migrants, persons deprived of liberty, elderly persons, persons with disabilities, and the LGBTI+ community.

¹⁶¹ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹⁶² Ministerio de Relaciones Exteriores, 'SIMORE Plus' (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023

After the report is ready, the focal point submits the report draft for verification to the SIMORE Plus coordination. This coordination approves the report when it fulfils the technical criteria of completeness and accuracy. The approval is called validation process.¹⁶³ At this stage, the focal point requires the national authority of the institution to sign and validate the report. When the focal point resends the tracking sheet with the validation signature, the coordination changes the pending status of the follow-up report for publication.¹⁶⁴

The follow up of recommendations can be traced on the SIMORE Plus platform. This tool includes the statistics of follow-up per year, mechanism, SDGs, groups, themes, and institutions.¹⁶⁵ In that regard, the Paraguayan government can monitor in real time the implementation progress and apply indicators to measure impact.¹⁶⁶ Furthermore, the follow-up at SIMORE Plus provides input to develop actions plans. For instance, the National Secretariat for the Human Rights of Persons with Disabilities developed the 2015-2030 action plan for the institution.¹⁶⁷ All in all, the SIMORE Plus platform is a practical and user-friendly tool to work with the recommendations that the Paraguayan State receives from the UN system.

Technical cooperation programme

¹⁶³ Interview with Luján Ruíz, SIMORE Plus coordinator, Ministry of Justice (online, 26 June 2023)

¹⁶⁴ Ministerio de Relaciones Exteriores, ‘SIMORE Plus’ (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023

¹⁶⁵ Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

¹⁶⁶ Marc Limon, ‘The Global Human Rights “implementation agenda” and the Genesis of NMIRFs’, in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 196.

¹⁶⁷ Secretaria Nacional por los Derechos Humanos de las Personas con Discapacidad and Naciones Unidas Derechos Humanos-Paraguay, ‘Plan de Acción Nacional por los Derechos de las Personas con Discapacidad 2015-2030’ (March 2016) <<https://acnudh.org/load/2019/07/047-Plan-de-Acci%C3%B3n-Nacional-DPCD.pdf>> accessed 12 July 2023.

The development of the network and the platform of SIMORE Plus has been a model of study and application of the OHCHR¹⁶⁸, the OAS¹⁶⁹, scholars¹⁷⁰, and national institutions of other countries.¹⁷¹ Based on the SIMORE experience, Paraguay was presented as an example country at the 28th session of the HRC in 2015.¹⁷² From that point onwards, the State of Paraguay emphasised in its debates the usefulness of NMIRFs at the HRC, promoting the approval, in 2015, 2017, 2019 and 2022, of resolutions aimed at promoting international cooperation in this area (see chapter 3).¹⁷³

In October 2015, based on the outcome of the membership of Paraguay at the HRC, a team of the Human Rights Office and the IT Office of the Ministry of Foreign Affairs began to design a scheme to establish an international cooperation programme.¹⁷⁴ The basis for transferring SIMORE to other States was analysed at the technical level. A month later, at the highest decision-making level, the Decree N° 4368 of the executive branch of the government authorised an international cooperation programme for SIMORE.¹⁷⁵

The SIMORE Paraguay Technical Cooperation Programme was implemented in several countries in the Americas as one of the main offers of the State of Paraguay in terms of international cooperation and knowledge sharing. According to Alemany and

¹⁶⁸ United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (A/HRC/50/64) 4 May 2022.

¹⁶⁹ Comisión Interamericana de Derechos Humanos, ‘Guía de Buenas Prácticas y Orientaciones Básicas para la Implementación de Decisiones de la Comisión Interamericana de Derechos Humanos’ (Serie Transformaciones 01, 2021) 52.

¹⁷⁰ Marc Limon, ‘The Global Human Rights “implementation agenda” and the Genesis of NMIRFs’, in Rachel Murray and Debra Long (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022) 197.

¹⁷¹ The Danish Institute for Human Rights, ‘Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up’ (2021) 27.

¹⁷² Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁷³ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁷⁴ Juan Miguel González Bibolini, ‘Programa SIMORE, primera experiencia de CSS en Derechos Humanos en Paraguay’ (2019) *Revista de la Academia Diplomática y Consular Carlos Antonio López* N° 9 115.

¹⁷⁵ Decreto del Poder Ejecutivo N° 4368 que ‘Establece el Sistema de Monitoreo de Recomendaciones (SIMORE) como medio informático en el cual constarán las acciones del Estado relacionadas al cumplimiento e implementación de las sugerencias formuladas al Paraguay por los diferentes mecanismos internacionales de protección de los Derechos Humanos’ 2015

Vaccotti, this programme is perceived as a successful case that places the State of Paraguay as a provider of international cooperation at the multilateral fora.¹⁷⁶ Currently, the SIMORE Paraguay Technical Cooperation Programme has implemented the NMIRF model with the SIMORE-style in Uruguay, Chile, Honduras, Dominican Republic, Guatemala, Argentina, Costa Rica and with the Inter-American Commission on Human Rights (IACHR).¹⁷⁷ By the end of 2023, it is planned to be implemented in Brazil¹⁷⁸ and El Salvador.¹⁷⁹ Overall, the SIMORE Paraguay Technical Cooperation Programme is based on the basic principles of solidarity, complementarity, equality, respect, and non-conditionality.¹⁸⁰

4.2. Portugal: National Human Rights Committee (PNHRC)

Creation and mandate

The Portuguese government decided to innovate its national human rights framework for the recommendations implementation after Portugal presented their UPR report in 2009.¹⁸¹ This commitment reflected its willingness to improve its fulfilment of international obligations in the human rights sphere. In that regard, Portugal designed a domestic framework to improve the application of human rights consistently and provide all inhabitants with the full exercise of rights enshrined in the international and regional instruments, as well as its national provisions.

¹⁷⁶ Cecilia Alemany and Paola Vaccotti, ‘Experiencias de valoración de la cooperación Sur-Sur en el MERCOSUR: los casos del Paraguay y el Uruguay’ (Documentos de Proyectos (LC/TS.2021/76) Comisión Económica para América Latina y el Caribe CEPAL 2021) 28.

¹⁷⁷ Domenico Zipoli, ‘National Human Rights Strategies: The Role of National Human Rights Systems in the Implementation of International Human Rights Standards’ (2021) 18 Academy Briefing 6.

¹⁷⁸ Ministerio de Relaciones Exteriores, ‘Paraguay brindará asistencia al Brasil para implementar el sistema de seguimiento a recomendaciones internacionales en materia de derechos humanos’ (*mre.gov.py* 29 September 2022) <<https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/paraguay-brindara-asistencia-al-brasil-para-implementar-el-sistema-de-seguimiento-recomendaciones-internacionales-en-materia-de>> accessed 20 June 2023.

¹⁷⁹ Ministerio de Relaciones Exteriores, ‘Cancillería comparte experiencias con El Salvador sobre el Sistema de Monitoreo de Recomendaciones Internacionales’ (*mre.gov.py* 6 December 2022) <<https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/cancilleria-comparte-experiencias-con-el-salvador-sobre-el-sistema-de-monitoreo-de-recomendaciones-internacionales>> accessed 20 June 2023.

¹⁸⁰ Interview with Santiago Fiorio, former SIMORE Plus officer and current UN independent expert, Committee on Economic, Social and Cultural Rights (online, 12 June 2023)

¹⁸¹ Portuguese National Human Rights Committee Ministry of Foreign Affairs, ‘The PNHRC background’ (*direitoshumanos.mne.gov.pt*) <<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

In 2010, the State of Portugal created the National Commission for Human Rights (PNCHR).¹⁸² This entity is an inter-ministerial coordination body which aims to implement an integrated approach to human rights within its institutions.¹⁸³ In addition, it expands the communication and joint work with NHRIs and CSOs. PNCHR aims to promote the dissemination and knowledge of human rights in the national territory. This feature regarding socialisation and consultation aims to work cooperatively with public and private bodies in the promotion of a culture based on respect for human rights.

Within its mandate, the PNCHR coordinates the various ministries of the Portuguese government and the human rights mainstreaming, intending to define the national position in international bodies in the area of human rights and the State's compliance with the obligations arising from international instruments in that area.¹⁸⁴ It monitors the follow-up of UN human rights mechanisms recommendations and proposes the adoption of domestic measures, legislative or administrative, for the Portuguese State to comply with its international human rights obligations.¹⁸⁵ The PNCHR is entitled to propose that the Portuguese State signs or ratifies pending international human rights instruments.¹⁸⁶

Likewise, it promotes the production and dissemination of documentation of information on the State's actions in the human rights field as good practice nationally and internationally.¹⁸⁷ The Resolution N° 27/2010 standardises the process of implementation of human rights recommendations on the ground. Furthermore, the PNCHR coordinates the reporting and timely presentation of reports on the application of human rights in Portugal, arising from international obligations assumed by the

¹⁸² Resolução do Conselho de Ministros n.º 27/2010

¹⁸³ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

¹⁸⁴ Portuguese National Human Rights Committee Ministry of Foreign Affairs, 'The PNCHR mandate' (*direitoshumanos.mne.gov.pt*) <<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

¹⁸⁵ Resolução do Conselho de Ministros n.º 27/2010

¹⁸⁶ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

¹⁸⁷ Centre for Civil and Political Rights, 'A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar' (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

Portuguese State.¹⁸⁸ By doing so, the reporting process would be connected to the implementation exercise and the standing building of capacities of the civil servants in charge of fulfilling human rights-related mandates.

Structure

The PNCHR relies on its Resolution N° 27/2010 for the substantive and procedural elements of this NMIRF (for this last item see Section 4.2. functioning). On the substantive issues, the resolution appointed the institutions who became members of the NMIRF.¹⁸⁹ Namely, the initial structure of the PNCHR for full membership included representatives from the line ministries of the executive branch.¹⁹⁰ After some years of its initial establishment, the PNCHR incorporated the Secretary of State for the Citizenship and Equality and the National Institute for Statistics. It also included the Supreme Court of Justice, the Office of Documentation and Compared Law, and the Ombudsperson. All the cited institutions have observer status with standing invitations to meetings.¹⁹¹ In the case of the *Provedor de Justiça* (Ombudsperson), its representative participates in the PNCHR meetings due to its NHRI's mandate by the Principles Relating to the Status of National Human Rights Institutions (Paris Principles) for the protection and promotion of human rights.¹⁹²

Besides the cited members, the PNCHR also includes institutions which may not be framed into the three main branches of the government and constitute an extra branch.¹⁹³ These last appointments strengthen the human rights mainstream within the Portuguese government. However, all the cited institutions are only granted observer

¹⁸⁸ Governo da República Portuguesa, 'Comissão Nacional para os Direitos Humanos' (*portugal.gov.pt*) <<https://www.portugal.gov.pt/pt/gc23/area-de-governo/negocios-estrangeiros/informacao-adicional/-comissao-nacional-para-os-direitos-humanos.aspx>> accessed 10 June 2023.

¹⁸⁹ Resolução do Conselho de Ministros n.º 27/2010

¹⁹⁰ Ministries of Foreign Affairs, Justice, Internal Affairs, Education, Finance, National Defence, Culture, Labour, Solidarity and Social Welfare, Health, Economy, Agriculture, Forests, and Rural Development.

¹⁹¹ Portuguese National Human Rights Committee Ministry of Foreign Affairs, 'The PNHRC structure' (*direitoshumanos.mne.gov.pt*) <<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

¹⁹² Resolução do Conselho de Ministros n.º 27/2010

¹⁹³ The Attorney's General Office and the Prosecutor's Office.

status with standing invitations to preserve their independence, according to Pinto da Silva.¹⁹⁴

With regards to the participation of other public and private entities, the PNCHR may include the involvement of CSOs to contribute in the implementation, reporting, and follow-up processes, as well as to promote a culture based on the respect for human rights.¹⁹⁵

Whereas Resolution N° 27/2010 expresses that the PNCHR may also include representatives of government institutions when this is deemed appropriate in the light of its attributions, certain stakeholders from the State are still not included. For instance, the legislative branch is absent in the PNCHR composition. Furthermore, Resolution N° 27/2010 does not contemplate any provision regarding the matter. Nevertheless, the Parliament's members may be summoned occasionally (without needing to report back to the PNCHR).¹⁹⁶ Thus, there is no formal or institutionalised connection between the PNCHR and the legislative branch.

Functioning

As previously mentioned, the main document of PNCHR is Resolution N° 27/2010 where the procedural aspects of this NMIRF are included¹⁹⁷ and further expanded in its internal rules of procedure.¹⁹⁸ The PNCHR is chaired by the Human Rights Office of the Ministry of Foreign Affairs, which coordinates the State actions within its monitoring, implementation, and reporting duties regarding human rights issues in Portugal.¹⁹⁹ Likewise, the cited ministry performs tasks related with activities of a

¹⁹⁴ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

¹⁹⁵ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/50/64) 4 May 2022.

¹⁹⁶ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

¹⁹⁷ Resolução do Conselho de Ministros n.º 27/2010

¹⁹⁸ Projecto de Regulamento Interno da Comissão Nacional para os Direitos Humanos 2010

¹⁹⁹ Governo da República Portuguesa, 'Comissão Nacional para os Direitos Humanos' (*portugal.gov.pt*) <<https://www.portugal.gov.pt/pt/gc23/area-de-governo/negocios-estrangeiros/informacao-adicional/-comissao-nacional-para-os-direitos-humanos.aspx>> accessed 10 June 2023.

NMIRFs operational secretariat. For instance, the Ministry of Foreign Affairs is mainly responsible for compiling and drafting periodic reports on UN human rights mechanisms, summarising the PNCHR's meeting minutes, and designing proposals to achieve implementation of international human rights obligations.²⁰⁰ Subsequently, the Ministry of Foreign Affairs is also in charge of preparing the annual report on the activities of the PNCHR and its distribution to different levels of the government, the OHCHR, and the citizens.

All the institutions of the PNCHR have two members to fulfil the mandates and attend the meetings: one head representative and one alternative representative in case of need. The members of the PNCHR are jointly responsible for the different stages of the process and for the achievement of the tasks through regular attendance at the meetings and timely provision of essential input when requested. The designated members of the PNCHR are tasked, on a systematic basis, documents production and participation in the actions decided within the scope of the NMIRF that ultimately monitors and implements human rights recommendations.

The functioning of the PNCHR encompasses three plenary meetings per year. The NMIRF can convene other extraordinary meetings when suitable for the effective accomplishment of its mission, which may be convened on the initiative of the chairperson or at the request of any of the representatives.²⁰¹ Moreover, at least one of the plenary meetings ought to include the participation of CSOs for the socialisation of reports or to discuss a specific topic.²⁰²

The PNCHR can also hold working group meetings within its planning. For instance, in the case of having interactive dialogues with the UN human rights mechanisms. According to Pinto da Silva, these cases are almost yearly included in the NMIRF agenda, e.g., two oral presentations regarding the 5th national periodic report to

²⁰⁰ Projecto de Regulamento Interno da Comissão Nacional para os Direitos Humanos 2010

²⁰¹ Centre for Civil and Political Rights, 'A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar' (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

²⁰² Governo da República Portuguesa, 'Comissão Nacional para os Direitos Humanos' (*portugal.gov.pt*) <<https://www.portugal.gov.pt/pt/gc23/area-de-governo/negocios-estrangeiros/informacao-adicional/-comissao-nacional-para-os-direitos-humanos.aspx>> accessed 10 June 2023.

the UN Committee for Economic, Social, and Cultural Rights in February 2023 and the 18th - 19th national periodic report to the UN Committee for the Elimination of Racial Discrimination in April 2023.²⁰³

Regarding the working system of the PNCHR, the Ministry of Foreign Affairs keeps updated the list of recommendations issued to Portugal by the UN treaty bodies, special procedures, and the HRC. Likewise, it also organises the regional human rights mechanisms' recommendations, such as the Council of Europe. These recommendations are periodically sent to the members for the corresponding implementation actions. Subsequently, the institutions report with information about the progress or challenges pertaining to the recommendations' operationalisation on the ground.

The input on the operationalisation of the recommendations is collected through email because the PNCHR does not have an IT tool to systematise the implementation and reporting tasks.²⁰⁴ Nevertheless, people can access the PNCHR's relevant information, lists of recommendations, human rights indicators, and action plans on its website.²⁰⁵ In the case of the action plans, Resolution N° 27/2010 establishes that the PNCHR's plans must be annual and must include a minimum three pledges for action from each institution and report back with the outcomes at the end of the year.²⁰⁶ Furthermore, the PNCHR allows the development of more focused plans, such as a national action plan on childhood or business and human rights.²⁰⁷ Additionally, the schedule of the PNCHR include capacity building activities for officers representing their institutions.²⁰⁸

²⁰³ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

²⁰⁴ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

²⁰⁵ Portuguese National Human Rights Committee Ministry of Foreign Affairs, 'The PNHRC' (*direitoshumanos.mne.gov.pt*) <<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

²⁰⁶ Comissão Nacional para os Direitos Humanos, 'Planos e Relatórios de Atividades' (Comissão Nacional para os Direitos Humanos 2023) <https://direitoshumanos.mne.gov.pt/images/documentacao/atividades/cndh_-_plano_de_atividades_2023.pdf> accessed 22 June 2023.

²⁰⁷ United Nations, 'Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/50/64) 4 May 2022.

²⁰⁸ Comissão Nacional para os Direitos Humanos, 'Planos e Relatórios de Atividades' (Comissão Nacional para os Direitos Humanos 2023)

Overall, the implementation and reporting PNCHR system is outmoded because it does not rely on IT tools or databases. For instance, the Human Rights Office of the Ministry of Foreign Affairs in Portugal deals with the mailing listing and manually clusters the recommendations. Pinto da Silva reflected that the PNCHR could benefit from IT tools and databases to increase swift processes of implementation, transparency, and accountability.²⁰⁹ Likewise, Gomes Brás expressed that it could no longer be advisable to disregard IT tools and databases for the use of NMIRFs.²¹⁰

4.3. Overview of NMIRFs' frameworks of Paraguay and Portugal

After an overview of the development and features of NMIRFs on the previous chapters, this thesis was able to determine the elements that comprise criteria for these national mechanisms. In Section 3.5., this thesis addressed the criteria for NMIRFs to identify that they are the right national frameworks for implementation, reporting, and follow up of the recommendations. Likewise, how NMIRFs' usefulness is perceived by those working with them. This thesis presents an overview of the NMIRFs in Paraguay and Portugal according to the defining criteria mentioned, which provide lessons learned towards the setting of good practices.

To begin with, NMIRFs should have a standing structure and mandate established by a statute or legislation. In the case of Paraguay, SIMORE was created by a decree of the executive branch and has had a permanent mandate since 2015 (see Section 4.1.). As for Portugal, the PNHRC obtained its mandate with a resolution of the Council of Ministers, which is similar to the executive branch (see section 4.2.). After several years of standing institutionality, both NMIRFs continue upholding the implementation and follow-up processes despite the political changes throughout various successive governments. Thus, both countries comply with the cited criterion.

<https://direitoshumanos.mne.gov.pt/images/documentacao/atividades/cndh_-_plano_de_atividades_2023.pdf> assessed 22 June 2023.

²⁰⁹ Interview with Eduardo Pinto da Silva, PNCHR coordinator and human rights director, Ministry of Foreign Affairs of Portugal (Geneva, Switzerland, 23 June 2023)

²¹⁰ Interview with Virgínia Brás Gomes, former Chair of the UN Committee on Economic, Social and Cultural Rights and former member of PNCHR (online, 6 July 2023)

NMIRFs should have an operational secretariat or coordinator to manage the national mechanism. In the case of Paraguay, SIMORE Plus comprises its coordination with two ministries, Foreign Affairs and Justice. In the case of Portugal, the Ministry of Foreign Affairs chairs the PNHRC and exercises the managerial mandates. In both instances, the NMIRFs coordinate the meetings, implementation processes, and reporting to the UN human rights mechanisms. From a constructive point of view, the NMIRF of Portugal could also benefit from sharing the chair responsibilities with other ministries and avoid burdensome. All in all, both countries follow the cited criterion.

NMIRFs should follow an inter-ministerial model to engage with and encompass the broader number of institutions from different branches of the government. The SIMORE Plus of Paraguay is inter-ministerial that allows for a standard setting to mainstream the engagement of human rights recommendations across all branches of the government and extra branches with equal membership status. The PNHRC of Portugal is also inter-ministerial with certain peculiarities because it has levels of membership status levels (see Section 4.2.). For instance, the legislative, judiciary, a part of the executive²¹¹, and extra²¹² branches have observer status within the NMIRF with facultative reporting tasks and standing meeting invitations. Although Portugal includes all branches and extra ones to a certain extent, the PNNHC could standardise standing membership with reporting duties to all government institutions. That would increase the engagement in mainstreaming human rights recommendations. Paraguay and Portugal follow the criterion, noting that the latter could expand the full membership status to all offices.

NMIRFs should have a systematic working method to retain institutional memory. In the case of Paraguay, SIMORE Plus comprises a network that organises annual plans, meets ordinarily three times a year, and extraordinarily when needed. Furthermore, it has an IT platform that systematises the network's implementation and reporting process. In the case of Portugal, the PNHRC has at least three plenary meetings annually and working group meetings when needed. In addition, the PNHRC establishes annual plans with the

²¹¹ The Secretary of State for the Citizenship and Equality, the National Institute for Statistics and the Office of Documentation and Compared Law.

²¹² The Attorney's General Office and the Prosecutor's Office.

particularity that each institution commits to three specific pledges and presents the outcomes at the last plenary meeting. Therefore, both NMIRFs comply with the criterion, noting that Paraguay could integrate the option of three annual pledges per institution and enhance its working method.

NMIRFs should have IT tools or databases to track implementation processes and guarantee transparency and public access to the information. The SIMORE Plus of Paraguay comprises an IT tool to track the implementation, reporting, and follow-up of recommendations. Each member of SIMORE Plus has one institutional IT user for their access to the platform, according to its appointment at the network (see Section 4.1.). As for Portugal, the input about implementation, reporting, and follow-up gets collected through email. The PNCHR does not have an IT tool to track the implementation and reporting but keeps updates on its activities on its website. Both interviewees of the Portuguese NMIRF agreed that the PNCHR could benefit from IT tools and that this feature should no longer be disregarded (see Section 4.2.). For this reason, the Ministry of Foreign Affairs of Portugal is exploring the IT feature of SIMORE Plus to learn about it and incorporate IT into its work.²¹³ Thus, Paraguay follows the criterion, and Portugal has yet to put it into practice.

NMIRFs should have periodic capacity building for the members of the NMIRF. This criterion supports institutional memory retaining and maintains the systematic work method of NMIRFs when new officers incorporate and update recurrent staff. According to the SIMORE rules of procedure, the Paraguayan NMIRF's ordinary meetings comprise continuous updating activities and capacity building sessions to its focal points (see Section 4.1.). In the case of Portugal, the PNHRC may provide capacity building training to prepare its members for implementation and reporting processes. Hence, both countries comprise capacity building as an NMIRF feature which states that it is an institutionalised practice.

²¹³ Embajada de la República del Paraguay en la República Portuguesa, 'Embajador @juliodvh participó hoy de la reunión virtual de presentación del Sistema de Monitoreo de Recomendaciones, Derechos Humanos y Desarrollo Sostenible SIMORE, realizada por especialistas de UGDH del @mreparaguay, dirigida a sus pares de la Dir Ddhh del @nestrageiro_pt' (13 July 2023) <<https://twitter.com/embaparlisboa/status/1679624087558144000>> accessed 13 July 2023.

NMIRFs should have a consultation process with CSOs and NHRIs to guarantee transparent and participatory processes. In the case of Paraguay, CSOs and NHRIs participate in the SIMORE Plus platform to track the implementation processes carried out by the State and provide feedback. Likewise, CSOs and NHRIs participate in meetings destined to socialise reports in light of the submission to a UN human rights mechanism and make observations for improvement. In addition, SIMORE Plus also has the National Mechanism against Torture and the Ombudsperson's Office (NHRIs) amongst its members with consultation status. In the case of Portugal, the PNCHR may include the involvement of CSOs to contribute to the implementation, reporting, and follow-up processes. As for the plenary meetings, at least one must include the participation of CSOs and NHRIs. Accordingly, both NMIRFs fulfil the criterion, noting that Paraguay could also involve CSOs and NHRIs in at least one ordinary meeting a year, as Portugal does.

In summary, SIMORE Plus and PNCHR are national frameworks that allow government institutions to adopt work strategies and strengthen state implementation. The two NMIRFs comply with almost all the defining criteria for the national mechanisms. From the defining criteria, there is only one item that Portugal is yet to include in its NMIRF. That is the establishment of IT tools or databases to track implementation processes and public access to the information. Both countries could learn from each other's practices and further align to the defining criteria of the NMIRFs.

5. CONCLUSION

This thesis discusses to what extent can the national frameworks be qualified as effective to address soft law recommendations adopted by the UN human rights mechanisms in light of the NMIRFs by examples of Paraguay and Portugal. To begin with, despite the initial ‘no one size fits all’ remark about NMIRFs, one could argue that there are certain elements that ought to be part of the composition and functioning of these national mechanisms. In that way, NMIRFs can be determined as national frameworks of reference for state implementation, reporting, and follow up of the recommendations. According to Limon, there are ‘identifiable best practices that should form the basis of a common understanding of the necessary criteria to be recognisable NMIRF.’²¹⁴

On the one hand, certain scholars and practitioners explain that it is early to discuss principles or standards for NMIRFs. On the other hand, some practitioners acknowledge that NMIRFs need criteria and that there are initiatives working on them. Currently, there are attempts to strengthen the essential elements that NMIRFs should include within a consolidating document at the international level. For instance, the HRC resolutions, the CESCR joint statement proposal, and the NMIRF Group of Friends at the international level. Whereas the Pacific Principles and the Marrakech Declaration on NMIRFs are derived initiatives from the HRC but encompass regional or thematic groups. Criteria for NMIRFs are practically a reality. Hence, they will be enshrined in an international soft law instrument in the next years.

Under the following argument, this thesis states that NMIRFs should follow criteria to mainstream their features to the national frameworks’ mandate to implement, report, and follow up the recommendations. The defined criteria present the following characteristics and functions to be contrasted with the NMIRFs national frameworks of Paraguay and Portugal. This thesis applies the criteria in both countries to illustrate that these national frameworks are effective to address soft law recommendations adopted by the UN human rights mechanisms and exchange good practices for mutual learning.

²¹⁴ Marc Limon, Director of Universal Rights Group, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Firstly, NMIRFs should have a standing structure and mandate established by a statute or legislation. This criterion encompasses the capacities of engagement, coordination and information management stated by the OHCHR. The rationale behind it is to establish national ownership of the implementation, reporting and follow up on a permanent basis. Paraguay and Portugal established their NMIRFs with a decree or resolution of the executive branch. In that way, their national frameworks are standing despite the government's changes.

Secondly, NMIRFs should work under the inter-ministerial model with an operational secretariat or coordinator in charge of managing the national mechanism. In that way, the NMIRFs mainstream human rights within different branches of the government and have a chair institution that coordinates the framework. By following this criterion, national frameworks also include the capacities of engagement and coordination. Paraguay and Portugal NMIRFs are inter-ministerial and have ministries that chair their national frameworks. However, the PNNHC of Portugal has certain members with observer status and standing invitations. This thesis sustains that Portugal could standardise the standing membership with reporting duties to all government institutions. Although the inter-ministerial NMIRF does not specify the type of status that members should have, one could argue that the purpose of being part of it means being a standing and active member in the mechanism. As for the operational secretariat, both countries channel the recommendations towards their operationalisation. For instance, they have adopted thematic plans and programmes based on the recommendations.

Thirdly, NMIRFs need a systematic working method and capacity building within their frameworks. The cited features retain institutional memory despite staff turnover and changes between presidential or parliamentary periods. Then, NMIRFs guarantee the implementation and reporting processes. This criterion encompasses the capacities of engagement, coordination, and information management. Paraguay and Portugal have periodic meetings to carry on with the implementation, reporting, and follow up duties. At the same time, both NMIRFs include training for their officers as part of the annual activities that these national frameworks have.

Fourthly, NMIRFs should apply IT tools or databases to track implementation processes within the human rights recommendations. The IT criterion addresses the capacity of information management. Technology allows NMIRFs to follow up with the recommendations and sustain the continuation of the processes. At the same time, it guarantees transparency and public access to the information. Although not all States have equal resources for obtaining and maintaining IT tools, they can seek international cooperation to secure this feature as it has been exemplified (see Section 4.1.). In the case of Paraguay, SIMORE Plus encompasses an IT tool for the systematisation of the NMIRF. The current tools of Portugal only comprise email sending and updates on its website. However, Portugal is exploring the IT feature of SIMORE Plus to learn about it and incorporate IT into its work (see Section 4.2.). Thus, Paraguay follows the criterion, and Portugal has yet to put it into practice.

Fifthly, NMIRFs should include CSOs and NHRIs within their frameworks as well. This criterion guarantees transparent and participatory processes according to the capacity of consultation. The aim is to promote the inclusion of different stakeholders in the state implementation, reporting, and follow up of the recommendation. It means that CSOs and NHRIs need to participate in these processes to provide observations for improvement. This criterion is present in both countries. In Paraguay, CSOs and NHRIs participate in the SIMORE Plus platform and certain meetings of the network. In Portugal, the PNCHR may include CSOs and NHRIs' participation in the implementation, reporting, and follow-up processes. As for the plenary meetings, at least one must include the participation of CSOs and NHRIs. Accordingly, both NMIRFs fulfil the criterion, noting that Paraguay could also involve CSOs and NHRIs in at least one ordinary meeting a year, as Portugal does.

As a result, this thesis sustains that NMIRFs are effective national frameworks to address soft law recommendations adopted by the UN human rights mechanisms. The NMIRFs of Paraguay and Portugal illustrate that statement. Both national frameworks provide a standing structure with a mandate to address soft law recommendations that often suffer implementation challenges within the State. In doing so, this thesis provided examples in which NMIRFs of Paraguay and Portugal carried out good governance, human rights mainstreaming, policy-making, reporting system, civil service engagement,

and training. Thus, this thesis concludes that the usefulness of the two NMIRFs achieves their aims related to strengthening the state's capacities for fulfilling international obligations.

6. BIBLIOGRAPHY

Books and articles

González Bibolini J, 'Programa SIMORE, primera experiencia de CSS en Derechos Humanos en Paraguay' (2019) *Revista de la Academia Diplomática y Consular Carlos Antonio López* N° 9 115

Hillebrecht C, 'Compliance: Actors, Context and Causal Processes', in Sandholtz W and Whytock C (eds), *Research Handbook on the Politics of International Law* (Edward Elgar Publishing 2017)

Keller H and Ulfstein G, 'Introduction' in Keller H and Ulfstein H (eds), *UN Human Rights Treaty Bodies: Law and Legitimacy* (Cambridge University Press 2012)

Limon M, 'The Global Human Rights "implementation agenda" and the Genesis of NMIRFs', in Murray R and Long D (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022)

Lorion S and Lagoutte S, 'Implementers or Facilitators of Implementation? Governmental Human Rights Focal Points' Complex Role in Enhancing Human Rights Compliance at the National Level', in Murray R and Long D (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022)

Lorion S and Lagoutte S, 'What are Governmental Human Rights Focal Points?' (2021) *Netherlands Quarterly of Human Rights*, 39(2) <<https://doi.org/10.1177/09240519211020627>> accessed 26 June 2014

Pillay N, 'The International Human Rights Treaty System: Impact at the Domestic and International Levels' (2014) 21 *Human Rights Brief* 32

Raustiala K and Slaughter A, 'International Law, International Relations and Compliance', in Carlsnaes W, Risse T and Simmons B (eds), *Handbook of International Relations* (Sage 2002)

Sarkin J, 'The Role of National Human Rights Mechanisms for Reporting and Follow-Up (Nmrf): Understanding These New Global Domestic Processes Using the Cases of Georgia And Portugal As A Focus' (2019) 113 Teisé 168

Sébastien Lorion, *Defining Governmental Human Rights Focal Points: Practice, Guidance and Concept* (The Danish Institute for Human Rights 2021)

von Staden A, 'Implementation and Compliance', in Murray R and Long D (eds), *Research Handbook on Implementation of Human Rights in Practice* (Edward Elgar Publishing 2022)

Zipoli D, 'National Human Rights Strategies: The Role of National Human Rights Systems in the Implementation of International Human Rights Standards' (2021) 18 Academy Briefing 6

Reports

Alemany C and Vaccotti P, 'Experiencias de valoración de la cooperación Sur-Sur en el MERCOSUR: los casos del Paraguay y el Uruguay' (Documentos de Proyectos (LC/TS.2021/76) Comisión Económica para América Latina y el Caribe CEPAL 2021)

Comisión Interamericana de Derechos Humanos, 'Guía de Buenas Prácticas y Orientaciones Básicas para la Implementación de Decisiones de la Comisión Interamericana de Derechos Humanos' (Serie Transformaciones 01 2021)

Naciones Unidas Derechos Humanos – Paraguay. 'Sistema de Monitoreo de Recomendaciones (SIMORE). Experiencia Paraguaya' (June 2014)

The Danish Institute for Human Rights, 'Report on country experiences with HR-SDG integrated national mechanisms for implementation, reporting and follow-up' (2021)

The Danish Institute for Human Rights, ‘Report on the International Seminar on National Mechanisms for Implementation, Reporting and Follow-up in the field of Human Rights’ (2023)

Zipoli D, ‘Working papers: The Emergence of Digital Human Rights Tracking Tools and Databases’ (2023) The Geneva Human Rights Platform <<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/The%20Emergence%20of%20Digital%20HR%20Tracking.pdf>> accessed 20 June 2023

Official documents of the Paraguayan Government

Presidencia de la República Ministerio de Justicia y Trabajo. ‘Plan Nacional de Derechos Humanos’ (February 2013) <<https://www.ohchr.org/sites/default/files/Documents/Issues/Education/Training/actions-plans/Excerpts/Paraguay2013.pdf>> accessed 19 June 2023

Presidencia de la República y el Ministerio de Justicia y Trabajo. ‘Plan de Acción 2010-2011 de la Red de Derechos Humanos del Poder Ejecutivo, Gobierno de la República del Paraguay’ (January 2010) <<https://acnudh.org/load/2019/07/001-Plan-de-Acción-Derechos-Humanos-2009.pdf>> accessed 19 June 2023

Secretaria Nacional por los Derechos Humanos de las Personas con Discapacidad and Naciones Unidas Derechos Humanos-Paraguay, ‘Plan de Acción Nacional por los Derechos de las Personas con Discapacidad 2015-2030’ (March 2016) <<https://acnudh.org/load/2019/07/047-Plan-de-Acci%C3%B3n-Nacional-DPeD.pdf>> accessed 12 July 2023

Official documents of the Portuguese Government

Comissão Nacional para os Direitos Humanos, ‘Planos e Relatórios de Atividades’ (Comissão Nacional para os Direitos Humanos 2023)

<https://direitoshumanos.mne.gov.pt/images/documentacao/atividades/cndh_-_plano_de_atividades_2023.pdf> accessed 22 June 2023

International and Regional Human Rights Instruments

International Covenant of Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 1976)

Marrakech Declaration on National Mechanisms for Implementation, Reporting and Follow-up 2022

The Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-up 2020

United Nations Committee on Economic, Social and Cultural Rights, 'Joint Statement proposal on National Mechanisms for Implementation, Reporting and Follow-up of International Human Rights Recommendations of the United Nations' (2023)

United Nations General Assembly Resolution 30/25, 'Promoting international cooperation to support national human rights follow-up systems and processes' (12 October 2015) A/RES/30/25

United Nations General Assembly Resolution 36/29, 'Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development' (10 October 2017) A/RES/36/29

United Nations General Assembly Resolution 42/30, 'Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up' (8 October 2019) A/RES/42/30

United Nations General Assembly Resolution 51/33, 'Promoting international cooperation to support national mechanisms for implementation, reporting and follow-up' (22 October 2022) A/HRC/RES/51/33

United Nations General Assembly Resolution 68/268, ‘Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System’ (21 April 2014) A/RES/68/268

United Nations General Assembly, ‘Strengthening United Nations Action in the field of Human Rights through the Promotion of International Cooperation and the Importance of Non-Selectivity, Impartiality and Objectivity Report of the Secretary-General to the UNGA’ (21 August 2017) A/72/351

United Nations General Assembly, ‘United Nations reform: measures and proposals Note by the Secretary-General’ (26 June 2012) A/66/860

United Nations Office of the High Commissioner for Human Rights, ‘National Mechanisms for Reporting and Follow-up. A Practical Guide to effective State Engagement with International Human Rights Mechanisms’ (May 2016) HR/PUB/16/1

United Nations Office of the High Commissioner for Human Rights, ‘National Mechanisms for Reporting and Follow-up. A Study of State Engagement with International Human Rights Mechanisms’ (June 2016) HR/PUB/16/1/Add.1

United Nations, ‘Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up Report of the Office of the United Nations High Commissioner for Human Rights’ (4 May 2022) A/HRC/50/64

Speeches or statements

João Gomes Cravinho, Minister of Foreign Affairs of Portugal, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

Julio César Arriola Ramírez, Minister of Foreign Affairs of Paraguay, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

Kofi Annan, UN Secretary-General, ‘Address to the United Nations Commission on Human Rights’ (Human Rights Council session, Geneva 7 April 2005)

Mahamane Cisse-Gouro, Director of Human Rights Council and Treaty Mechanisms Division OHCHR, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

Mahamane Cisse-Gouro, Director of Human Rights Council and Treaty Mechanisms Division OHCHR, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Mara Sousa, Diplomat of the Permanent Mission of Portugal to the United Nations, ‘Statement delivered by Portugal, on behalf of the Group of Friends of National Mechanisms on Implementation, Reporting and Follow-up’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Marc Limon, Director of Universal Rights Group, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

Marc Limon, Director of Universal Rights Group, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Marcelo Scappini Ricciardi, Head of the Permanent Mission of Paraguay to the United Nations, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Mette Thygesen, Director of the Danish Institute for Human Rights, ‘Statement’ (HLS 52nd session HRC – OHCHR side event on National Mechanisms for Implementation, Reporting and Follow-up, Geneva 28 February 2023)

Miloon Kothari, former special rapporteur on the right to housing, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Virgínia Brás Gomes, former member of the Committee on Economic, Social, and Cultural Rights, ‘Statement’ (Seminar to share experiences to improve national mechanisms for implementation, reporting and follow-up, Geneva 23 June 2023)

Statutes or legislation

Paraguay

Constitución de la República del Paraguay 1992

Decreto del Poder Ejecutivo N° 2290 que ‘Crea e integra la Red de Derechos Humanos del Poder Ejecutivo’ 2009

Decreto del Poder Ejecutivo N° 4368 que ‘Establece el Sistema de Monitoreo de Recomendaciones (SIMORE) como medio informático en el cual constarán las acciones del Estado relacionadas al cumplimiento e implementación de las sugerencias formuladas al Paraguay por los diferentes mecanismos internacionales de protección de los Derechos Humanos’ 2015

Ley N° 1/89 que Aprueba y Ratifica la Convención Americana sobre Derechos Humanos o Pacto San José de Costa Rica 1989

Ley N° 69/89 que Aprueba y Ratifica la Convención Contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos y Degradantes 1989

Reglamento y Uso del Sistema de Monitoreo de Recomendaciones SIMORE 2014

Portugal

Constitution of the Portuguese Republic 1976

Projecto de Regulamento Interno da Comissão Nacional para os Direitos Humanos 2010

Resolução do Conselho de Ministros n.º 27/2010

Websites and other online sources

ARC International, ‘High Level Segment (*arc-international.net*)’ <<http://arc-international.net/global-advocacy/human-rights-council/report-on-the-31st-session-of-the-human-rights-council/high-level-segment/>> accessed 9 July 2023.

Cancillería Paraguay, ‘SIMORE - Monitoring System on International Recommendations’ (15 July 2015) <<https://www.youtube.com/watch?v=5R-spwu0YXc>> accessed 26 June 2023

Centre for Civil and Political Rights, ‘A visual guide on the National Mechanism for Reporting and Follow-up (NMRF) - outcome summary of a workshop in Myanmar’ (December 2019) <https://ccprcentre.org/files/media/VISUAL_GUIDE_NMRF.pdf> accessed 20 June 2023.

David Joseph Deutch, ‘What are friends for?: ‘Groups of Friends’ and the UN system’ (*universal-rights.org*, 31 March 2020) <<https://www.universal-rights.org/what-are-friends-for-groups-of-friends-and-the-un-system/>> accessed 20 June 2023.

Embajada de la República del Paraguay en la República Portuguesa, ‘Embajador @juliodvh participó hoy de la reunión virtual de presentación del Sistema de Monitoreo de Recomendaciones, Derechos Humanos y Desarrollo Sostenible SIMORE, realizada por especialistas de UGDH del @mreparaguay, dirigida a sus pares de la Dir Ddhh del @nestrangeiro_pt’ (13 July 2023) <<https://twitter.com/embaparisboa/status/1679624087558144000>> accessed 13 July 2023.

Governo da República Portuguesa, ‘Comissão Nacional para os Direitos Humanos’ (*portugal.gov.pt*) <<https://www.portugal.gov.pt/pt/gc23/area-de-governo/negocios-estrangeiros/informacao-adicional/-comissao-nacional-para-os-direitos-humanos.aspx>> accessed 10 June 2023.

Ministerio de Relaciones Exteriores, ‘Cancillería comparte experiencias con El Salvador sobre el Sistema de Monitoreo de Recomendaciones Internacionales’ (*mre.gov.py*)

6 December 2022) <<https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/cancilleria-comparte-experiencias-con-el-salvador-sobre-el-sistema-de-monitoreo-de-recomendaciones-internacionales>> accessed 20 June 2023.

Ministerio de Relaciones Exteriores, ‘Paraguay brindará asistencia al Brasil para implementar el sistema de seguimiento a recomendaciones internacionales en materia de derechos humanos’ (*mre.gov.py* 29 September 2022) <<https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/paraguay-brindara-asistencia-al-brasil-para-implementar-el-sistema-de-seguimiento-recomendaciones-internacionales-en-materia-de>> accessed 20 June 2023.

Ministerio de Relaciones Exteriores, ‘SIMORE Plus’ (*mre.gov.py*) <www.mre.gov.py/simoreplus/> accessed 21 June 2023.

Naciones Unidas, ‘Paraguay lanza Plan Nacional de Derechos Humanos apoyado por la ONU’ (Noticias ONU, 23 December 2011) <<https://news.un.org/es/story/2011/12/1231551>> accessed 19 June 2023.

Pacific Community, ‘‘Pacific Principles of Practice’ launched as a guide towards global human rights implementation’ (*spc.int*, 15 July 2020) <<https://www.spc.int/updates/news/media-release/2020/07/pacific-principles-of-practice-launched-as-a-guide-towards>> accessed on 9 July 2023.

Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva, ‘HRC 51 - General debate on Implementation, Reporting and Follow-up Statement on behalf of the Group of Friends of National Mechanisms on Implementation, Reporting and Follow-up’ (*nuoi.missaoportugal.mne.gov.pt*, 29 September 2022) <<https://nuoi.missaoportugal.mne.gov.pt/en/statements/2022/hrc-51-general-debate-on-implementation,-reporting-and-follow-up>> accessed 24 June 2023.

Portuguese National Human Rights Committee Ministry of Foreign Affairs, ‘The PNHRC background’ (*direitoshumanos.mne.gov.pt*)

<<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

Portuguese National Human Rights Committee Ministry of Foreign Affairs, ‘The PNHRC’ (*direitoshumanos.mne.gov.pt*)
<<https://direitoshumanos.mne.gov.pt/en/the-pnhrc/background>> accessed 5 March 2023.

The Commonwealth Secretariat, ‘Bridging the Human Rights Implementation Gap. A Commonwealth survey’ (August 2022) <https://www.thecommonwealth-ilibrary.org/index.php/comsec/catalog/view/1095/1094/9666> accessed 27 May 2023.

The Danish Institute for Human Rights, ‘The Institute shares lessons to inspire establishment of international network of National Mechanisms for Implementation, Reporting and Follow-up’ (*humanrights.dk*, 6 March 2023)
<<https://www.humanrights.dk/news/institute-shares-lessons-inspire-establishment-international-network-national-mechanisms>> accessed 9 July 2023.

United Nations Human Rights Council, ‘1st Meeting, Intersessional Seminar on National Mechanisms - Human Rights Council’ (*unweb.org*, 23 June 2023)
<<https://media.un.org/en/asset/k17/k17onvzvzc>> accessed 23 June 2023.

United Nations Human Rights Council, ‘Basic facts about the UPR’ (*ohchr.org*)
<<https://www.ohchr.org/en/hr-bodies/upr/basic-facts>> accessed 6 July 2023

United Nations Human Rights Office of the High Commissioner, ‘National Mechanisms for Implementation, Reporting and Follow-up’ (*ohchr.org*)
<<https://www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow>> accessed on 23 June 2023.

United Nations Human Rights Treaty Bodies, ‘UN Treaty Body Database’ (*ohchr.org*)
<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx> accessed 13 June 2023.

United Nations Human Rights Treaty Bodies, ‘UN Treaty Body Database: ratification status for Paraguay’ (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=135&Lang=SP> accessed 19 June 2023.

United Nations Human Rights Treaty Bodies, ‘UN Treaty Body Database: ratification status for Portugal’ (*ohchr.org*) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=135&Lang=SP> accessed 19 June 2023.

United Nations Office of the High Commissioner for Human Rights, ‘Special Procedures of the Human Rights Council’ (*ohchr.org*) <<https://www.ohchr.org/en/special-procedures-human-rights-council>> accessed 28 February 2023

Universal Rights Group, ‘Glion Human Rights Dialogue 2016. Human Rights implementation and compliance: turning international norms into local reality’ (May 2016) <https://www.universal-rights.org/wp-content/uploads/2016/10/Glion_2016_page.pdf> accessed 28 May 2023.

Universal Rights Group, ‘Universal Rights Group Geneva’ (*universal-rights.org*, May 2016) <<https://www.universal-rights.org/the-glion-human-rights-dialogue/>> accessed 28 May 2023.

University of Minnesota Human Rights Library, ‘Ratification of International Human Rights Treaties – Portugal’ (*hrlibrary.umn.edu*) <<http://hrlibrary.umn.edu/research/ratification-portugal.html>> accessed 19 June 2023.

7. APPENDICES

Appendix 1. Interview questions

- Introduction. Please describe your background and past/current functions related to NMIRFs.
- Are there any essential elements or criteria that NMIRFs in general should include in its functioning?
- Are IT tools or databases essential to carry out NMIRFs work? Why?
- What are your impressions on the role that UN human rights mechanisms are playing or can play on the use of NMIRFs by the States?
- Should NMIRFs be established as standards or principles in the future?

Additional questions for NMIRFs officers

- How does the NMIRF in your country work?
- Please describe the pre-NMIRF experience and post-NMIRF experience in your country. Did you notice any change?
- Can you provide any concrete examples of positive experiences with the use of NMIRF (SIMORE Plus) in your country?
- Can you provide any concrete examples of challenging experiences with the use of NMIRF (SIMORE Plus) in your country?

Appendix 2. List of interviewees

Meeting date	Interviewee	Institution	Role
13 June 2023	Santiago Fiorio	Ministry of Foreign Affairs of Paraguay	Former SIMORE Plus officer.
		UN Committee on Economic, Social, and Cultural Rights	Current independent expert
23 June 2023	Eduardo Pinto da Silva	Ministry of Foreign Affairs of Portugal	PNCHR Coordinator and Head of the Human Rights Office
28 June 2023	Sébastien Lorion	Danish Institute for Human Rights	Senior adviser of the Human Rights and Governance Programme
4 July 2023	Luján Ruíz Díaz	Ministry of Justice of Paraguay	SIMORE Plus coordinator
5 July 2023	Domenico Zipoli	Geneva Academy of International Humanitarian Law and Human Rights	Project coordinator of the Geneva Human Rights Platform
6 July 2023	Virgínia Brás Gomes	Ministry of Labour and Social Solidarity of Portugal	Former PNCHR member
		UN Committee on Economic, Social, and Cultural Rights	Former independent expert