



A PRACTICAL GUIDE TO THE UN SPECIAL PROCEDURES



ISHR

INTERNATIONAL SERVICE
FOR HUMAN RIGHTS

About ISHR

The International Service for Human Rights is an independent, international non-governmental organisation (NGO) which promotes and protects human rights by supporting human rights defenders strengthening human rights standards and systems. achieve this through a strategic combination of research, advocacy, monitoring, coordination and capacity building.

Founded in 1984, and with offices in Geneva and New York, ISHR has a proven track record of achieving human rights change: from facilitating global civil society input to the Vienna Declaration and Program of Action (1993), and leading the development of the United Nations Declaration on Human Rights Defend (1999), to contributing to the establishment of the UN Human Rights Council (2006), catalysing and coordinating the adoption of the Yogyakarta Principle on Human Rights and Sexual Orientation and Gender Identity (2007), leading the adoption of a landmark UN Human Rights Council resolution strengthening protections against reprisals (2011) and developing a influential Model National Law on Human Rights Defenders (2014-2016).

For many years, ISHR has worked closely with the Special Rapporteur on human rights defenders and other mandates directly related to the concerns of defenders, and supports NGOs to engage strategically with the experts. ISHR strives to strengthen the overall work of the special procedures, including by advocati for the appointment of highly qualified, independent experts and by pushing States to implement their recommendations.

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The Special Procedures are the United Nation (UN)'s system of independent human rights experts, often titled Special Rapporteurs, assigned to investigate and report on the realisation of certain rights around the world, or in specific countries. Over the past decade, they have become one of the most effective international instruments for confronting violations of the rights of individuals and particular groups. They have taken action against killings of persons protecting environmental and land rights, spread understanding of particular challenges faced by women human rights defenders, shone a light on the situation of LGBTI persons, and helped to expose the risks faced by civil society in highly restrictive environments. Often their independence allows them to discuss issues that are otherwise deemed too politically 'sensitive' for discussion at the international level. It also enables them to act swiftly and react publicly to the situation of a person, community or even problematic draft legislation.

This handbook is intended to be a practical aid to working with the Special Procedures for non-governmental organisations (NGOs) and human rights defenders. Our hope is that the information provided in this guide will help NGOs engage more strategically with the Special Procedures to increase the impact of the experts' work in increasing human rights protection around the globe.

Learn more about how to engage strategically with the Special Procedures in the ISHR Academy – ISHR's e-learning space.

Who are the Special Procedures?

"Special Procedures" is the collective term used for a group of human rights experts tasked by the UN with investigating, and reporting on, the situation of human rights around the world. They also provide advice and recommendations for the implementation of those rights. They are mostly individuals, titled Special Rapporteur or Independent Expert, but some of the Procedures are also Working Groups typically comprising five members, one from each UN region¹. The different titles can denote differences in working methods but any such distinctions are usually minor. The Special Procedures are established by resolutions of the UN's main inter-governmental body for dealing with human rights issues – until 2006 the Commission on Human Rights, and now the Human Rights Council (HRC).

There are two broad categories of Special Procedures: country and thematic 'mandates'. The [country mandates](#)² report on the situation of human rights in a specific country. [Thematic mandates](#)³ consider the occurrence of a specific phenomenon, such as torture, or the realisation of a certain right, such as the right to education, around the world. As of November 2019, there were 44 thematic and 12 country mandates.

These posts are unpaid, which means that the mandate holders usually cannot dedicate all of their time to the position, and often have another job as well.

What do the Special Procedures do?

The specific tasks assigned to any given Special Procedure vary according to the HRC resolution establishing the mandate. The [webpages](#)⁴ of the various mechanisms give more detailed information on the relevant resolutions and the mandate's work. For the most part, however, the tools available to the Special Procedures are the same:

1. Communications

From the activist's perspective, because they can prompt these actions most easily, perhaps the most important of the tools available to the Special Procedures is communications with governments. These communications follow up on information received by the Special Procedures about allegations of violations of the rights covered by their mandates, and seek to bring such violations to an end, as well as redress for victims. They can take the form of **allegation letters** in the case of violations that have already occurred, or **urgent appeals** in the case of violations that are ongoing or about to occur and can therefore serve a more urgent preventive function. It is also possible for communications to be sent expressing concern about enacted or proposed legislation or government policy that is likely to threaten the enjoyment of certain rights. In recent years some experts have begun a practice of sending communications to non-State bodies, including corporations and intergovernmental actors.

¹ List of UN regions available here: <http://www.un.org/depts/DGACM/RegionalGroups.shtml>.

² List of country mandates available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx.

³ List of thematic mandates available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM.

⁴ Access the webpages here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>.

Usually communications are based on information submitted to the Special Procedures by NGOs or victims themselves. It is also increasingly common for the communications to be sent jointly by two or more mandates where the violations fall into multiple categories. For example, allegations of a human rights defender being detained arbitrarily for organising a protest could lead to a communication being sent by the Special Procedures working on human rights defenders, on arbitrary detention, and on freedom of assembly. The communications, and any government responses, are made available in a [database](#)⁵ on the OHCHR website and are presented in a report⁶ to the HRC.

⁵ Database of communications sent and government replies available here: <https://spcommreports.ohchr.org/>.

⁶ Reports (the 'Joint Communications Reports') available here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>.

2. Country visits

A key way in which the Special Procedures inform themselves about situations in countries is through **on the ground visits**. During such visits the experts attempt to gain an understanding of the realisation of the rights covered by their mandates, as well as the more general human rights situation, by meeting with government representatives, victims and members of civil society, as well as by visiting sites of relevance to their mandate.

These visits can be 'official' (at the invitation of the government) or 'informal' (often related to a conference or event organised by an NGO or university). At the end of an official visit, the experts make recommendations and present a report to the HRC. The number of official visits made by each expert, or group of experts, varies widely but as a general rule no more than three are made by one expert in any given year.

Informal or 'academic' visits will not lead to a report or list of recommendations and the costs are not covered by OHCHR, but they provide other opportunities, discussed below and in Section III, and there is no limit on the number an expert can make in a year.

In addition, in exceptional circumstances Special Procedures may be mandated by the HRC to undertake urgent missions, individually or as part of a group, to assess particularly urgent human rights situations and to update the HRC. For example, in 2007, seven Special Procedures were [mandated](#)⁷ by the HRC to examine the human rights situation in the Democratic Republic of the Congo.

⁷ Resolution available here: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_20.pdf.

3. Reporting

All Special Procedures submit an annual written report to the HRC. The reports usually include a summary of the year's work, and address emerging thematic or normative issues (see below). They are issued with addenda covering any country visits made and a summary of communications sent and replies received. The reports are usually made available on the HRC [webpage](#)⁸ in the weeks leading up to the HRC session at which they will be presented.

⁸ Access the HRC webpages for each session here: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>.

The experts also make an oral presentation of their report to the HRC and engage in an **interactive dialogue** with States and other stakeholders, including NGOs. During this dialogue questions can be addressed to the experts on their present and future work, as well as on the normative development of the rights they cover. At certain times Special Procedures may also be called upon to update the HRC about situations of particular concern that fall within their mandate outside of the usual reporting cycle.

It should also be noted that some Special Procedures are mandated by resolutions of the HRC to report also to the Third Committee of the General Assembly. When reporting to the Third Committee, mandate holders engage in an interactive dialogue with only States, although NGOs can try to influence statements and questions made by States.

4. Public, educational and normative work

Special Procedures often work in the public domain to foster better understanding of the rights they protect, or to draw attention to particular concerns.

One important example of this kind of work is the issuing of **press statements**. These are usually produced in response to a situation that the expert feels is sufficiently urgent, or severe, to warrant a public response. As with communications these statements will often be made jointly.

Other public work, including media interviews, is also undertaken to draw attention to particular issues or trends. This can include educational activities designed to foster understanding of the rights covered by the mandate, such as launching a website, or holding events within schools and universities. These types of events – which can be organised by stakeholders who then invite the Special Procedure to attend – can present an opportunity for the mandate holders to meet with civil society and victims in countries where they have been less successful in obtaining official invitations for country visits.

Special Procedures have also played a key role in coordinating and contributing to the normative development of rights. They do so by meeting and communicating with NGOs, human rights experts and other stakeholders including representatives of intergovernmental agencies to discuss key issues. NGOs can play a leading role in the work of the experts by inviting them to, for example, attend and participate in events, sit on expert panels, or give briefings or keynote speeches.

In addition, several of the Special Procedures have also made substantial contributions to standard setting in their fields, both by contributing to debates on new standards, and by drafting such standards themselves. A recent example of such contributions was the involvement of two Special Rapporteurs in the group of experts that drew up the [Yogyakarta Principles Plus 10](#).⁹ Similarly, various current and former Special Procedures were involved in an expert group that elaborated and adopted the [Model National Law on the Recognition and Protection of Human Rights Defenders](#).¹⁰

⁹ Yogyakarta Principles Plus 10: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, available here: <http://yogyakartaprinciples.org/principles-en/yp10/>.

¹⁰ Model National Law on the Recognition and Protection of Human Rights Defenders, available here: <https://www.ishr.ch/news/model-law>.

Why do the Special Procedures matter to human rights defenders?

How can the Special Procedures have an impact?

As outlined, the Special Procedures possess several tools that can be used to strengthen the work of human rights defenders. However, defenders will need to make a choice about whether to assign often scarce resources to working with the experts. Also communicating with experts in Geneva can seem disconnected from NGOs' everyday work on the ground. In addition, the Special Procedures do not have power to compel governments to respect the rights of their citizens or others within their jurisdiction. Why then should advocates work with the experts?

In the first place, governments do sometimes change behaviour or policy as a result of statements or letters coming from 'the UN'. In some circumstances, such as when individuals are at risk of torture or are being detained illegally, urgent recourse to the UN system can save lives.

Example: Human rights defenders working in very restrictive environments, such as Bahrain, have **attributed**¹¹ their release from detention or the improvement of conditions of detention to the publicity and pressure associated with statements (e.g. **here** and **here**)¹² and communications (**here** and **here**)¹³ from Special Procedures, among others.

More generally, the power of shame should not be discounted and those statements or letters can be well understood as an additional, and potentially influential, way to get across messages that are already being delivered at the local level.

Example: In 2015 and 2016, various Special Procedures reported (**here** and **here**)¹⁴ and issued statements (e.g. **here** and **here**)¹⁵ on the human right violations connected to the collapse of a dam in Brazil. Their actions are believed to have been a key factor in the decision of judicial authorities to annul the compensation agreement provided by the government and private sector, which had not adequately addressed the needs of local communities and victims.

Second, Special Procedures can provide expert advice or 'technical assistance' to States, helping them to meet their human rights obligations. This kind of support may be more easily taken into account by governments, who sometimes see such assistance as being more 'constructive' than public statements criticising them, or who may be seeking expert guidance on the actions they should take to meet their human rights obligations in a particular situation.

¹¹ For example Maryam Al-Khawaja from Bahrain: https://twitter.com/BirdBahrain_/status/614358711033819136.

¹² Statements available here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14992&LangID=E>, and here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15460&LangID=E>.

¹³ Communications available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=13930>, and here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=14847>.

¹⁴ Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Brazil, available here: <http://undocs.org/A/HRC/32/45/Add.1>. Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil, available here: <http://undocs.org/A/HRC/33/42/Add.1>.

¹⁵ Statements available here: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16855&LangID=E> and here: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20242&LangID=E>.

¹⁶ Communications on draft laws available here: <https://www.ohchr.org/en/issues/freedomofopinion/pages/legislation-andpolicy.aspx>.

¹⁷ For example, the response of Germany (available here: <https://www.ohchr.org/Documents/Issues/Opinion/Legislation/GermanyReply9Aug2017.pdf>) to a communication by the Special Rapporteur (available here: <https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL-DEU-1-2017.pdf>).

¹⁸ More information available here: <https://www.ishr.ch/news/cote-divoire-civil-society-welcomes-government-decree-protect-defenders-urges-adequate>.

¹⁹ Report available here: <http://undocs.org/A/HRC/32/36/Add.2>.

²⁰ Statement available here: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20603>.

²¹ For example here: <https://www.amnesty.org/download/Documents/ASA2550992016ENGLISH.PDF>.

²² More information on the work of the Women Human Rights Defender International Coalition available here: <http://www.defendingwomen-defendingrights.org/our-work/>.

Example: The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression regularly sends communications (made publicly available on the mandate's **webpage**)¹⁶ to States and receives responses to the concerns raised, including information that provisions highlighted by the Special Rapporteur have since been amended.¹⁷ Even where a Special Rapporteur doesn't directly provide technical assistance, advocates can use their recommendations as guidance for States: Human rights defenders from Côte d'Ivoire were able to draw on recommendations, reports and advice from Special Procedures to strengthen their campaign for a national law on the protection of human rights defenders, which was subsequently enacted in 2014.¹⁸

Third, even when there is no obvious progress made as a result of an appeal to the UN, the act of appealing, and of having representatives of the international community take up the case, can provide credibility to local groups and much needed support by making clear that victims are not alone in their struggle. This is particularly relevant with sensitive or controversial areas of human rights, such as sexual and reproductive health rights, where such struggles can often seem very isolated and isolating.

Example: The Special Rapporteur on freedom of assembly and association visited the Republic of Korea in 2016, and subsequently released a **report**¹⁹ and a **statement**,²⁰ which helped to draw attention to the regression on the rights to freedom of peaceful assembly and of association in the country. Civil society had been attempting to raise the alarm on this issue, but were given insufficient attention until the Special Rapporteur spoke out, increasing the credibility of the claims. **NGOs**²¹ were able to rely on the report to give greater legitimacy to their advocacy.

Fourth, working at the international level can provide opportunities for activists to expand the reach of their organisations: to meet, form alliances and coordinate their work. It may also provide access to new sources of funding.

Example: The Human Rights Defender International Coalition, a global network of 35 organisations, **has worked**²² in a strategic and coordinated way with the Special Rapporteurs on human rights defenders, on violence against women, and on cultural rights, as well as the Working Group on discrimination against women, in order to strengthen norms and protections at the international level for women human rights defenders.

Lastly, the act of bringing these issues to the international system is important because it forces that system, and the governments that make it up, to acknowledge and confront the difficulties faced by millions of people around the world. Individual efforts are therefore contributions to a larger movement pushing for governments to live up to their promises of guaranteeing the enjoyment of universal human rights.

²³ For example here: <http://undocs.org/E/CN.4/2006/48>.

²⁴ Interview available here: <http://projects.essex.ac.uk/ehrr/V2NI/Hunt.pdf>.

Example: A former Special Rapporteur on the right to health, Paul Hunt, asserted on numerous occasions that sexual orientation is amongst the **prohibited grounds of discrimination**²³ under human rights law, and that sexual rights include the right to express one's sexuality as one sees fit. Some States criticised him for these positions. Yet, as he pointed out in a later **interview**,²⁴ *"being a Special Rapporteur is not a popularity contest. Whether controversial or not, it is my job to explain, apply, promote and protect the right to health in the context of international human rights law. We must never lose sight of the fact that millions of men and women are persecuted – and many are killed – on account of their sexual orientation."* The claims of these people are therefore heard despite the reluctance of States to acknowledge their human rights.

Advantages of the Special Procedures

The methods of work of the Special Procedures have a number of key characteristics that make them particularly useful to NGOs and human rights defenders:

Urgency: The ability to issue urgent appeals is unique to the Special Procedures and is key in cases of ongoing violations or in preventing violations about to occur. This capacity has saved lives in the past.

Accessibility: The UN system of **NGO accreditation**²⁵ (to get Consultative Status with the UN – also known as ECOSOC status) involves a high commitment of time and resources and is particularly difficult for NGOs working on issues that are **politically sensitive**.²⁶ It is important, then, to note that no accreditation is required to submit information to the Special Procedures: any victim or group can work with the mechanism.

Coverage: Another key aspect of the relevance of the Special Procedures is that they can operate independently of treaty ratification by States. That is, their work is universal in that they can address violations of rights in any country in the world within the scope of their mandate.

No need to exhaust domestic remedies: Some international human rights mechanisms require victims to have exhausted all domestic avenues of redress before they will act. This is not the case for the Special Procedures.

Independence: A crucial characteristic of the Special Procedures is their independence from governments once appointed. This enables them to work on politically sensitive issues and to challenge governments in a way that other bodies may be unable to do. They are also able to propose and support progressive interpretations of international law that reinforce human rights, and to keep specific issues on the international agenda at times when States are either actively hostile, or rather timid in the face of the hostility of their peers.

²⁵ Guide on how to navigate the UN system of accreditation available here: <https://www.ishr.ch/news/updated-practical-guide-un-committee-ngos>.

²⁶ More information and updates available here: <https://www.ishr.ch/news/ecosoc-and-ngo-committee>.

What are the key differences between the UN bodies that monitor human rights?

	Universal Periodic Review (UPR)	Special Procedures	Treaty Bodies (TBs)
What kind of monitoring is it?	Countries: The UPR reviews the entire human rights record of countries.	Countries/topics: SPs either monitor the human rights situation in a country or focus on human rights themes as part of a general overview.	Countries: TBs review how a State has implemented its obligations that are set out in a treaty the State has ratified or acceded to.
Who makes the recommendations?	States: States make recommendations to each other.	Experts: An individual or small group makes recommendations primarily to States, but also to other actors, like businesses.	Experts: A committee of experts make recommendations to States.
Which human rights are covered?	All: All human rights are covered by the UPR.	Some: SPs focus either on countries or specific topics, as mandated by the Human Rights Council.	Experts: TBs focus only on those rights that are covered by the treaty for which that TB monitors compliance.
Can they make country visits?	No: There are no country visits as part of the UPR process.	Yes: All SPs can go on country visits, but 'official' visits are only possible if the State has invited them to do so.	Yes: Some TBs can visit countries, e.g. Subcommittee on Prevention of Torture.
How frequent is the monitoring?	Every 5 years , with voluntary midterm reporting in between.	Ongoing. Each SP publishes an annual report on their country or topic. They can also issue communications during the year; if there are serious human rights violations occurring in a country.	Varies: States are reviewed roughly every 4 years, but usually less frequently. This is because the process depends on when a country submits information and the TB's own backlog.
Which countries are covered?	All: All UN Member States are reviewed.	All: Though some SPs are mandated to examine the situation in one specific country.	Some: TBs can only review the countries that have ratified the treaty for which that TB monitors compliance.

What are the key differences between the UN bodies that monitor human rights?

	Universal Periodic Review (UPR)	Special Procedures	Treaty Bodies (TBs)
How authoritative are the recommendations?	Political: UPR recommendations are always political because States review each other. Some can be specific, action-oriented and in line with international human rights standards, but others tend to be quite vague. States choose to accept recommendations or to simply note them, but there are no sanctions if the State fails to comply.	Expert: The recommendations are made by independent experts, making them quite authoritative. The recommendations themselves are not binding, which means that States are only encouraged to implement them.	Binding: TB recommendations are authoritative statements of what States should do to implement their binding legal obligations, meaning that States must implement them. However, there are no sanctions if States do not do so. The recommendations are usually framed in legal language and can be very specific.

Role of OHCHR

OHCHR assists the work of all mandate holders, effectively acting as a secretariat for Special Procedures. It provides support in several areas, such as legal expertise, research and analytical assistance, as well as fact-finding, and also processes communications sent by mandate holders.

The Special Procedures are directly supported by teams of staff from OHCHR. Based in Geneva, and usually consisting of only one or two people, they help to perform research for reports, draft communications and press releases, and meet with civil society in Geneva when the mandate holder is not present. The team's resources are very limited, and it also supports the mandate holders in organising the logistics and agenda of any official travel.

Role of HRC

Special Procedures are independent mandate holders appointed for their expertise and with the purpose of providing substantive advice to the HRC. They are created by the HRC – which is made up of States – and so the political negotiations and deals between countries within the HRC are what define the creation, the powers, the renewal or discontinuation, as well as the future direction of each mandate.

This means that the HRC is also the biggest threat to the independent work of mandate holders. Even where States have made the decision to create a Special Procedure on a certain topic or country, attempts to interfere in that work through subsequent resolutions, or the creation of 'competing' or 'counter-balancing' mandates are often visible.

At the same time, the fact that it is the HRC – the UN's top body with exclusive human rights competence – that grants the Special Procedures their mandate means that they can have greater political leverage and weight to their work than some other UN bodies, increasing their influence, encouraging countries to cooperate with them, and contributing to positive human rights change.

CHAPTER 3

How can human rights defenders work with the Special Procedures?

Each of the tools available to the Special Procedures provides openings for human rights defenders. This section outlines how to take advantage of those opportunities.

Communications

As discussed above the communications procedure may be the single most useful tool of the Special Procedures from the perspective of human rights defenders, who can submit information or allegations to the experts and request that they take the matters up with governments.

1. What kinds of communications can be sent?

There are three main kinds of communications available to the Special Procedures. All types of communication may be sent by individual Special Procedure or by a combination of them.

Urgent appeals are designed as emergency tools to bring a halt to ongoing violations or prevent violations likely to occur. The Special Procedures aim to transmit such appeals very soon after having received information, and requesting clarification on the status of individuals, or groups, as well as reminding governments of their responsibilities towards those persons.

Example: In Saudi Arabia, **communications**²⁷ sent by Special Procedures in 2015, twice in 2016, and then in 2017 have contributed to the continued non-enforcement of death penalty sentences against persons found guilty of protest-related charges. The individuals were minors at the time of the protests, and the sentence of death by crucifixion or beheading came in 2014 in the context of alleged failures of due process guarantees, including allegations of confessions obtained under torture. The communications were sent at different moments when the executions were believed to be imminent.

Example: In Kenya, witnesses in a case against a company and the government regarding lead poisoning of a community caused by a lead smelting factory, were assaulted, received threats (including from police officials), and were forced into hiding. A **communication**²⁸ and press release sent by the Working Group on business and human rights and the Special Rapporteur on the environment, helped to ensure that protection measures were granted to the witnesses by the court.

Allegation letters, by contrast, deal with human rights situations that have already occurred. They outline the relevant allegations and then request information from the government on those allegations, as well as on any measures taken to provide redress to victims. They may make suggestions as to actions the government should take following on from the incidents they describe. They can deal with cases involving violations against individuals or groups and can also address more general concerns about the human rights situation in a country.

²⁷ Communication available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=23874>.

²⁸ Communications available here: September 2015: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=22669>, March 2016: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=21114>, August 2016: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=3318>, February 2017 (Opinion of the Working Group on Arbitrary Detention): https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A_HRC_WGAD_2016_61_A_EV.pdf, July 2017: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=23248>.

Tip: Don't worry if you are not sure whether you should be requesting an urgent appeal or a allegation letter – in practice there is no difference for your advocacy as they are both letters sent to your government. Once the experts have the information they need, they'll decide what label to put on the letter.

Policy/legislative communications are a relatively new form of communication and are sent to register concern that an existing or proposed policy or piece of legislation has or will impact on the enjoyment of rights by certain members of the population. Unlike other communications, some of these are immediately made publicly available on the website of the relevant Special Procedure.

Example: In March 2018, the UN Working Group on discrimination against women sent a **communication**²⁹ – and issued a **press release**³⁰ – calling on the Polish parliament to reject a draft bill entitled “Stop Abortion” which they considered risked violating Poland's international human rights obligations. The communication was sent the same week that the draft bill was due to be debated, helping NGOs trying to influence the outcome of the vote. At time of publication, the vote on the bill had been stalled for five months due to the widespread pushback. In Australia, Special Rapporteurs sent a **communication**³¹ and **statement**,³² used by civil society to support campaigns to defeat a proposed law giving companies the right to sue protesters and advocates for defamation. These interventions resulted in the improvement of some of the worst elements of the bill before it became law, and were later used in successful strategic litigation to have the law declared unconstitutional.

2. Who can submit information?

In most cases anyone can submit information. There is no requirement that organisations be registered with the UN, and individuals can also submit information. The Working Groups on arbitrary detention and enforced or involuntary disappearances have slightly more formal requirements and accept information from the individuals concerned, their families or representatives (including NGOs).

3. Where should information be sent?

To facilitate the consideration of alleged violations, an **online questionnaire**³³ for all mandate holders is available to persons wishing to submit information. Submissions are also considered when they are sent by email to specific mandate holders. Specific information concerning the individual communications criteria of specific special procedure mandates is available on the individual web pages of **thematic mandates**³⁴ or **country mandates**³⁵. Submissions should be made in English, French or Spanish.

Tip: If you are particularly interested in a **joint action** by various Special Procedures, it is important to share information with all of the relevant mandates and to explain why it is important for them to act together (i.e. why would there be a greater impact?). If you specifically do not want a joint action, also explain why.

²⁹ Communication available here: <http://www.ohchr.org/Documents/Issues/Women/WG/Communications/OL-POL-1-2018.pdf>.

³⁰ Press release available here: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22882&LangID=E>.

³¹ Communication available here: [https://spdb.ohchr.org/hrdb/28th/public_-_AL_Australia_04.09.14_\(3.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/public_-_AL_Australia_04.09.14_(3.2014).pdf).

³² Press release available here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15002&LangID=E>.

³³ Online questionnaire for submitting information to Special Procedures available here: <https://spsubmission.ohchr.org/>.

³⁴ List of thematic mandates available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM.

³⁵ List of country mandates available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx.

³⁶ Directory of Special Procedures Mandate Holders available here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Publications.aspx#directory>.

³⁷ Online questionnaire for submitting information to Special Procedures available here: <https://spsubmission.ohchr.org/>.

If you are sending information by email to **urgent-action@ohchr.org**, the team supporting the Special Procedures will make an assessment of the kind of communication to be made and which Procedure(s) is most relevant. However, it is useful to indicate whether the situation is urgent, and to which mandate you want to direct your information in the subject line of the email. If you wish to target one specific mandate, you should also email their generic email address, available in the **Directory**³⁶ of Special Procedures Mandate Holders.

Tip: The information that human rights defenders already have can usually be turned into a submission with relatively few resources. To ensure that the information is considered credible, avoid exclusively using media sources and use first-hand sources as much as possible as the basis for your information. Be sure to answer the following questions, most of which are also included in the **online questionnaire**.³⁷

1. **Who is sending the information?** Provide contact details
2. **Is the situation urgent?**
3. **What is/are the name, age, gender, place of origin and/or residence of victims?** If the allegation concerns a large group then provide information about that body
4. **What happened?** Include dates and locations. If it concerns a law or policy, provide the document in an annex
5. **Who are the perpetrators?** If possible, give names, titles/functions, and any possible motive
6. **What is the context?** E.g. legal framework – particularly important for submissions concerning a general situation
7. **What action has been taken?** At the national or international level, and include remedies already sought
8. **What action should the Special Procedure(s) take?** Suggest steps or measures the experts could take to best address the situation.

4. What can be expected after submission?

Once OHCHR has received information, the staff will consider the submission to see if there is enough information, and enough credibility to the information, for a mandate holder to send a communication. Sometimes, the OHCHR staff will make contact with the source of information to request additional details. They must also be sure that the case falls within the mandate of one or more of the Special Procedures. For these reasons, as well as limited resources, they are not able to act upon all information that they receive.

Tip: Some experts receive over 100 submissions each week. To increase the chances of the submission being picked up, you should focus on very recent or upcoming events, demonstrate why action at that specific moment is necessary (especially if you are also hoping for a press release), and consider compiling a number of cases to show a trend. Make sure you have the consent of any individual victim or organisation mentioned.

³⁸ Joint Communications Reports available here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>.

³⁹ Communications database available here: <https://spcommreports.ohchr.org/>.

Previously, the communication remained confidential until the presentation of the 'Joint Communications Report'³⁸ to the HRC (in March, June and September), when the communications sent and any State replies received since the last HRC session appear in the [communications database](#).³⁹ However, now communications are also published in the database once the 'deadline' for a government response has expired. This deadline is stated in the letter, but is usually within 48 hours where the expert is planning to issue a press release or where the communication deals with a draft law, or within 60 days in other cases.

Even with this change, one of the weaknesses of the system is that it is hard to follow the exact status of any information submitted to the Special Procedures. For example, only the Special Rapporteur on human rights defenders and the Working Groups on arbitrary detention and enforced or involuntary disappearances acknowledge submissions as a matter of course. This can be frustrating as it means that it is often unclear whether the Special Procedures have acted on the information provided. Consequently, if you wish to know the status of the Special Procedures' activity on a case, it may be necessary to send a follow-up letter or email, or to telephone and ask to speak to the desk officer supporting the relevant mandate. You should also inform OHCHR if there are any changes to the situation addressed in your submission.

Tip: You can sometimes find out who is the OHCHR staff member supporting the relevant mandate, by looking at the contact details given at the end of the most recent [press releases](#)⁴⁰ issued by that Special Procedure. Double check if it's a joint press release, because the contact details might be for someone supporting a different mandate!

⁴⁰ Press releases of all Special Procedures available here: <http://www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx>.

5. What can be done to follow-up on a communication?

Once a communication has been made and a government reply requested it may seem that the process is out of the hands of domestic groups. There are, however, a number of ways in which follow-up can be undertaken.

In the first place, it may be that if a government response is received by OHCHR they will make contact with the original source of the communication to elicit any comments and to see what more can be done. Even when no contact is made, it will be possible to see any government response to the Special Procedures' communication once the communication has been published in the [database](#),⁴¹ and comments on this can be sent to OHCHR.

Tip: You don't have to wait till a communication has been published by the Special Procedures to draw attention to the case. You can use the fact that you've submitted information as [the basis for a campaign](#)⁴² for example highlighting how serious the situation has become that you've been forced to turn to the UN.

⁴¹ Database of communications sent and government replies available here: <https://spcommreports.ohchr.org/>.

⁴² Example from the Philippines available here: <http://www.interaksyon.com/complaints-against-duterte-filed-with-un-experts-for-inciting-repression/>, and here: <http://www.manilatimes.net/ph-lawyers-to-un-investigate-duterte-attacks-against-sereno/393392/>.

Secondly, the fact of the communication and any government response (or non-response) can be used in domestic advocacy to press the government to live up to promises it made to the Special Procedures, or to highlight misleading claims. The government could also be encouraged to respond, and its failure to do so could be publicised.

⁴³ Example from Sri Lanka here: http://island.lk/index.php?page_cat=article-details&page=article-details&code_title=173515.

⁴⁴ List of upcoming country visits available here (not always up-to-date, see footnote below for another resource): http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx.

⁴⁵ List of upcoming country visits available here (not always up-to-date, see footnote above for another resource): https://docs.google.com/document/d/195truq977Y5E_rmASg2rurZPagY1T7U4vukuEt-fXafg/edit.

Example: Advocates in Sri Lanka [have used](#)⁴³ statements by the government claiming that it was not bound by the recommendations of a particular Special Procedure to explain why such claims are incorrect, to draw more attention to the recommendations made by the mandate holder and other mechanisms, and to increase pressure on the government to implement the recommendations.

Country visits

There are a number of ways in which human rights defenders can engage with country visits to strengthen their own work and that of the Special Procedures. It is useful to refer to the OHCHR [website](#)⁴⁴ and [online updates](#)⁴⁵ to see if any visits to your country have been requested or are scheduled.

In the first place, particularly relevant Special Procedures can be encouraged to visit to draw attention to the situation in a country. This can be done by writing to the relevant expert at OHCHR and explaining why a visit would be useful. When seeking to undertake a visit, the Special Procedures request an invitation from the host government and, in circumstances where such invitations are not forthcoming, national NGOs can lobby their government to issue them. The government can also be pressed to issue a so-called 'standing invitation' allowing visits by all Special Procedures – invitations will still be required for each visit, but States will be under more pressure to agree.

Tip: In some countries, it is highly unlikely that a government will agree to invite a Special Procedure to visit. One way to get around this difficulty is for civil society or an academic institution to invite a particular mandate holder to attend a conference or event, allowing for an unofficial visit. A Special Procedure can't issue a full report with recommendations after an unofficial visit, but it can help to build a relationship with the expert and draw their attention to grave situations or cases. It can even pave the way for an official invitation if there is a good dialogue with government representatives.

Second, once a visit is planned, NGOs can submit information to assist with the preparation for the visit and to urge the expert to look into areas of particular concern during the visit itself. They can also contribute by publicising the visit.

Third, during the visit, NGOs can meet with the expert to answer questions and to bring concerns to their attention. These meetings can be arranged by making contact with the OHCHR desk officer coordinating the work of the mandate. Given that visits are often of limited length it is often useful to coordinate such meetings amongst domestic NGOs to make sure that as many groups as possible have the chance to share their experiences.

Lastly, once a visit has been completed, a report and recommendations will be issued by the expert and presented to the HRC (sometimes up to a year after the visit). This can be used as an advocacy tool for local NGOs, who can also push for the implementation of key recommendations where the government seems reluctant to act.

Example: National NGOs in Mexico worked very closely with the Special Rapporteur on human rights defenders to help prepare the agenda for his visit to the country in 2016. They provided him with information to help him identify priority topics, groups to meet with and locations to visit. During the visit, the Special Rapporteur and NGOs **drew attention**⁴⁶ to **meetings**⁴⁷ he had with different communities and the sites that he visited, as well as comments he made at public events they organised for him to speak at. At the end of the visit, the Special Rapporteur issued an end of mission **statement**⁴⁸ that contained preliminary recommendations – rather than waiting until the country mission **report**⁴⁹ was presented to the HRC. NGOs were able to **immediately**⁵⁰ **use**⁵¹ these in their advocacy, and then take advantage of the presentation of the report months later to draw attention to the failure of the State to make progress on key issues.

Reporting

During the interactive dialogue that follows the experts' oral presentation to the HRC, there is space for ECOSOC-accredited NGOs to make statements or to ask questions in the Council plenary. These interventions can be used to encourage the experts to look at new issues, to draw attention to areas of concern, or to ask for more detail about an aspect of their work. Being in Geneva also provides an opportunity to meet with individual mandate holders or their staff from OHCHR. In addition, experts can be lobbied to address particularly grave situations in their oral presentation, though such interventions are rare.

Some Special Procedures present a thematic report to the UN General Assembly once a year, but civil society is not able to speak during those sessions.

Tip: Even if your organisation does not have ECOSOC accreditation or you are unable to travel to Geneva, you can work with an NGO that has ECOSOC status in order to jointly prepare a statement to deliver at the HRC during the interactive dialogue. In some cases, it may be possible to **submit a video**⁵² of a statement. Remember that these can be no longer than 2 minutes!

⁴⁶ For example, on social media: <https://twitter.com/CDHVitoria/status/823306382233530368>.

⁴⁷ For example, on social media: <https://twitter.com/ForstMichel/status/822643187886018561>.

⁴⁸ Statement available here: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E>.

⁴⁹ Report available here: <http://undocs.org/A/HRC/37/51/Add.2>.

⁵⁰ See article available here: <http://im-defensoras.org/2017/01/noticias-relator-sr-michel-forst-alerta-sobre-la-violencia-especifica-que-enfrentan-las-defensoras-de-ddhh/>.

⁵¹ See example on social media here: <https://twitter.com/IMDHyD/status/824814294948790272>.

⁵² More information on how to submit a video available here: <http://ohchr.org/Documents/HRBodies/HRCouncil/GuidelinesNGOVideoStatements.pdf>.

Being in contact with a UN expert can sometimes increase the risk a human rights defender faces. As a result, it is important that you are fully aware of the potential dangers, the steps you can take to mitigate them, and of the ways you can respond if you suffer intimidation or reprisal due to that contact.

Communications

Generally the identity of the source of information is kept confidential from the State or non-State actor to which Special Procedures sends a communication. You can also request another NGO to submit information on your behalf, to enhance confidentiality.

In addition, persons submitting information can indicate if they require additional elements of their submission to remain confidential and not to be sent to the government concerned. That said, as the process is based on specific violations and individuals or groups, it can be hard for the Special Procedures to act on a situation if they are not able to transmit detailed information to the government concerned.

This means that there is a delicate balance to be struck in sensitive cases between wanting to provide enough information for the Special Procedures to be able to act without creating a risk that the provision of such information might lead to further persecution.

Furthermore, although the consent of victims is not a requirement for the submission of information, **it is imperative when making a submission that attention be paid to the possible impact on those named.** Consequently, NGOs should also indicate in the submission if they have the consent of the individuals or families concerned. Without that consent, the Special Procedures will not name those victims in any communication. Special Procedures are aware of the potential dangers of their communications, adopting a 'do no harm' approach, and so they may prefer not to act if they consider the danger to be too great.

Tip: Sometimes the danger of a backlash doesn't just apply to an individual, but to their whole family, organisation or network. Before engaging with the Special Procedures, it is important to discuss possible negative consequences with all those who might be affected, to mitigate risks, and to prepare plans to respond.

Reprisals

Raising your voice in any context against a State or other powerful bodies can put you at risk. 'Reprisals'⁵³ is the term used to describe any act of intimidation or attack suffered by a person or group who cooperate, have cooperated or seek to cooperate with the UN or a regional human rights body. In recent years there has been increased concern at threats, intimidation and reprisals experienced by human rights activists and defenders,

⁵³ Guide on how to leverage UN mechanisms to respond to reprisals and promote accountability available here: <https://www.ishr.ch/news/reprisals-new-ishr-handbook-reprisals-human-rights-defenders>.

whether at the local, regional, or international levels.

Reprisals are often carried out by powerful State agents, such as the police, military or security forces, or the judiciary, who act to protect the State from criticism. They are also frequently carried out by non-State actors, such as businesses, members of criminal groups, or armed groups, whose links to the State are direct, indirect, or totally absent. These abuses range from defenders having their activities unreasonably restricted and their organisations unfairly scrutinised, to being spied on or defamed, denied access to funding, or being subject to arbitrary arrest, physical violence, and death. In addition to being used to punish, reprisals often take place as a deterrent measure.

There are specific moments when the level of risk of reprisals is increased. These are situations when the authorities have more at stake in having a poor human rights record exposed. There may also be an increased risk when a defender brings a domestic issue before a UN human rights body, shining a light on the government's human rights record. Governments have no desire to be portrayed as human rights violators on a regional or international stage. Backlash against human rights defenders who expose the government can be harsh, particularly in cases in which the State enjoys impunity.

Special Procedures have a responsibility to react to cases of reprisals suffered by defenders who have engaged with them, for example during a country visit or in the context of communications. They can respond **in a number of ways**,⁵⁴ both confidential and public, and the action taken is decided on a case-by-case basis:

- Mandate holders can send a communication to the relevant State and/or issue a press release on the specific case. They can also mention the case in their reports to the HRC and the General Assembly, or during their interactive dialogues with these two bodies. They can also work with other human rights mechanisms at the international or regional level to coordinate a response.

Example: After the Special Rapporteur on extreme poverty visited China, one of the human rights lawyers he met with was arbitrarily detained and charged with subverting state power. The Special Rapporteur made a specific **reference**⁵⁵ to the human rights defender during his presentation of his country mission report to the HRC. Making a 'special plea' to China to release the defender, the Special Rapporteur stated that the charges were **'the equivalent of a legal sledgehammer and should have no place in such contexts.'** The country visit **report**⁵⁶ explicitly referred to actions taken by the Special Rapporteur to respond to reprisals against human rights defenders who had met or were planning to meet with the mandate holder during the country visit, which included a communication and press release.

- Special Procedures may decide to meet with Government officials, to discuss cases confidentially and seek action by the State. They may also raise the case with UN representatives in the field and at headquarters, including the Secretary-General, the High Commissioner for Human Rights and the President of the HRC.

⁵⁴ More information on different kinds of responses available here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/ActsOfIntimidationAndReprisal.aspx>.

⁵⁵ Statement available here: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21772&LangID=E>.

⁵⁶ Report available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/076/79/PDF/G1707679.pdf?OpenElement>.

⁵⁷ More information on the Coordination Committee available here: <http://www.ohchr.org/EN/HRBodies/SP/CoordinationCommittee/Pages/CCSpecialProceduresIndex.aspx>.

⁵⁸ More information on the mandate of the ASG available here: <http://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx>.

⁵⁹ Annual report of the Secretary-General on intimidation and reprisals for cooperation with the UN in the field of human rights available here: <http://www.ohchr.org/EN/Issues/Reprisals/Pages/Reporting.aspx>.

⁶⁰ Annual Reports of the Special Procedures available here: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Annualreports.aspx>.

⁶¹ List of thematic mandates and their email addresses available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type= TM.

⁶² List of country mandates and their email addresses available here: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx.

⁶³ Online questionnaire for submitting information to Special Procedures available here: <https://spsubmission.ohchr.org/>.

- The **Coordination Committee**⁵⁷ of the Special Procedures (designed to enhance coordination among mandate holders and act as a bridge between them and both the rest of the UN system and civil society) appoints a focal point on reprisals every year, who is responsible for keeping a comprehensive record of all cases of reprisals submitted to the Special Procedures. The Coordination Committee is meant to raise the issue of reprisals with the HRC, the High Commissioner for Human Rights, the Assistant Secretary General for Human Rights (ASG) and the Secretary-General. When necessary and in consultation with the mandate holder(s) concerned, the Coordination Committee may take additional action such as contacting the State or stakeholder concerned, issuing a press statement, etc.
- Through the Coordination Committee, Special Procedures have expressed their will to work with the ASG Andrew Gilmour who was **mandated**⁵⁸ in 2016 by the former Secretary General Ban Ki-moon as the senior official designated to lead UN efforts to put an end to intimidation and reprisals and to ensure a unified UN response to acts of intimidation and reprisal. The ASG can raise cases of reprisals with States either in private meetings or through correspondence. In responding to allegations of reprisals, the ASG generally communicates privately with the State in question, however he is encouraged to respond publicly where appropriate with relevant States and/or include the case in the Secretary General's annual **reprisals report**⁵⁹ that is presented to the HRC each September. Cases of reprisals that occur for engaging or seeking to engage with Special Procedure can be communicated to the ASG through the Special Procedures mandate holders or directly to the ASG.
- The **Annual Report**⁶⁰ of the Special Procedures contains a section on reprisals which reflects the main concerns of and actions taken by mandate holders over the past year.

If you have suffered an act of intimidation or reprisal as a result of your engagement with the Special Procedures you can contact:

- the relevant **thematic**⁶¹ or **country-specific**⁶² mandate holder (you can also use the **online questionnaire**⁶³ for communications)
- the ASG: **reprisals@ohchr.org**
- the President of the HRC: **hrcpresidency@unog.ch**
- the Coordination Committee: **n.rondeux@ohchr.org**

In addition, you can submit your case to the annual report of the Secretary General on reprisals. Submissions are usually solicited in May of each year and should be sent to **reprisals@ohchr.org**

For more information about our work
or any of the issues covered in this
publication, please visit our website:

www.ishr.ch

or contact us:

information@ishr.ch



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