

VI. SPECIAL PROCEDURES



Special procedures at a glance

What are they?

“**Special procedures**” is the general name given to the mechanisms established by the **Commission on Human Rights** and assumed by the **Human Rights Council** to examine, monitor, advise and publicly report on human rights situations in specific countries or territories (**country mandates**), or on major phenomena of human rights violations worldwide (**thematic mandates**). By September 2008 there were 38 special procedures (30 thematic mandates and 8 country mandates) in operation.

Persons appointed to the special procedures are independent experts

(mandate-holders) and may be known as special rapporteurs, representatives, special representatives, independent experts or members of working groups.

The **Office of the United Nations High Commissioner for Human Rights** (OHCHR) provides them with personnel, logistical and research assistance to support them in their mandates.

How do they work?

The special procedures:

- Interact daily with actual and potential victims of human rights violations and advocate the protection of their rights;

- Act upon human rights concerns either in individual cases or on more general issues through direct communications with Governments;
- Undertake fact-finding missions in countries and issue reports with recommendations;
- Prepare thematic studies that serve as a guide on norms and standards; and
- Raise public awareness through the media on issues within their mandates.
- Unlike United Nations treaty bodies, special procedures can be activated even where a State has not ratified the relevant instrument or treaty, and it is not necessary to have exhausted domestic

The Handbook is available in digital format on the OHCHR website at:

<http://www.ohchr.org/civilsocietyhandbook/>

There you will find the Handbook’s chapters available for download, as well as links to all the references contained in the publication.

remedies to access the special procedures.

How to access and work with the special procedures

Civil society actors, individually or collectively, may access and work with the special procedures. They can do this by:

- Submitting individual cases to special procedures;

- Providing information and analysis on specific human rights concerns;
- Providing support for special procedures' country visits;
- Working locally or nationally to advocate, disseminate, follow up and implement the work of special procedures;
- Inviting special procedures mandate-holders to participate in their own initiatives; and

- Meeting individual mandate-holders throughout the year and participating in the annual meeting of special procedures mandate-holders.

Civil society actors can also nominate candidates as special procedures mandate-holders.



Contacting special procedures mandate-holders

E-mail: **SPDInfo@ohchr.org** (for general inquiries and information)
urgent-action@ohchr.org (for individual cases/complaints only)

Fax: +41 (0)22 917 90 06

Post: **Quick Response Desk**

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland

Civil society actors should indicate in the subject line of the e-mail or fax, or on the cover of the envelope, which special procedure(s) they wish to contact.

As the contact address is the same for all special procedures, a clear indication of the main subject or purpose of the correspondence will allow for a more timely response.

It is essential to also indicate whether the correspondence is aimed at submitting broad information, an individual complaint, or whether it is another type of request (e.g., invitation to attend a conference, request for a meeting with the mandate-holders and/or their assistants).

What are the special procedures?

Introduction to the special procedures

“**Special procedures**” is the general name given to the mechanisms established by the **Commission on Human Rights** and assumed by the **Human Rights Council** to address either specific country situations or thematic issues in all parts of the world. A key feature of the special procedures is their ability to respond rapidly to allegations of human rights violations occurring anywhere in the world at any time.

Special procedures mandates usually require mandate-holders to monitor, advise and publicly report on human rights situations in specific countries or territories (**country mandates**), or on major phenomena of human rights violations worldwide (**thematic mandates**). Each special procedure’s mandate is defined in the resolution that created it. Thematic mandates are renewed every three years and country mandates annually, unless otherwise decided by the Human Rights Council.⁵⁶ By September 2008 there were 38 special procedures in operation—30 thematic mandates and 8 country mandates (see the annex to this chapter).

Special procedures mandate-holders are either an individual (special rapporteur, special representative of the Secretary-General, representative of the Secretary-General or independent expert) or a group of individuals (working group).⁵⁷ Mandate-holders serve in their personal capacity for a maximum of six years and do not receive salaries or any other financial compensation for their work. The independent status of mandate-holders is crucial to the impartial performance of their functions.

The **Office of the United Nations High Commissioner for Human Rights** (OHCHR) provides special procedures mandate-holders with personnel, logistical and research assistance to support them in their mandates.

Special procedures mandate-holders:

- Receive and analyse information on human rights situations provided by various sources on an ongoing basis;
- Network and share information with partners, both governmental and non-governmental, within and outside the United Nations;
- Seek—often urgently—clarification from Governments on alleged violations and, where required, request Governments to implement protection measures to guarantee or restore the enjoyment of human rights;

⁵⁶ See resolution 5/1, annex, para. 60, and “Terms of office of special procedure mandate-holders” (A/HRC/PRST/8/2).

⁵⁷ Working groups are commonly composed of five members, one drawn from each of the five United Nations regional groups: Africa; Asia; Latin America and the Caribbean; Eastern Europe; and Western Europe and others.

- Raise awareness about specific human rights situations and phenomena, and threats to and violations of human rights;
- When specific circumstances so warrant, communicate their concerns through the media and other public statements;
- Undertake country visits to assess human rights situations pertaining to their respective mandates, and make recommendations to Governments with a view to improving those situations;
- Report and make recommendations to the Human Rights Council and, where relevant to their mandates, to the General Assembly (and in some cases to the Security Council) on: regular activities under their mandate; field visits; and specific thematic trends and phenomena;
- Contribute thematic studies to the development of authoritative norms and standards for the subject area of the mandate, and may provide legal expertise on specific issues.

Review, rationalization and improvement of the special procedures system

The General Assembly, in its **resolution 60/251**, required the Human Rights Council to review and, where necessary, improve and rationalize the special procedures system. In **resolution 5/1** on institution-building of the United Nations Human Rights Council, the Council elaborated new selection and appointment procedures for special procedures mandate-holders, and established a process for the review, rationalization and improvement of special procedures mandates. The Council also adopted **resolution 5/2**, setting out the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.

Two country mandates (Belarus and Cuba) were discontinued upon the adoption of resolution 5/1. By the end of its ninth regular session, the Council had created two new thematic mandates (the **Special Rapporteur on contemporary forms of slavery, including its causes and consequences**, and the **independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation**) and had discontinued two more country mandates (Democratic Republic of the Congo and Liberia).



For detailed information on the **Human Rights Council**, please refer to **chapter V (Human Rights Council)** of this *Handbook*.

Selection and appointment of mandate-holders

General criteria for appointment

In line with resolution 5/1, the following general criteria apply to the nomination, selection and appointment of mandate-holders:

- Expertise;
- Experience in the field of the mandate;
- Independence;
- Impartiality;
- Personal integrity; and
- Objectivity.

In the appointment of mandate-holders, due consideration is also given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.

Who is eligible for appointment?

Highly qualified individuals with established competence, relevant expertise, extensive professional experience in the field of human rights and flexibility/availability of time are considered eligible candidates for appointment as mandate-holders.⁵⁸

Individuals holding decision-making positions in Government or in any other organization or entity (including non-governmental organizations (NGOs)), national human rights institutions (NHRIs) and other human rights organizations) which may give rise to a conflict of interest with the responsibilities inherent in the mandate are excluded.

The principle of non-accumulation of human rights functions is also respected when appointing mandate-holders. This means that individuals should not occupy multiple United Nations human rights mandates at the same time.

Who can nominate candidates?

The following may nominate candidates as special procedures mandate-holders:

- Governments;
- Regional groups operating within the United Nations human rights system;
- International organizations or their offices (e.g., OHCHR);
- NGOs;
- Other human rights bodies; and
- Individuals.

⁵⁸ See also Human Rights Council decision 6/102.

Public list of candidates and list of vacancies

Based on the nominations received, OHCHR prepares, maintains and periodically updates a public list of eligible candidates. This includes candidates' personal data, areas of expertise and professional experience. OHCHR also publicizes all upcoming vacancies of mandates.



The **public list of candidates** is available under the special procedures section of the Council's **Extranet**.

Consultative Group

The Consultative Group, with one member from each of the five regional groups, serving in their personal capacity, examines the OHCHR public list and proposes its own list of candidates for the consideration of the President of the Human Rights Council. The Group's recommendations must be public and substantiated.

When determining the necessary expertise, experience, skills and other relevant requirements for each vacant mandate, the Consultative Group takes into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders. The Consultative Group is assisted by OHCHR.

Appointment of mandate-holders

On the basis of the Consultative Group's recommendations and following broad consultations, the Council's President produces his/her own list, which identifies an appropriate candidate for each vacancy. This list is presented to the Council's member and observer States at least two weeks before the session and, if necessary, the President will conduct further consultations to ensure that her/his proposed candidates are endorsed. The appointment process is completed with the Council's approval of the President's list.



Both the Consultative Group's and President's lists of candidates are available under the special procedures section of the Council's **Extranet**.

Annual meeting and Coordination Committee of the special procedures

Since 1994, annual meetings of special procedures mandate-holders, which take place in Geneva, have been organized as a follow-up to the **Vienna World Conference on Human Rights**. The **Vienna Declaration and Programme of Action**, adopted at the World Conference, underlined the importance of preserving and strengthening the system of special procedures and specified that special procedures should be enabled to harmonize and rationalize their work through periodic meetings.

The annual meeting is also an opportunity for mandate-holders to meet and exchange views with member States, the Bureau of the Human Rights Council, human rights treaty bodies, NGOs and other civil society actors, and representatives from the United Nations Secretariat and agencies and programmes on issues such as follow-up to their country visits and recommendations.



For current information on the **annual meeting of special procedures** visit OHCHR's website.

The **Coordination Committee of special procedures** was established at the twelfth annual meeting of special procedures mandate-holders in 2005. The Coordination Committee facilitates coordination between mandate-holders and acts as a bridge between the special procedures and OHCHR, the broader United Nations human rights system, and civil society actors.

The Coordination Committee is composed of six mandate-holders elected for a one-year term and is chaired by one of them.⁵⁹ The election of its members takes place at the annual meeting and takes into account the need for regional and gender balance, and the need for a balanced representation of thematic and country special procedures mandate-holders on the Committee. The Coordination Committee is supported in its work by the Special Procedures Division of OHCHR.



For current information on the **Coordination Committee of special procedures**, visit OHCHR's website.

⁵⁹ The previous Chairperson remains on the Committee for a further year ex officio.

How do the special procedures work?

Special procedures mandate-holders have a number of tools available to them to meet the terms of their mandates, including:

- Sending communications;
- Undertaking country visits;
- Publishing reports;
- Preparing thematic studies; and
- Issuing press releases.

Mandate-holders are also guided in their work by the **Manual of the special procedures** and the **Code of Conduct for Special Procedures Mandate-holders**.

A. Code of Conduct and Manual of the special procedures

Code of Conduct for Special Procedures Mandate-holders

The **Code of Conduct for Special Procedures Mandate-holders** was adopted by the Human Rights Council in 2007. Its purpose is to make the system of special procedures more effective by defining the standards of ethical behaviour and professional conduct that special procedures mandate-holders must observe when discharging their mandates.

Manual of the special procedures

The **Manual of the special procedures**, produced by the mandate-holders, aims to provide guidance to mandate-holders in the performance of their roles. It also seeks to facilitate a better understanding of their work by all other stakeholders. The Manual tries to reflect good practices and to assist mandate-holders in their efforts to promote and protect human rights.

The Manual was originally adopted at the sixth annual meeting of special procedures mandate-holders in 1999. Since that time it has been revised to reflect the changing structure of the United Nations human rights machinery, new developments in relation to mandates and the evolving working methods of mandate-holders. For its latest revision, input was sought from Governments, NGOs and other stakeholders. The Manual is subject to periodic review and operates in consonance with the provisions of the Code of Conduct.



For more information on the **Manual of the special procedures**, visit its page on the **special procedures Extranet**.

B. Communications

One of the main activities of special procedures mandate-holders is taking action on individual cases, based on information that they receive from relevant and credible sources (mainly civil society actors).

Interventions generally involve the sending of a letter to a Government (letter of allegation) requesting information on and responses to allegations and, where necessary, asking the Government to take preventive or investigatory action (urgent appeal). These interventions are known as “**communications**”.

Communications in 2007

A total of **1003** communications were sent in 2007

49 per cent of these were joint communications

2294 individual cases were covered; **13 per cent** of these concerned women

Governments responded to **52 per cent** of communications

A total of **128** countries received communications.

Urgent appeals are sent when the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims. **Letters of allegation** are sent when the urgent appeal procedure does not apply, to communicate information and request clarification about alleged human rights violations.

Mandate-holders may send joint communications when a case falls within the scope of more than one mandate. The decision of whether or not to intervene with a Government is left to the discretion of special procedure mandate-holders and will depend on criteria established by them, as well as the criteria set out in the Code of Conduct. Mandate-holders are also required to take into account, in a comprehensive and timely manner, information provided by the State concerned on situations relevant to their mandate.

In their information-gathering activities, mandate-holders must:

- Be guided by the principles of discretion, transparency, impartiality and even-handedness;
- Preserve the confidentiality of sources of testimonies if divulging them could cause harm to the individuals involved;
- Rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are required to write; and

- Give representatives of the concerned State the opportunity to comment on their assessments and to respond to the allegations made against the State. The State's written summary responses are also to be annexed to the mandate-holder's report(s).

C. Country visits

Country or field visits (or fact-finding missions) are an important tool available to special procedures mandate-holders. Mandate-holders typically send a letter to a Government requesting to visit the country, and, if the Government agrees, an invitation to visit is extended. Some countries have issued "**standing invitations**", which means that they are, in principle, prepared to receive a visit from any special procedures mandate-holder. Country visits are guided by the provisions contained in the Code of Conduct and the **terms of reference for fact-finding missions by special procedures**.⁶⁰



By September 2008 more than 60 States had issued standing invitations.

To see the current list of the States that have issued **standing invitations** to the special procedures visit OHCHR's website.

Country visits allow mandate-holders to assess the general human rights situation and/or the specific institutional, legal, judicial and administrative situation in a given State, under their respective mandates. During these visits, they meet national authorities, representatives of civil society, victims of human rights violations, the United Nations country team, academics, the diplomatic community and the media.

On the basis of their findings, they make recommendations in public reports. These reports are submitted to the Human Rights Council. Some mandate-holders also hold press conferences and issue preliminary findings at the end of a country visit. The success of country visits is greatly enhanced by the commitment of the Government and the participation of civil society actors, before, during and after the visit, to support the work of the mandate-holder.

D. Reporting and contributing to the Human Rights Council

Special procedures mandate-holders are requested by the Human Rights Council to present annual reports in which they describe the activities undertaken during the previous year. In some circumstances, the Council may also request a mandate-holder to report on a specific theme or topic of interest to it. Reports are public and represent an authoritative tool for follow-up or advocacy in the mandate's area.

⁶⁰ The terms of reference for country visits were adopted at the fourth annual meeting (1997) of special procedures (E/CN.4/1998/45) and are intended to guide Governments in the conduct of country visits.

Annual reports contain information on working methods, theoretical analysis, general trends and developments with regard to the mandate and may contain general recommendations. Reports may also contain summaries of communications transmitted to Governments and the replies received. Reports on country visits are usually presented as addenda to the annual reports. Some mechanisms are requested to report to the United Nations General Assembly, which meets in New York from September to December each year.

Special procedures mandate-holders also contribute expertise to other aspects of the Human Rights Council's work.



To access **special procedures reports to the Council** visit OHCHR's website.



Special session on the world food crisis

In May 2008 the **Special Rapporteur on the right to food**, Mr. Olivier De Schutter, called on the Human Rights Council to hold a special session on the world food crisis. In response, the Council held

a special session on “the negative impact on the realization of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices” on 22 May 2008.

The Special Rapporteur on the right to food attended and was actively involved in the special session, which was the first to be held on a thematic issue.

E. Thematic studies

Special procedures mandate-holders can also prepare thematic studies, which are useful tools to guide Governments, as well as civil society, on the normative content and implementation of human rights norms and standards. Mandate-holders also host and attend expert meetings on thematic human rights issues.



Expert workshop - Strengthening the protection of women from torture

In September 2007, an expert workshop on “Strengthening the protection of women from torture” was organized by OHCHR on behalf of the **Special Rapporteur on torture and other cruel, inhuman or degrading**

treatment or punishment with a view to contributing to a more systematic application of the international framework on torture to women’s concerns and strengthening their protection. Twenty-five

experts from different regions and from a broad range of non-governmental and intergovernmental organizations (including regional and United Nations anti-torture mechanisms) participated in the discussions.

F. Press releases

Special procedures can—individually or collectively—issue press releases highlighting specific situations or the international norms to be respected by States.



Copies of all **press releases, statements and other messages issued by the special procedures** are available from the special procedures section of the OHCHR website.

How to access and work with the special procedures

“Civil society in general, and international, regional and national NGOs in particular, provide invaluable support to the Special Procedures system. They provide information and analysis, help to disseminate the findings of the Special Procedures, and assist in follow-up activities, and thus help also formulate and implement relevant national policies and programmes for human rights education to improve situations of the issues under the Special Procedures. Meetings with their representatives are appropriate in all aspects of the work of the Special Procedures including in their activities in Geneva and New York, on field missions, and more generally. It is thus appropriate for mandate-holders to give careful and timely consideration to invitations from NGOs and academic institutions to participate in activities such as conferences, debates, seminars and regional consultations. The OHCHR should generally be kept informed of the relevant activities of mandate-holders as they relate to civil society.”

Manual of Operations of the Special Procedures of the Human Rights Council (para. 133)

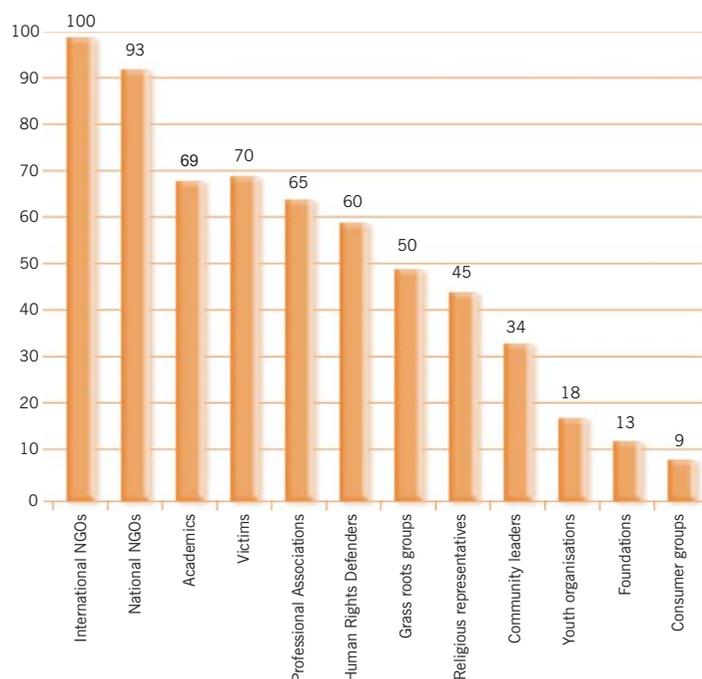
Over the years, the special procedures have established relationships and have cooperated with various civil society actors. Special procedures have helped them in providing protection to actual or potential victims and have contributed to their empowerment. Different mandates have developed different forms of participation and collaboration.

The effectiveness of the special procedures system in protecting human rights and preventing violations is, in turn, also dependent upon the active involvement of other human rights actors, including civil society. International, regional and national NGOs and other civil society actors are essential participants in the special procedures system. Furthermore, civil society has long been at the forefront of human rights standard-setting and advocacy for the creation of new mandates.

Categories of civil society actors that engage with the special procedures include:

- Human rights organizations (NGOs, associations, victims groups);
- Human rights defenders;
- Related issue-based organizations;
- Coalitions and networks (women's rights, children's rights, minority rights, environmental rights);
- Persons with disabilities and their representative organizations;
- Community-based groups (indigenous peoples, minorities);
- Faith-based groups (churches, religious groups);
- Unions (trade unions as well as professional associations such as journalist associations, bar associations, magistrate associations, student unions);
- Social movements (peace movements, student movements, pro-democracy movements);
- Professionals contributing directly to the enjoyment of human rights (humanitarian workers, lawyers, doctors and medical workers);
- Relatives of victims; and
- Public institutions that include activities aimed at promoting human rights (schools, universities, research bodies).

Special procedures' interaction with civil society actors in 2007 (per cent)



Civil society actors, individually or collectively, may access and work with the special procedures. Unlike the United Nations treaty bodies, special procedures can be activated even where a State has not ratified the relevant instrument or treaty, and it is not necessary to have exhausted domestic remedies to access the special procedures. Special procedures can therefore be used for any country or human rights issue, within the parameters of existing mandates.

Civil society actors may contribute to the work of the special procedures by:

- Submitting individual allegations of human rights violations to the relevant special procedures mandate-holder(s);
- Providing support for country visits and information and analysis on human rights violations to various special procedures mandate-holders;
- Performing a preventive role by providing information to special procedures on the introduction of new legislation which may lead to human rights violations;
- Working on follow-up to special procedures' recommendations locally and nationally. More broadly, civil society can support the dissemination of the work and findings of special procedures mandate-holders within its constituencies.

The vital relationship between the special procedures and civil society is illustrated in the mandate of the **Special Rapporteur on the situation of human rights defenders**.



Special Rapporteur on the situation of human rights defenders

Who is the Special Rapporteur on the situation of human rights defenders?

The mandate of the **Special Rapporteur on the situation of human rights defenders** (formerly the Special Representative of the Secretary-General on the situation of human rights defenders) was established as a special procedures mechanism in 2000 by Commission on Human Rights **resolution 2000/61**. Its establishment recognizes the vital, and often precarious, role of human rights defenders around the world. The “protection” of human rights defenders is the Special Rapporteur’s overriding concern; it is understood to include both the protection of defenders and the protection of the right to defend human rights. The Special Rapporteur’s main roles are to:

- Seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in

association with others, to promote and protect human rights and fundamental freedoms;

- Establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms** (commonly known as the “Declaration on Human Rights Defenders”); and
- Recommend effective strategies to better protect human rights defenders and follow up on these recommendations.

What is a human rights defender?

A human rights defender is anybody who, individually or in association with others, is engaged in the promotion, protection and realization of civil and political, economic, social

and cultural rights. Human rights defenders must accept the universality of human rights as defined in the **Universal Declaration of Human Rights**. A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others.

Are civil society actors human rights defenders?

National and international staff and volunteers working for civil society and NGOs, institutions or associations that address human rights concerns around the world may be described as human rights defenders.

What is the Declaration on Human Rights Defenders?

Adopted by the General Assembly in December 1998, the Declaration on Human Rights Defenders defines the “defence” of human rights as a right in itself and recognizes any person undertaking human rights work as a “human rights defender”. The Declaration provides for



the support and protection of human rights defenders in the context of their work. It does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders.

A key role of the Special Rapporteur is to report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration.

How to contact the Special Rapporteur or submit an allegation of a violation against a human rights defender

Civil society actors can contact the Special Rapporteur at the following address (note that correspondence should clearly refer to the human rights defenders mandate):

Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix

CH-1211 Geneva 10

E-mail:

To submit an allegation of a violation:

urgent-action@ohchr.org

To contact the mandate holder for other purposes:

defenders@ohchr.org

Fax: +41 (0)22 917 90 06

Phone: +41 (0)22 917 12 34

- This is the number of the United Nations switchboard in Geneva, Switzerland.

Callers should ask to speak with staff at OHCHR dealing with the special procedures, and specifically with staff supporting the mandate of the Special Rapporteur on the situation of human rights defenders.



Women human rights defenders

In 2002, the then Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, spearheaded a three-year international campaign culminating in the World Conference on Women Human Rights Defenders, held in Sri Lanka, which brought together leading gender experts and women human rights

defenders from over 70 countries.

During her term of office, the Special Representative consistently reiterated that women defenders were more at risk of certain forms of violence and restrictions, and became vulnerable to prejudice, exclusion and public repudiation by State forces and social actors, especially when engaged in

the defence of women's rights.⁶¹ The Special Representative also acted on 449 cases of violations of women human rights defenders, concerning 1,314 defenders, during her term of office. Sixty-five of these communications were sent jointly with the **Special Rapporteur on violence against women, its causes and consequences.**

⁶¹ See E/CN.4/2002/106, paras. 80-94.

A. Submitting individual cases to special procedures mandate-holders

Anyone can submit credible and reliable information on human rights violations to special procedures mandate-holders who have been mandated to receive information on human rights violations. The submission of individual complaints to the special procedures is one of the most effective ways of seeking direct intervention in individual cases. Civil society actors can often act as a conduit for individuals seeking protection from human rights abuses.

Communications sent and received are usually confidential and remain so until the mandate-holder's report to the Human Rights Council is made public, unless the mandate-holder decides to issue a public statement earlier in the process. This report contains information on communications sent and replies received from Governments on specific cases. Please note that the alleged victims are named in the reports, except children or other specific categories of victims, such as victims of sexual violence.

Given the public nature of the reports of special procedures mechanisms, it is important that organizations acting on behalf of victims of human rights violations ensure that the victim is aware that his/her case is being transmitted to the special procedures mechanisms, that his/her name will be communicated to the authorities and that his/her name (or initials) will appear in the public report of the special procedure. It should be noted, however, that the authorization of the victim is not always required to submit the case (e.g., if the victim is unreachable because he or she is in detention, or other such circumstances). Several mandates have developed special questionnaires to be used when submitting information on human rights violations.

Each special procedure establishes different requirements for the submission of communications. However, the following minimum information must be included for a communication to be assessed:

- The identification of the alleged victim(s);
- The identification of the alleged perpetrators of the violation;
- The identification of the person(s) or organization(s) submitting the communication (this information will be kept confidential);
- The date and place of incident; and
- A detailed description of the circumstances in which the alleged violation occurred.



Standard **questionnaires** for specific mandates are available under several mandates for reporting alleged violations on OHCHR's website.

Civil society actors may also submit **follow-up information** to mandate-holders on whether or not the human rights issue(s)/situation(s) addressed in their original submission has improved. Follow-up information is of great use to mandate-holders. Some base their requests for country visits on trends identified through the communications procedure.

Information provided to the special procedures should not be politically motivated, abusive or based solely on media reports.



Individual cases/complaints can be submitted by:

E-mail: urgent-action@ohchr.org

Fax: +41 (0)22 917 90 06; or

Postal address: OHCHR-UNOG, 8-14 avenue de la Paix, CH-1211 Geneva 10, Switzerland.

When sending communications, please specify which special procedures mechanism the information is addressed to in the subject line of the e-mail or fax, or on the envelope.

For more information on how to submit information regarding an alleged violation to the special procedures, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*, and contact SPDInfo@ohchr.org.

B. Providing support for country visits

Country visits by special procedures mandate-holders are essential for gathering first-hand information as they allow for direct observation of the human rights situation in a specific country. International and national NGOs, members of civil society and grass-roots movements have important contributions to make at different stages of a mission.

1. Proposing a country visit

Civil society actors can encourage Governments to invite mandate-holders to visit a country, or to extend a standing invitation to the special procedures. Alerting mandate-holders to the issues in a State may also determine whether a mandate-holder requests a particular visit, as some mandate-holders base their requests for country visits on the amount of information (individual complaints/cases) that they receive. Some mandate-holders have also conducted **joint country visits**.

2. When a country visit has been confirmed

Once a country visit has been confirmed (when a State has approved a mandate-holder's request to visit and dates for the visit have been agreed), civil society actors may raise public awareness of the visit.

Civil society actors can also submit relevant information to and raise matters of concern with a mandate-holder before a country visit takes place. This may enable the mandate-holder to raise specific issues with the authorities ahead of time and, if needed, make arrangements to include it in the official programme of the visit (e.g., by requesting access to specific detention centres or refugee camps or by arranging to meet with specific national or local authorities, or private individuals).



National level coordination among Brazilian NGOs

A group of Brazilian NGOs (**Plataforma Dhesc**) has established a human rights monitoring system modelled on the special procedures. Six focal points each work on an economic, social and cultural issue—the right to

adequate housing, education, environment, food, health or work—and produce national reports on that issue which are transmitted to the relevant special procedures mandate-holder(s). The allocation of a specific

issue to each focal point has maximized the use of resources and expertise, and has reduced duplication, resulting in a more effective contribution to the work of the special procedures.

3. During the country visit

During a country visit, civil society actors may ask to meet with mandate-holders by contacting the mandate-holder, or relevant OHCHR staff in Geneva or in the field, by fax, post or e-mail.



Please visit the **OHCHR website** for relevant **field office and desk officer** contacts.

4. After a country visit

Civil society actors can play a key role in follow-up to the conclusions and recommendations resulting from a country visit by:

- Disseminating recommendations to their local constituencies;

- Publicizing the work of special procedures and raising general awareness;
- Developing plans of action and activities to continue the work initiated by the country visit;
- Working with Governments towards the implementation of special procedures recommendations;
- Contributing inputs to specific follow-up reports issued by some mandate-holders; and
- Monitoring the steps the Government has taken to meet the recommendations, and keeping the mandate-holder(s) informed of the State's progress towards implementing recommendations.



Developing networks to work on the implementation of special procedures recommendations

Following the visit of the then **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**, Mr. Doudou Diène, to Japan in 2005, the **International Movement Against All Forms of Racism (IMADR)** and 85 minority and human rights groups established an NGO network for the elimination of racial discrimination on the basis

of his mission report. This network served as a central means for local NGOs to share information concerning racism and discrimination in Japan and to engage with international mechanisms. The Special Rapporteur welcomed the establishment of this network as well as the constructive dialogue established between the authorities, NGOs and members of the communities most affected

by racism and xenophobia, including the Ainu (formally recognized by Japan as an indigenous people in 2008), national minorities (Buraku people and people of Okinawa), descendants of people from former Japanese colonies (Koreans and Chinese), and new immigrants from other Asian, African, South American and Middle Eastern countries.

C. Providing information to special procedures mandate-holders

NGOs can bring information on a specific human rights situation in a particular country, or on its laws and practice with human rights implications, to the attention of the special procedures. Mandate-holders may at times request specific information on a topic falling within their mandates or hold special consultations with NGOs and other civil society actors, including research and academic institutions.



Civil society cooperation with the Special Rapporteur on the right to education in developing the Report on the right to education of persons with disabilities

In 2007, the **Special Rapporteur on the right to education**, Mr. Vernor Muñoz Villalobos, devoted his third annual report (A/HRC/4/29) to the right to education of persons with disabilities, given that they are one of the groups most affected by exclusion from education.

The report provided in-depth analysis of the institutional and legal framework of the right to education of persons with disabilities. It also examined the implications of “inclusive education” as an inherent and fundamental component of the right to education, and addressed the main

obstacles and challenges threatening the full realization of the right to education of persons with disabilities.

In developing the report, the Special Rapporteur consulted with national and regional organizations, including organizations of persons with disabilities, and received first-hand information (including studies, statistics and perspectives) from well-established local and regional organizations. This information helped him to identify the challenges and obstacles hampering the realization of the right to education of persons with disabilities,

and to develop recommendations.

OHCHR, in cooperation with the Special Rapporteur, also organized a two-day expert seminar on the right to education of persons with disabilities, in which persons with disabilities and persons working on disability issues took an active part. The contributions of civil society representatives at the seminar were reflected in the Special Rapporteur’s report, which has been widely disseminated to persons with disabilities and their representative organizations, universities, Government agencies, and other civil society groups.



The contribution of academic institutions to the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

A wide range of academic institutions from around the world have contributed to the work of the **Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises**.

Contributions have taken the form of research on specific topics requested or agreed by the Special Representative, participation in consultations and expert meetings convened by him, and comments and submissions to the Special

Representative on various issues covered by his mandate. All contributions received by the Special Representative are available on a website operated by the **Business & Human Rights Resource Centre**.⁶²

D. Working locally, nationally or regionally to advocate, disseminate, follow up and implement the work of special procedures

The ongoing work of special procedures mandate-holders, including their reports and recommendations, provides valuable material that civil society actors can integrate into their ongoing advocacy work. This may include:

1. Implementing special procedures' recommendations at the national level

Follow-up advocacy with Governments to implement special procedures' recommendations, especially after a country visit, is an important role that civil society can perform to advance human rights. Civil society actors may take action to monitor a Government's progress in implementing recommendations, or may seek to fulfil the recommendations themselves if they are addressed to civil society.

2. National or local standard-setting

International standards, model laws or best practices documented by special procedures mandate-holders can be used by civil society actors to raise awareness of a particular issue, to campaign for improved national or local standards, or to act as a benchmark to interpret national laws.

⁶² OHCHR is not responsible for the content of external websites and the provision of links on this page does not imply that OHCHR associates itself with such content.

Civil society actors may also host events and training programmes towards the development of standard-setting, and to work towards building the capacity of other civil society actors to use and engage with the special procedures. Mandate-holders often contribute to such capacity-building activities.

3. Tools for the development of operational guidelines

The work of special procedures mandate-holders can provide detailed material on rights and obligations that civil society actors can use to develop internal operational guidelines. For example:

- The work of the **Special Rapporteur on the right to education** provides valuable guidelines for educational institutions;
- The work of the **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment** can be used by detention centres and prisons in developing internal training and operational standards; and
- The work of the **Special Rapporteur on violence against women, its causes and consequences** can provide valuable definitions of violence against women, their causes and the best practices for eliminating them. These guidelines, definitions and procedures can be used in schools, prisons, women's shelters or other organizations seeking to create safe conditions for women.

E. Meeting with special procedures mandate-holders

Special procedures mandate-holders are available for meetings with civil society actors as part of their consultations in Geneva, New York (for those attending the General Assembly) and during their country visits. These meetings are particularly important to help build an ongoing partnership between mandate-holders and civil society. The staff servicing mandate-holders at OHCHR can be contacted throughout the year to arrange these meetings.

OHCHR resources

Special procedures web page

Civil society actors should regularly consult the special procedures section of the OHCHR website for updates and information on the special procedures. The web page is already available in English, French, Russian and Spanish, with Arabic and Chinese versions under construction.

Human Rights Council web page

Civil society actors should regularly consult the Human Rights Council's section of the OHCHR website for updates and information on participating in the Council's sessions, and information on the presentation of special procedures reports.

Extranet

Information on various aspects of the special procedures system is also available on:

- The special procedures section of the **Human Rights Council's Extranet**; and
- The **special procedures Extranet**.

Special Procedures Bulletin

OHCHR produces a quarterly bulletin on the activities of the special procedures. The Bulletin is available on the OHCHR special procedures web page.



To access the password-protected **Human Rights Council Extranet** page, fill in the online form available. When you have done this you will receive a username and password by e-mail.

To access the password-protected **special procedures Extranet** page, fill in the online form.

Annual facts and figures on the special procedures

OHCHR produces an annual resource on special procedures facts and figures. It includes information and statistics on communications, country visits, reports, press releases, coordination and thematic events. The facts and figures resource is available on the special procedures section of the OHCHR website.

Annual compilation of special procedures recommendations

OHCHR produces an annual compilation of special procedures recommendations, organized by country. It is available on the special procedures section of the OHCHR website.

Universal Human Rights Index

The Universal Human Rights Index (Index) is an on-line information tool, designed primarily to facilitate access to human rights documents issued by the United Nations **human rights treaty bodies** and the **special procedures** of the Human Rights Council. This new website (which can be accessed via OHCHR's website) contains all the concluding observations issued by the treaty bodies from the year 2000, as well as conclusions and recommendations of the Human Rights Council's special procedures concerning specific countries adopted since 2006. The Index will soon provide access to recommendations made in the framework of the Human Rights Council's Universal Periodic Review mechanism.

Annex

By September 2008 there were 38 special procedures mechanisms in operation (30 thematic mandates and 8 country mandates).



For a current list of special procedures mechanisms, please visit the special procedures section of the OHCHR website.

A. Table of thematic mandates

Title / Mandate	Mandate established		Mandate extended	
	In	By	In	By
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living	2000	Commission on Human Rights Resolution 2000/9	2007	Human Rights Council resolution 6/27 (for 3 years)
Working Group of Experts on People of African Descent	2002	Commission on Human Rights Resolution 2002/68	2008	Human Rights Council resolution 9/14 (for 3 years)
Working Group on Arbitrary Detention	1991	Commission on Human Rights Resolution 1991/42	2007	Human Rights Council resolution 6/4 (for 3 years)
Special Rapporteur on the sale of children, child prostitution and child pornography	1990	Commission on Human Rights Resolution 1990/68	2008	Human Rights Council resolution 7/13 (for 3 years)
Special Rapporteur on the right to education	1998	Commission on Human Rights Resolution 1998/33	2008	Human Rights Council resolution 8/4 (for 3 years)
Working Group on Enforced or Involuntary Disappearances	1980	Commission on Human Rights resolution 20 (XXXVI)	2007	Human Rights Council resolution 7/12 (for 3 years)
Special Rapporteur on extrajudicial, summary or arbitrary executions	1982	Commission on Human Rights resolution 1982/35	2008	Human Rights Council resolution 8/3 (for 3 years)



Title / Mandate	Mandate established		Mandate extended	
	In	By	In	By
Independent expert on the question of human rights and extreme poverty	1998	Commission on Human Rights resolution 1998/25	2008	Human Rights Council resolution 8/11 (for 3 years)
Special Rapporteur on the right to food	2000	Commission on Human Rights resolution 2000/10	2007	Human Rights Council resolution 6/2 (for 3 years)
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	1993	Commission on Human Rights resolution 1993/45	2008	Human Rights Council resolution 7/36 (for 3 years)
Special Rapporteur on freedom of religion or belief	1986	Commission on Human Rights resolution 1986/20	2007	Human Rights Council resolution 6/37 (for 3 years)
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	2002	Commission on Human Rights resolution 2002/31	2007	Human Rights Council resolution 6/29 (for 3 years)
Special Rapporteur on the situation of human rights defenders (formerly Special Representative of the Secretary-General)	2000	Commission on Human Rights resolution 2000/61	2008	Human Rights Council resolution 7/8 (for 3 years)
Special Rapporteur on the independence of judges and lawyers	1994	Commission on Human Rights resolution 1994/41	2008	Human Rights Council resolution 8/6 (for 3 years)
Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	2001	Commission on Human Rights resolution 2001/57	2007	Human Rights Council resolution 6/12 (for 3 years)
Representative of the Secretary-General on the human rights of internally displaced persons	2004	Commission on Human Rights resolution 2004/55	2007	Human Rights Council resolution 6/32 (for 3 years)
Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	2005	Commission on Human Rights resolution 2005/2	2008	Human Rights Council resolution 7/21 (for 3 years)



Title / Mandate	Mandate established		Mandate extended	
	In	By	In	By
Special Rapporteur on the human rights of migrants	1999	Commission on Human Rights resolution 1999/44	2008	Human Rights Council resolution 8/10 (for 3 years)
Independent expert on minority issues	2005	Commission on Human Rights resolution 2005/79	2008	Human Rights Council resolution 7/6 (for 3 years)
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	1993	Commission on Human Rights resolution 1993/20	2008	Human Rights Council resolution 7/34 (for 3 years)
Special Rapporteur on contemporary forms of slavery, including its causes and consequences	2007	Human Rights Council resolution 6/14 (for 3 years)		
Independent expert on human rights and international solidarity	2005	Commission on Human Rights resolution 2005/55	2008	Human Rights Council resolution 7/5 (for 3 years)
Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	2000	Commission on Human Rights resolution 2000/82	2008	Human Rights Council resolution 7/4 (for 3 years)
Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation	2008	Human Rights Council resolution 7/22 (for 3 years)		
Special Rapporteur on the promotion and protection of human rights while countering terrorism	2005	Commission on Human Rights resolution 2005/80	2007	Human Rights Council resolution 6/28 (for 3 years)
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	1985	Commission on Human Rights resolution 1985/33	2008	Human Rights Council resolution 8/8 (for 3 years)



Title / Mandate	Mandate established		Mandate extended	
	In	By	In	By
Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	1995	Commission on Human Rights resolution 1995/81	2008	Human Rights Council resolution 9/1 (for 3 years)
Special Rapporteur on the human rights aspects of trafficking in persons, especially in women and children	2004	Commission on Human Rights decision 2004/110	2008	Human Rights Council resolution 8/12 (for 3 years)
Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises	2005	Commission on Human Rights resolution 2005/69	2008	Human Rights Council resolution 8/7 (for 3 years)
Special Rapporteur on violence against women, its causes and consequences	1994	Commission on Human Rights resolution 1994/45	2008	Human Rights Council resolution 7/24 (for 3 years)

B. Table of country mandates

Title / Mandate	Mandate established		Mandate extended	
	In	By	In	By
Independent expert on the situation of human rights in Burundi	2004	Commission on Human Rights resolution 2004/82 (duration of mandate not specified)	2008	Human Rights Council resolution 9/19 (duration of mandate not specified)
Special Representative of the Secretary-General for human rights in Cambodia	1993	Commission on Human Rights resolution 1993/6	2008	Human Rights Council resolution 9/15 (for 1 year)
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	2004	Commission on Human Rights resolution 2004/13	2008	Human Rights Council resolution 7/15 (for 1 year)
Independent expert appointed by the Secretary-General on the situation of human rights in Haiti	1995	Commission on Human Rights resolution 1995/70	2008	Human Rights Council President's Statement A/HCR/PRST/9/1 (for 2 years)
Special Rapporteur on the situation of human rights in Myanmar	1992	Commission on Human Rights resolution 1992/58	2008	Human Rights Council resolution 7/32 (for 1 year)
Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	1993	Commission on Human Rights resolution 1993/2 A ("until the end of the Israeli occupation")		
Independent expert appointed on the situation of human rights in Somalia	1993	Commission on Human Rights resolution 1993/86	2008	Human Rights Council resolution 7/35 (for 1 year)
Special Rapporteur on the situation of human rights in the Sudan	2005	Commission on Human Rights resolution 2005/82	2008	Human Rights Council resolution 9/17 (for 9 months)