STRATEGIES AND TOOLS FOR EFFECTIVE FOLLOW-UP TO RECOMMENDATIONS

PROJECT WITH THE ARMENIAN NATIONAL PREVENTIVE MECHANISM

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EU for Armenian Citizens
Promotion and Protection of Human Rights
Project

Implemented by

Contents

1. Introduction

1.1. Methodology, scope and objectives

This study was written in the context of the European Union funded project "Promotion and Protection of Human Rights in Armenia", implemented by UNDP, UNFAP and UNICEF. In addition to this paper, the project also included a workshop with the Armenian National Preventive Mechanism (NPM) and wider Ombudsman team on the ways in which they make and follow-up to recommendations – including recommendations made following visits to places of detention, on thematic issues linked to their mandate and in relation to legislation.

This study is based on two main sources: existing work of the Association for the Prevention of Torture (APT) and knowledge on follow-up by NPMs, complemented by a series of interviews, conducted especially for this project. These interviews were with the NPMs of Austria, Brazil, Costa Rica, Croatia, the Czech Republic, Estonia, France, Paraguay, Slovenia, Switzerland, the United Kingdom and Uruguay. These interviews, held with NPMs across world regions, allowed us to go into great detail on the ways in which they not only make and follow-up on recommendations but also the ways in which each element of their work contributes to success. In addition, we were able to draw on previous research and ongoing cooperation to include the NPMs of Georgia, the Maldives, Norway and New Zealand in the list of examples.

Our objectives in conducting this research and writing this study were twofold.

> First, we aimed to gather and identify good practices in relation to several key areas. These include: the ways in which NPMs plan and strategize about their work; the ways in which they conduct visits; their reporting and recommendations-drafting processes; the ways they keep track of their recommendations (including any tools they use); and how they follow-up on recommendations to ensure that they are contributing to the changes they want to see in detention.

> Second, we aimed to distill this research into a practical form that is tailored to the needs of the Armenian NPM.

1.2. What are recommendations and why is follow-up important?

Recommendations are proposals about the best course of action that an institution (or multiple institutions) should take in order to achieve a positive change in laws, policies or practices. NPMs are given this mandate under Article 19 of the OPCAT and making recommendations are one of the core elements of their work.

Recommendations made by NPMs are often different from those made by other oversight bodies, including National Human Rights Institutions (NHRI) that do not have an OPCAT mandate. A key difference is that their aim is to deal with the risk factors and root causes that lead to torture, ill-treatment and other human rights violations, in order to prevent them from occurring (or reoccurring in the future). This includes focusing on systemic issues rather than only on individual cases. They are based on evidence and analysis and usually follow a visit (or a series of visits) to a place of deprivation of liberty. They are one element of a constructive and dialogue-based process that seeks to resolve problems so that they do not occur again in the future. As such, recommendations are one of the key tools available to NPMs in seeking to effect change.

Recommendations are one of the most important tools that NPMs have to effect change, but recommendations alone often are not enough to make the desired change happen, in particular because the recommendations made by NPMs are not binding on the authorities. This is why recommendations need to be part of an overall monitoring cycle that includes: planning, information gathering and analysis (usually through visits), reporting and recommendations, and follow-up, including through repeat visits to places of deprivation of liberty, dialogue with the authorities, public advocacy and other strategies.

A strength of NPM recommendations is that the OPCAT places an obligation on the authorities (in Article 22) to "examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures." Some NPM laws also place an obligation on the state to reply to NPM recommendations within a certain timeframe.

Follow-up allows NPMs to know whether their recommendations have been implemented and how, and to measure progress over time, both within specific institutions and in related laws, policies, and practices. If recommendations are well drafted, they can also allow NPMs to more easily assess if the requested changes have occurred. Keeping track of recommendations is an essential first step for follow-up but is also important for the planning process of NPMs. Analysis of which recommendations were implemented and the strategies that were used can help NPMs to identify future priorities, as well as the approaches that led to the most success.

2. Making Good Recommendations

2.1. Introduction

Effective follow-up is only possible on the basis of well-drafted and properly targeted recommendations. The quality of NPM recommendations is heavily influenced by the effectiveness of an NPM's monitoring work in general. Good recommendations rely on effective planning, visits and drafting.

This section will look at the key steps of NPM monitoring work. It will include good practices relating to each step and elaborate on how they provide a foundation for effective follow-up.

2.2. Strategy and planning.

Strategy and planning are key to NPM effectiveness. They allow NPMs to clarify and implement their vision, and to allocate resources in a way that ensures that priorities are met. It is also key because NPMs cover a wide range of places of detention, and a wide range of issues. This means that they will often not be able to cover them all with their existing resources, particularly given that, once they have started monitoring places of detention and issuing recommendations, they have to follow-up on the implementation of these recommendations to make sure that they have been taken into consideration by the relevant authorities.

A majority of NPMs in the world are part of wider institutions, mostly national human rights institutions (NHRIs) and/or ombuds institutions with existing experiences and mandates to visit places of deprivation of liberty (especially prisons), often in relation to individual complaints. In this setting, it is key that the wider institutional strategy takes into account NPM priorities. It is also important that the NPM within a larger institution (whether or not it is a separate department or unit) also works according to its own detailed strategy and operational plan.

2.2.1. Designing an effective strategy

It is good practice for NPMs to reflect on how they will implement their mandate and to include the results of this reflection in a strategic plan, which may be made publicly available. This contributes to better planning of day-to-day activities and use of resources, including human resources. It also contributes to improved cohesion within the team and coherence of its action, including by changing mindsets from one focused on a list of activities to one focused on goals and changes. A strategy clarifies whether an NPM's mandate is effectively served by its activities and allows for easier monitoring and evaluation of an NPM's work. If public, it also makes an NPM's strategic choices and methodology transparent to all.

The most effective strategies are those which are drafted in consultation with all NPM members & staff, as well as any existing NPM advisory bodies or councils. In addition, for NPMs that are part of larger institutions, such as NHRIs, the NPM unit will need to define its strategies in consultation with other relevant departments of the NHRI, including, for example, those responsible for: communication, planning, finance, administration, and the overall institutional

leadership. This is to ensure that any NPM plan is coherent with that of the broader institution. Furthermore, it is good practice that the strategy is shared and discussed with the NPM's external experts and collaborators.

Box 1: The strategic plan of Paraguay's NPM

The NPM of Paraguay holds participatory workshops with all the members, staff and experts of the NPM to develop the strategic plan. They discuss what they have seen during visits, recommendations from visits, and implementation of recommendations to establish priorities in their strategic plan.

To effectively design a strategy, NPMs who have been operational for some time should draw on their past recommendations. When applicable, they should use information obtained from other units, departments or persons within the wider institution to which they belong, including data related to individual complaints from persons deprived of their liberty. They should also rely on the external information provided by other relevant stakeholders in the torture prevention sphere, and possibly by the media (where relevant and with caution).

An effective NPM strategy strikes a balance between addressing priority issues (identified based on assessed needs) and ensuring a relatively wide and regular coverage of all types of places of deprivation of liberty. Very often, NPMs choose to use one or several annual thematic focus/es to explore one or several issues in more detail and ensure an effective tackling of issues despite their limited means. Some NPMs have complementary strategies of comprehensively monitoring all institutions of a particular type in a specific time period (defined according to their means and resources). The French NPM, for example, visited all French penitentiary institutions in its first years of operation, and is now working towards doing the same for all French psychiatric institutions, in addition to its regular monitoring of other types of places of deprivation of liberty.

2.2.2. Designing a programme of work

Once an NPM adopts its strategy, it must ensure its planned programme of work reflects and serves the priorities and strategies it identified.

For this purpose, it is key that planning reflects all stages of monitoring visits, including:

- the time needed to prepare these visits;
- the time needed for the visits themselves (according to their nature, for example: in-depth, follow-up, thematic.);
- the time needed to report on these visits, and to formulate, address and follow-up on recommendations;
- the time needed for dialogue on recommendations with relevant authorities.

Visit planning also needs to take into consideration the likely need for ad hoc visits to address an urgent issue, or important developments with an impact on detention conditions or treatment of persons deprived of their liberty.

Effective planning should furthermore take into account other elements of the NPM's mandate, including:

- the time needed for research, and to give advice on legislation;
- the time needed to organize or contribute to awareness-raising events, including for the personnel of places of deprivation of liberty;
- the time needed to exchange and engage in dialogue with partners and key torture prevention stakeholders.

Planning should also take into account any international processes and exchanges to which the NPM may want to contribute. This might include reviews from UN treaty bodies and procedures; visits from international or regional torture prevention bodies (SPT, CPT); international or regional standard-setting exercises; relevant meetings organized *inter alia* by the Council of Europe, the OSCE, or international NGO partners (see section 3 below).

2.3. The link between visiting and drafting reports and recommendations

Objective reporting and well-thought-out recommendations are based on well-planned, well-prepared and well-conducted visits. Only on this basis can issues (and potential solutions) be correctly identified, triangulated and reflected in the later visit report. The following points are particularly important:

- The visit must be sufficiently prepared. All existing information, from internal and external sources, must be reviewed and made available (if possible, as a compilation) to all NPM visiting team members, including external experts. A good practice followed by several NPMs is to have standard report outlines, which monitors can (when relevant) follow and fill in on their visits. Whenever the NPM repeats a visit to a previously visited place, the related recommendations and the latest information received about their implementation should also be made available to the visiting team, so they can efficiently follow-up.
- Responsibilities and tasks should be clearly allocated between team members. It is good practice to designate a team leader for each visit, who is responsible not only for the representation and coordination of the delegation during the visit, but also for overseeing and coordinating the later report and recommendation-drafting phase.
- During the visit, regular debriefings should take place to ensure that relevant information is shared and triangulated among all team members, that their views are discussed, and that the next steps of the visit are adjusted as needed.
- Towards the end of the visit, before the final meeting with the head of institution, it is recommended that a final debriefing is held between all team members, including experts, to agree on key messages. Note that the oral recommendations made at the time of the meeting are usually only "advanced recommendations" and that time is needed for the team to fully debrief, process the collected information and triangulate further before recommendations can be considered final.
- The final report and recommendations should also be drafted by the visiting team. A disconnection between the visiting and drafting processes is always a source of diminished effectiveness, and often of internal tensions within a monitoring mechanism.
- A good practice that the Armenian NPM itself started to develop is for NPMs to establish guidelines for the visit and reporting processes, for instance in monitoring manuals, which can be developed for each type of place of deprivation of liberty to take into account the associated specificities. These manuals can outline the legal background and relevant standards, how to prepare for visits, what to do during a visit, and steps to take after a visit, including in relation to the report and recommendations.

2.4. Processes for good reports and recommendations (including prioritization)

2.4.1. Good reports

Recommendations are not stand-alone. They are part of a broader report and need to be coherent with its narrative. Several NPMs use a standard outline for their report, which recommendations fit into. This can help to foster coherence in the NPM's reporting.

Reports should faithfully reflect the key issues observed. For this purpose, the report drafting process is key.

It is good practice that those who were on the visit write the first draft of the report and suggested recommendations. In practice, those on the visit often give their notes to the visit leader, who collates them into a first draft, which is then discussed with all visiting team members- including external experts. The report is then usually refined by the head of the NPM and may be further approved by the head of the wider institution implementing the NPM mandate (if applicable).

How a report is shared with authorities can also influence the follow-up to recommendations. Among those interviews for this study, many NPMs share a first draft of the report with the head of the visited institution for fact checking. Some NPMs then go on to publish the comments of the institution together with the report. Other NPMs prefer to only share a final report with authorities. This is dependent on the national context, including the NPM's relationship with the authorities, as well as the type of place visited (it is different when it is a bigger prison or small police station). It is good practice in any case that the report is shared with the head of the visited facility/ies in addition to the relevant ministries and other authorities once finalized. This ensures that the head of the visited facility is informed about NPM findings and recommendations.

Although very comprehensive analytical reports are useful, for instance on a first visit to a place, they can be difficult to read and extract key messages from for further action. It is important to provide an executive summary – at the beginning of the report - for hurried readers. Some NPMs have also started to use short videos to accompany their report and grasp the essential elements.

Reports seek to foster a change in practices. This is much easier if they are clear and concise, allowing the reader to easily and quickly identify the main issues and recommendations. Pictures (without identifying people) and visuals, including tables or graphics, can be used to support the NPM's findings and can make the report more readable.

It is important to make reports widely available. Although it is not an OPCAT requirement, it is good practice to publish visit reports, as is the case for the majority of NPMs interviewed for this study. Furthermore, some NPMs have the practice of ensuring that those who are detained have copies of the report and recommendations available to them. NPMs can also ensure similar facilities to the one visited receive copies of the relevant visit reports, as findings and recommendations may be relevant to them too. This may be done by the NPM or through the appropriate authority.

Box 2: Sharing recommendations with persons deprived of their liberty: the practice of the Croatian NPM
The NPM of Croatia ensures all recommendations are visible in prisons, so detainees can read them. Recommendations are printed and displayed in public areas.

2.4.2. Good recommendations

NPM reports identify issues in their narrative sections and suggest potential solutions to these issues through recommendations to authorities. Making effective recommendations is key to successfully bringing about change.

- Achievable/implementable and measurable recommendations: The Double-SMART criteria

It is essential that recommendations are understandable, measurable and implementable. The APT developed the Double-SMART criteria,[1] which many NPMs use to assess their recommendations at the drafting stage.

The Double-SMART criteria	
Specific Measurable Achievable Results-oriented Time-bound	Solution-suggestive Mindful of prioritisation, sequencing & risks Argued Root-cause responsive Targeted

Depending on the context, it may sometimes be useful for NPMs to clearly indicate the time limit within which a recommendation should be implemented. Some constituent bodies of the UK NPM for instance include time periods

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[1] See Association for the Prevention of Torture, *Briefing N1- Making Effective Recommendations*, November 2008, p.2, available at https://www.apt.ch/content/files_res/Briefing1_en.pdf

in some of their recommendations (for example, immediate, three months, six months). Other NPMs leave it to the authorities to decide on the time-frame for implementation, as a key element of their dialogue.

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Box 3: Action Plans requested from authorities in the UK
Some constituent bodies of the UK NPM ask authorities to develop concrete Action Plans, including timelines, on how their recommendations will be implemented.

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- How to prioritize recommendations?

Especially when it has many recommendations, NPM priorities must be clearly stated and visible to addressees, so they know what they are expected to do and when.

NPMs usually prioritize recommendations according to their urgency and/or strategic importance in terms of achieving change and preventing torture and ill-treatment. It is easier for NPMs to determine priorities on the basis of a clear strategy, and ideally a strategic plan, as mentioned in section 2 above.

Recommendations can be prioritized within a visit report; NPMs often also use their annual reports to publish their priority recommendations.

Note that the most urgent recommendations need to be raised and discussed immediately with the head of the institution at the end of the visit, and with relevant authorities. Most NPMs have a procedure on how to go ahead in urgent cases, including by means of publishing immediate press releases on grave violations.

- How many recommendations are needed?

There is no ideal number of recommendations. However, too many recommendations are unlikely to be implemented. Drafting a high number of recommendations can prove less effective, as the reader may get lost and the addressee may not understand what he/she should act upon and how. In such cases, addressees may also decide to unilaterally prioritize some recommendations that are not the ones that truly matter in terms of torture prevention.

To achieve change, it is key that the NPM thinks of which issues are the most important and raises them as priorities. Several NPMs, including from Costa Rica or Switzerland, have decided to only issue a limited number of recommendations in their reports, including those addressing emergency situations, and those deemed to be of strategic value. Other issues identified on visits are mentioned in the text but are not turned into specific recommendations.

In addition, or as an alternative, some NPMs have introduced a systematic prioritization and/or gradation system. This is not only important for the addressees but also for the NPM when assessing the implementation of its recommendations and determining its future strategy and the course of its future actions.

- Coherence

It is important to make sure the NPM's recommendations are coherent and harmonized amongst themselves, as they can be written by different persons. In addition, recommendations should be consistent across time and places so as to provide consistent guidance to authorities. NPM recommendations should also be in line with (or even go beyond) international and regional standards when applicable.

- Making sure recommendations stay relevant

Many recommendations require follow-up over a long period before they are effectively implemented, either because they are long- or mid-term, or because (for different reasons) they are not implemented and need to be repeated over time. It is important, in such cases, to check that existing recommendations remain relevant against new developments. For this purpose, some NPMs have carried out reviews of their existing recommendations, in order to

assess each recommendation's continued relevancy in the current context. On that basis, recommendations are either retained (sometimes merged or modified) or discarded. This is the practice in the Czech Republic and the Maldives, among NPMs we looked at for this study.

3. Ensuring Implementation of Recommendations: Strategies for Effective Follow-up

3.1. Objectives of follow-up

Following-up on recommendations is crucial to ensuring they are implemented and, hopefully, that their implementation results in the change the NPM wants to see. To encourage implementation of recommendations and change overall, NPMs should enter into a dialogue with the authorities about possible implementation measures (Art. 22 OPCAT). This dialogue can take several forms but its effectiveness is dependent on the way it is planned and conducted, particularly ensuring it is tailored to national contexts and to the authority with which the NPM is engaging.

An NPM is part of a wider torture prevention ecosystem, at the national and international level. Mobilizing other stakeholders in the system is another important way to achieve change. Beyond dialogue with authorities, other initiatives with these stakeholders can therefore aid the NPM in making sure its recommendations are considered and eventually, implemented.

By providing a full picture of: the recommendations made by an NPM on a certain issue, place or type of place of detention; the NPM's endeavours to follow-up on them; and the steps taken by authorities to implement them, a recommendation tracking tool can also help NPMs define the strategies needed to effectively engage key stakeholders. These strategies have to be tailored and adapted to different NPM recommendations, whether they relate to material conditions, to practices and procedures, or to the national legal framework.

3.2. Follow-up visits

Especially when recommendations are targeting an institution or a type of institution, one of the most effective ways to follow-up on recommendations, to see if they have been implemented, how they have been implemented, and the result of this implementation is to undertake a follow-up monitoring visit to a place of detention. This applies especially to recommendations regarding material conditions or procedures in a place of deprivation of liberty. Over the mid or long term, it may also apply to recommendations on legislative changes, to check whether new laws or regulations are being implemented in practice and their concrete impact.

Follow-up should always be integrated into NPM visits. However specific follow-up visits, with the unique objective of following up on the implementation of previous recommendations in a given place or type of place of deprivation of liberty, may be a helpful addition. Most NPMs plan these follow-up visits on a regular basis and prioritize the institutions in which they will take place on the basis of pre-established criteria. Some NPMs have also developed specific follow-up visit reports which list the previous recommendations and whether they have been achieved, partially achieved, or not achieved; they also include further follow-up recommendations.

It is key that the preparation of either type of visit includes a review of the past recommendations to be followed up on, and of the current stage of their review or implementation by authorities on the basis of information received from them and from other sources (including, individual complaints received by state institutions or other stakeholders). The recommendation tracking tools discussed in chapter 4 below are essential to gathering this information quickly and reliably.

3.3. Dialogue with the authorities

The most direct way to ensure recommendations are implemented is to engage with relevant authorities in a constructive dialogue, an NPM's prerogative under the OPCAT. This dialogue can take several forms, including written

exchanges, phone calls and face-to-face meetings. The nature of those meetings is often linked to the level and timing of the dialogue, and all complementary options shall be explored. On a practical level, several NPMs have developed the good practice of getting NPM focal points designated within ministries and relevant institutions, with whom they can have more informal and regular exchanges of information and updates when necessary.

The first essential step for this purpose is to target relevant authorities, including both the monitored institutions (a "horizontal" dialogue) and governmental decision-makers- (a "vertical" dialogue), and send to them the recommendations upon which they can act.

Many NPMs request answers in writing about the implementation of their recommendations from these addressees, often with a deadline for response. This is the foundation for any discussion of recommendations and their implementation. Some NPMs furthermore systemically follow up on their recommendations, as a planned routine procedure. For instance, some NPMs write biannually to the authorities requesting updates on the status of implementation of their recommendations.

To maintain dialogue and better track the consideration or implementation of recommendations, the use of confidential face-to-face meetings with authorities is a highly effective and therefore recommended practice for NPMs. These meetings should target governmental stakeholders who can affect the changes needed, with the aim of regularly reviewing recommendations, the practicalities of their implementation, the steps taken to implement them, and agree on ways forward. In addition, some NPMs carry out meetings with heads of institutions and other relevant experts to get their direct feedback on their practicability, relevance, and implementation. Some NPMs also use their general awareness-raising activities with authorities, and heads and/or staff of relevant institutions to raise awareness of their recommendations and their state of implementation.

Box 4: The Swiss NPM's thematic roundtables with authorities

The Swiss NPM organizes closed thematic roundtables with experts and relevant representatives of authorities, including heads of relevant institutions, to discuss its findings and possible solutions on specific themes it plans to report on, leading to the fine-tuning of its related recommendations if needed.

Note that persistence is important to making dialogue successful. Recommendations may be rejected for political or budgetary reasons and should be repeated as long as the NPM sees them as still relevant, until the desired change happens. Good institutional memory is needed so recommendations are not forgotten, as well as some patience and strategic thinking.

Openness and forward-thinking ideas are also essential to a successful dialogue. It is during dialogue that authorities and the NPM can agree on how implementation will take place. Some NPMs who have built a critical and constructive relationship with the authorities are proactively approached for advice on implementation.

3.4. Mobilising other stakeholders

NPMs are an essential part of the torture prevention system in a given country. However, they do not act in isolation, and other stakeholders are also active in this field. It is important that the NPM exchanges with these other stakeholders to get information on the issues faced in places of deprivation of liberty, but also on how their recommendations were or were not effectively implemented, and eventually foster further support for implementation.

It is important that NPMs coordinate with other existing institutions working on detention issues, and other detention monitoring mechanisms, at the national level. These will often be other state institutions (for example, ombuds offices and NHRIs, including their other relevant departments if the NPM is part of them, or CRPD monitoring mechanisms) or civil society monitoring mechanisms working on the basis of Memorandums of Understanding with relevant state authorities (in the case of Armenia notably). In such cases, regular coordination meetings are important to ensure

respective strategies are effective, relevant, do not duplicate others' work, and overall strengthen the prevention of torture in the country.

Civil society is a key actor of the fight against torture and can be instrumental in fostering wider support to NPM recommendations. As such, they need to be well-informed about the NPM's endeavours and given opportunities to input on its strategy. Their support to NPM recommendations can be key to achieving a momentum around detention issues. It is recommended that privileged communication channels are established so that NGOs in particular can inform the NPM of any concerns or issues of relevance, including relating to individual cases they are dealing with. In addition to those, several NPMs have successfully established a formal coordination mechanism or some formal advisory mechanisms such as an advisory or coordination councils with relevant NGOs, trade unions, and/or academics who are consulted about the NPM's strategy, plans, and activities. It is essential in such cases that the consultation goes beyond formality and is able to influence the NPM's strategy. Some NPMs hold roundtables and seminars with interested universities and NGOs to discuss detention issues, what the NPM is seeing, and what could be done to change detention conditions. It is good practice that some NPMs also share their public reports proactively with civil society and enter into a substantial discussion on their priorities, methodology and findings on this occasion.

The legislative body is also a key stakeholder the NPM should try to mobilize, whilst being mindful of keeping a necessary distance from politics, in order to maintain independence. The presentation of an NPM's Annual Report before parliament is a powerful way to bring the legislature to act, since in some countries including Georgia and the Kyrgyz Republic, it is followed by the adoption of (some of) the NPM recommendations in a parliamentary motion, conferring them legal, binding value. The NPM also can submit proposals and observations concerning existing or draft legislation (Art. 19(c) OPCAT). Submitting reports and appearing before parliamentary committees can aid implementation of recommendations, particularly recommendations requiring changes in law. In addition, members of parliament are involved in budgetary discussions that can have an impact on the implementation of some NPM recommendations as well.

Finally, the judiciary is an essential actor of the prevention of torture and has a direct impact on systemic issues in detention, including overcrowding in prisons or possibly forced placement in psychiatric institutions. It is important that NPMs try to address systemic issues arising from the administration of justice, whist remaining mindful of the independence of the judiciary. Some NPMs have addressed some of their recommendations to judges. Whether an NPM wishes to follow this direction or not, it is essential that judges and prosecutors are engaged in one way or another. Some NPMs have managed to influence their training curricula and/or intervene in their initial training; others have managed to establish a traineeship system where judges participate in the work of the NPM for some weeks as part of their practical training. Several NPMs also send their reports to judges and invite them to their events. In some states where judges have the ability to issue mandatory recommendations, NPMs have developed relationships with them allowing them to discuss the use of these powers for recommendations that are not being implemented. Other NPMs conduct awareness-raising sessions on the content of their recommendations with judges.

3.5. Engaging the international system

NPMs can also use the international system, in particular to reinforce their recommendations, although any engagement should be strategic, rather than an objective in itself.

Many UN bodies and mechanisms have a direct interest in and impact on torture prevention and detention issues. By engaging in the international system, the NPM can apply pressure for implementation from different angles. As part of the OPCAT architecture, the UN Subcommittee on Prevention of Torture (SPT) is of course of specific relevance for NPMs who can actively engage with this body to strengthen their work and the follow-up to its recommendations, particularly in the context of SPT country visits. This also includes the confidential communications of the SPT with OPCAT states parties, which can support NPM recommendations, as well as their more general advisory role.

A state will undergo periodic reviews by treaty bodies, such as the Committee against Torture (CAT), the Human Rights Committee, and the Committee on the Rights of the Child, when it is a party to the corresponding human rights treaty. NPMs may contribute to state review in order to provide information on priority issues of concern at the international level. In particular, the CAT invites NPMs, in addition to NHRIs, to present their shadow report in a specific official closed session with all CAT members. Furthermore, all states undergo a review of their human rights records by their peers through the Universal Periodic Review (UPR), a mechanism of the United Nations Human Rights Council. In this context, NPMs may submit a shadow report to the Office of the High Commissioner for Human Rights. When NPMs are part of NHRI with A status they may in addition intervene in plenary. NPMs may also want to advocate with diplomats from other states to encourage them to include NPM recommendations in their statements These strategies are usually more of a long- to mid-term way to secure international support for recommendations.

At a regional level, in Europe, several key international institutions have direct relevance to strengthening the NPMs' work and impact. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as the reference regional torture prevention and monitoring body, is directly relevant. During CPT visits, NPMs can share their concerns and recommendations and participate in the final talk with the authorities. This can be useful to ensure mutual follow up and implementation. Cooperation with the CPT could also go beyond visits, when the visit report is available, and within the context of dialogue with authorities regarding other situations of torture prevention.

Other institutions of the Council of Europe may also be important for NPM work, including the Parliamentary Assembly (PACE) and its relevant committees, the Commissioner for Human Rights, and the European Court of Human Rights (ECtHR), particularly when a report or case is being reviewed.

The Organisation for Security and Co-operation in Europe (OSCE), in particular via its Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is also a key stakeholder who could advocate for the NPM's recommended changes with authorities. The work of the OSCE/ ODIHR, in particular regarding torture prevention, rule of law and policing, may be especially relevant for the follow up to NPM recommendations. In particular in places where there is an in-country OSCE presence, NPMs should establish contacts and meet to discuss priorities- interesting opportunities of exchange and advocacy may in any case arise on regular occasions.

The European Union often works on human rights and rule of law issues in third countries, through its delegations, dialogue mechanisms, capacity-strengthening endeavours with state institutions, and available funding. NPM in third countries can in particular use the EU Guidelines on torture as a key reference document to encourage support and action by the EU on follow up to their recommendations.

For easy tracking and reference, it is recommended that an NPM's recommendation tracking tool also includes the relevant recommendations and statements made by these international bodies, so as to confer more weight to its recommendations, including in its dialogue with state authorities.

3.6. Using the media

It can be helpful to approach the media when there is an urgent issue uncovered in detention, or when there is a lack of engagement from authorities over the long term. The NPM needs to be careful about how issues are framed as the media may distort issues or because the public may not view those in detention in a positive way. It can also be beneficial to involve the media and have a proper communications plan when releasing reports. Knowledge of which journalists are interested and have some background in detention issues is helpful (see Uruguay for example). Means of engaging with the media include:

- Press conferences following a specific visit, publication of a thematic report or annual report.
- A regular newsletter (this may include other work if the NPM is part of a wider organisation)
- Opinion pieces written by NPM leadership
- Interviews and contributions to media

- The use of social media

Box 5: The opinion column of the Austrian Ombudsman Board
The Austrian Ombudsman Board has a dedicated column in a popular Austrian newspaper, where it can comment on issues, including those related to deprivation of liberty.

Box 6: The Slovenian NPM's weekly newsletter
The Slovenian NPM is part of the office of the Ombudsman. The office publishes a weekly newsletter about important events of the week, including any NPM visits and key findings.

4. Tools for tracking the implementation of recommendations

4.1. Introduction: assessing needs and defining objectives

Keeping a record of past recommendations can lead to better follow-up and thus to improved implementation. By storing recommendations systematically, NPMs can more easily use them in future visits, check on implementation status, and ensure that they are being consistent in the types of recommendations they are making over time and among similar institutions and situations. Being systematic about recommendation management can also help NPMs to plan more effectively by helping them to understand what they have done in the past and what has worked in terms of implementation.

Tools are only going to be useful if they are linked to a clear purpose and objectives. Creating a database is not, alone, going to make an NPM more effective. Indeed, it may have the opposite effect, by costing lots of money or by requiring large amounts of work to maintain – resources that could be better spent on other tasks. Going too quickly into the development and use of complicated tools can all too easily lead NPMs to lose sight of the bigger picture of changing treatment and conditions in detention.

Among the first questions that need to be asked then are:

- Why do we need a tool?
- What will we use it for?
- How can we design something that meets these needs and is manageable?

Depending on the NPM, the answers to these questions will vary but, at the very least, tools should gather existing recommendations by place and date, so that NPMs have an overview of what has been recommended over time.

4.2. What kinds of tools are currently used?

NPMs use a variety of tools to manage their recommendations. Many NPMs use an excel spreadsheet. Others have had a database custom built for them. Some NPMs are part of a larger institution and therefore use the broader institution's existing data systems. All of these can be effective, so long as they are linked to clear objectives and not overly resource-intensive to use.

NPMs interviewed for this study all emphasised that the best tools are simple to use and include basic functionality, such as the ability to search recommendations by categories, and be easy to update. Tools should display all recommendations in one place without requiring staff to search further. Many NPMs also use the same tool to display easy to understand information on whether or not particular recommendation has been accepted or implemented.

In addition to this kind of simple system, some NPMs also supplement it with a larger (often linked) data storage system containing information on visits reports, why recommendations were made, and correspondence and dialogue

with authorities about recommendations. Nevertheless, many of those interviewed emphasized that a simple tool gathering all recommendations and containing brief summaries of implementation were particularly useful.

Examples of currently used tools are:

- An excel spreadsheet with rows or columns for categories such as: date, recommendation text, place, type of place, thematic keywords, and links to the full report

- A custom-built database allowing more complex categorization and analysis, including, for example, the ability to display recommendations by a combination of different criteria (for example: all recommendations relating to solitary confinement and to youth custody) or on an interactive map.

- A follow-up matrix, including recommendations, plus linked indicators and quantitative and qualitative data sources for verification, as well as actions the NPM can take to verify compliance.

Box 7: The Database of the Norwegian NPM

In Norway, the NPM uses a custom-built SharePoint system. The system first gives an overview of all their visits. When the user click on a visit, they then see relevant information including: a photo of the place and the visit, the visiting team, the preparatory note, the report, the logistics plan, the interview notes, and the report templates.

The system also includes a checklist with checkboxes for visit preparation, divided into phases covering before, during and after the visit.

Recommendations made by the NPM are cut and pasted from the report into a big table within the system, which includes: the text of the recommendation, the place, the case number, the type of place (prison, police station, etc.), keywords, a link to the report, and the "problem area" that the recommendation deals with, in other words the overall theme of the recommendation – such as solitary confinement, or women in detention.

The NPM has standard lists of keywords, sectors, and problem areas, so when recommendations are added, the user can select the relevant one from a dropdown menu. The NPM uses these, in particular, to make sure that new recommendations are in line with what they have said in the past on a particular issue.

Box 8: The Database of the Swiss NPM

In Switzerland, the NPM uses a custom-built Access database, which allows to quickly identify recommendations made per theme, or place, and to quickly extract this information, notably for the preparation of following visits. The database also includes information on the authorities' replies and the steps taken towards implementation. It enables the NPM to extract relevant information by topic (e.g. women; access to family visit; etc.) and the status of implementation of specific recommendations.

4.3. Content and structure for a tracking tool

NPMs use tools for different objectives, each of which has an impact on the structure and content.

One common objective is to understand what they have recommended in the past on particular issues, in order to make sure that they are consistent over time, and to help with preparation for future visits. To meet these objectives, many NPMs include all their past recommendations, categorized in one or all of the following ways:

- Relevant rights (right to privacy, to healthcare, etc.)

- Overall "problem area" (solitary confinement, body searches, etc.)

- Concerned population (women, children, etc.)

- Who is responsible for implementation, e.g., a minister, the head of a facility, or security chief

- The facility or facilities to which the recommendation relates

- The importance of recommendations; individual recommendations (affecting one detainee), general recommendations (within one institution or authority, but affecting more than one detainee), systemic recommendations (about general practice)

- The implementation timeframe (for example, immediate, short, and, long term)

- The type of implementation needed (for example, law and standards, policy, institutional, enforcement)

Another objective of many NPMs is to record information about whether or not a recommendation has been implemented. This means including additional information, including, for example:

- A traffic light system: red means a recommendation is rejected or has not been implemented, yellow means a recommendation has been accepted and there is some level of progress on implementation, and green means the recommendation has been implemented

- Simply categorising the implementation of recommendations into Accepted and done, Accepted and not done, or Rejected

- Categorising the recommendation into implemented, partially implemented, not implemented

- A progress monitoring scale (from 0 to 100) with a description of the implementation (or lack thereof) along with a common tag which explains why a recommendation has or has not been implemented. For example, budget reasons, or political will, allowing the NPM to sort recommendations by reason for lack of implementation.

NPMs may also wish to include information about follow-up, including any responses the NPM has received from the authorities during their regular dialogue. They might also include here things that they have observed during follow-up visits, and any other information received from other sources such as other monitoring bodies or through complaints. Some of this information may be lengthy so the tool may contain a summary while further information can be stored elsewhere and linked to or indexed for ease of access.

Some NPMs also include information on what the NPM's next step will be on following up the recommendation, for example: reviewing guidance or writing to the authority.

Box 9: Categories of recommendations by the Brazilian NPM
The NPM of Brazil organizes its recommendations by major themes and subtopics. These might include, for example: individualization (sexual diversity and gender identity; religious freedom; privacy and possession of personal objects; individual assessment reports (for example, reports of dangerousness cessation); cultural diversity; preparation and execution of an individual project or plan; persons deprived of freedom in institutional dynamics.

Box 10: The tracking tool of the Czech NPM
The Czech NPM uses an excel tool to categorise and organize its recommendations, which headings include: Visit (Systematic/Follow up); Recommendation area; Recommendation sub-area; Facility; File number; Type; Notes on Reasoning; Facility Response.

4.4. Management of the tool

To ensure is useful, any tool will need to be used and updated. Tools quickly lose their usefulness if they are not maintained and, at the same time, if they are not useful or clearly linked to needs, updating them can become a time-consuming end in itself. This means that NPMs will need an ongoing internal discussion about objectives and whether the tool is fulfilling them. They will also then need a plan for how any tool is managed.

Continued management of the tool takes time. Therefore, time needs to be made available to staff for upkeep of the tool including the entry of new recommendations and their categorisation, follow-up with authorities, and entry of data on implementation or reasons for lack of implementation. This will require buy in from both NPM staff and management.

Some NPMs have chosen to allocate someone who is responsible for management of the tool. Other NPMs allocate responsibility for the entry and follow-up of recommendations in the tool to each visit leader. Other NPMs have teams split by places of detention, for example a team focused on prisons and another team focused on youth and child facilities. It is then the responsibility of the team to update recommendations relating to their place of detention.

The NPM may choose to have a manual or offer training on the use of the tool, particularly for new staff. It is important new staff understand the importance of the tool and how to use it.

The use of the tool should be evaluated periodically. This should involve all who use the tool. The categories of recommendations, the allocation of time for updating the tool, the ways of illustrating implementation, and the overall usefulness of the tool can be reviewed. When evaluating the tool wider discussions around follow-up, whether recommendations are being implemented, and ways to enable implementation can also be discussed (including whether the tool is meeting its objectives).

5. Conclusion

As this study shows, following up on recommendations is not only about implementing effective follow-up strategies, but equally about strategically reviewing all of the NPM's work, and how to improve each of its stages. It is only through this holistic review that the follow-up to NPM recommendations can be strengthened, maximizing the chances that NPM recommendations are implemented by relevant authorities.

However, one also has to keep in mind that the eventual implementation of NPM recommendations by authorities can often also rely on external factors that the NPM cannot control, although it can do its best to influence them - from the political background to the state's general policy and budget priorities. It is key that any initiative of the NPM that tries to measure change takes these external factors into account. This can then help it to refine as much as possible a strategy for how best to influence them.

In this framework, how to try and assess as precisely as possible the NPM's contribution to the changes they bring? NPMs, and other human right actors alike, are currently exploring how to measure their contribution to change. The development of indicators and a related measurement framework is an interesting perspective that may represent a fruitful next step for the Armenian NPM, once its follow-up strategies have been thoroughly reviewed and thought through.