

Working with the United Nations Human Rights Programme

A Handbook for Civil Society



United Nations
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Working with the United Nations Human Rights Programme

A Handbook for Civil Society

New York and Geneva, 2008



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Foreword

Writing the foreword to this *Handbook* is one of my first acts as the new High Commissioner for Human Rights. I think that this is fitting. It offers me an early opportunity to emphasize in my new capacity what has been a firmly held conviction throughout my career, that is, my confidence in civil society's transformative capacity. Indeed, one cannot overestimate the contribution that civil society has made towards the development of international human rights standards, their advocacy and the functioning of the human rights mechanisms which are discussed in this *Handbook*. Today, civil society's views, practical knowledge and scholarship are as crucial to the human rights movement as ever in the pursuit of justice and equality for all.

Indeed, my Office's collaboration with civil society remains a strategic priority, as it bolsters our shared objectives, helps to address our mutual concerns, and supports my Office's mission and initiatives both at headquarters and in the field.

Civil society actors' contribution has also enriched the work of the independent experts that belong to other long-established human rights mechanisms, such as the human rights treaty bodies and special procedures. Crucially, their weight and knowledge have also been brought to bear in the operations of the Human Rights Council, the new intergovernmental body that, in June 2006, replaced the Commission on Human Rights.

Human rights defenders, non-governmental organizations and all other civil society stakeholders carry out their human rights work in a variety of ways: they share information; advocate and scrutinize implementation of human rights; report violations, assist victims of abuses; and campaign for the development of new human rights standards. They do so by taking the pulse of their communities and constituencies. They give voice to the powerless in venues that may, otherwise, be out of the victims' reach, including international human rights forums and mechanisms. Clearly, there is a need on the part of civil society actors to deeply understand and master the *modus operandi* of national, regional and international human rights institutions. This *Handbook* aims at facilitating such a demanding endeavour.

Finally, let me underscore that the release of this *Handbook* coincides with our commemoration of the 60th anniversary of the Universal Declaration of Human Rights. The promises of justice, dignity and human rights for all that the Declaration contains have yet to be fully met.

We must persevere in our efforts to make the Universal Declaration's principles come to fruition for the different communities that we serve. It is my hope that this *Handbook* will

be used to facilitate civil society actors' understanding of and access to the United Nations human rights system. It is a modest but significant resource in our joint endeavour to make human rights, dignity and equality a universal reality.

A handwritten signature in black ink, appearing to read 'N. Pillay', with a stylized flourish at the end.

Navanethem Pillay
United Nations High Commissioner for Human Rights

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Acronyms and abbreviations

ACT	“Assisting Communities Together” Project
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
ECOSOC	Economic and Social Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
LDC	Least developed countries
NGO	Non-governmental organization
NHRI	National human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNDEF	United Nations Democracy Fund
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNITAR	United Nations Institute for Training and Research
UPR	Universal periodic review

Introduction

About the *Handbook*

Working with the United Nations Human Rights Programme: A Handbook for Civil Society is addressed to the civil society actors who, every day in every part of the world, contribute to the promotion, protection and advancement of human rights.

Developed following a survey among users of the first edition of the *Handbook*—*Working with the Office of the United Nations High Commissioner for Human Rights: A Handbook for NGOs* (2006)—this comprehensively updated and revised second edition puts United Nations human rights bodies and mechanisms at its centre. Speaking to all civil society actors, including but not only non-governmental organizations (NGOs), the *Handbook* explains how civil society can engage with various United Nations human rights bodies and mechanisms. It is the hope of the Office of the United Nations High Commissioner for Human Rights (OHCHR) that this *Handbook* will enable more people to enjoy and make claim to their human rights through these bodies and mechanisms.

Who are civil society actors?

For the purposes of this *Handbook*, civil society actors are individuals who voluntarily engage in forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the United Nations. This *Handbook* addresses civil society actors concerned with the promotion and protection of universal human rights, for instance:

- Human rights defenders;
- Human rights organizations (NGOs, associations, victim groups);
- Related issue-based organizations;
- Coalitions and networks (women's rights, children's 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 carry out activities aimed at promoting human rights (schools, universities, research bodies).

A strong and autonomous civil society, able to operate freely, and knowledgeable and skilled with regard to human rights, is a key element in securing sustainable human rights protection at the national level. Civil society actors are therefore essential partners in the United Nations human rights system.

While important contributors to human rights promotion and protection, national human rights institutions (NHRIs) are not addressed in this *Handbook*. Information and resources on NHRIs are available from the OHCHR website. Readers are also invited to contact the OHCHR National Institutions Unit at niu@ohchr.org.

Contents of the *Handbook*

The *Handbook* opens with an introduction to OHCHR (chapter I), its fellowship and training programmes (chapter II), and its publications and resource materials (chapter III). It then addresses the United Nations human rights bodies and mechanisms, and how they can be used. These are:

- The human rights treaty bodies (chapter IV);
- The Human Rights Council and its mechanisms, including the Advisory Committee, the Social Forum, the Forum on Minority Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the open-ended Working Group on the Right to Development, and a number of mechanisms related to the Durban Declaration and Programme of Action (chapter V);
- The special procedures (chapter VI);
- The universal periodic review (chapter VII); and
- The submission of complaints on alleged human rights violations (chapter VIII).

The final chapter provides information on funds and grants (chapter IX), some of which are administered by OHCHR.

To make it easier for readers to access information, each chapter has been written in a way that allows it to stand independently from the rest of the *Handbook*. Individual chapters can be downloaded from the OHCHR website, along with the *Handbook* in its entirety.

It is important to note that this *Handbook* is not a stand-alone or static guide. Where possible, references to the OHCHR website and other resources have been provided to ensure that readers have access to current information. Readers are encouraged to use these supplementary resources.

Structure

The chapters are generally divided into three sections:

- What the body/mechanism is;
- How it works; and
- How civil society actors can access and work with it.

Each chapter also lists key contacts at OHCHR and includes links to other resources.

Your feedback

This *Handbook* is a dynamic tool. The OHCHR Civil Society Unit welcomes reader feedback. Please send your comments and suggestions to:

Civil Society Unit

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland
E-mail: CivilSocietyUnit@ohchr.org.

I. INTRODUCTION TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

A. The United Nations human rights programme

The United Nations human rights programme works to promote and protect the human rights of everyone, everywhere. It is carried out through different United Nations human rights institutions and agencies, and includes the various human rights bodies and mechanisms addressed in this *Handbook*, all of which have the common aim of promoting and protecting internationally agreed human rights—civil, cultural, economic, political and social—rights that were proclaimed in the Universal Declaration of Human Rights over 60 years ago.

As the global authority on human rights, the **Office of the United Nations High Commissioner for Human Rights** (OHCHR) is responsible for leading the United Nations human rights programme and for promoting and protecting all human rights established under the **Charter of the United Nations** and international human rights law.

Its vision is of a world in which the human rights of all are fully respected and enjoyed. OHCHR strives to achieve the protection of *all* human rights for *all* people, to empower people to realize their rights and to assist those responsible for upholding such rights in ensuring that they are implemented.

B. The Office of the United Nations High Commissioner for Human Rights

OHCHR is part of the Secretariat of the United Nations and is led by the High Commissioner for Human Rights, a position created in 1993.¹ It collaborates with an ever wider range of actors, including Governments, national human rights institutions (NHRIs), non-governmental organizations (NGOs) and other civil society actors, to instil as broad a commitment to human rights as possible.

¹ See General Assembly resolution 48/141 of 20 December 1993. The work of OHCHR is also guided by the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, including the 1993 Vienna Declaration and Programme of Action and the 2005 World Summit Outcome Document (General Assembly resolution 60/1 of 16 September 2005).

As the United Nations principal human rights official, the High Commissioner acts as a moral authority and a voice for victims. The High Commissioner guides the Office's mission and values, identifies its priorities, and drives its activities. The High Commissioner makes public statements and appeals on human rights situations and crises; engages in dialogue with Governments to strengthen national human rights protection; and travels widely to ensure that human rights messages are heard in all parts of the world, to listen to those whose rights have been denied and to engage with duty bearers.

The High Commissioner works to mainstream human rights standards throughout all United Nations programmes to ensure that peace and security, development, and human rights—the three essential pillars of the United Nations system—are interlinked and mutually reinforcing, and that human rights form the bedrock of all United Nations activities.

As the High Commissioner speaks openly and publicly about the global situation of human rights and combats impunity by holding States accountable for their actions and inaction, it is to be expected that the High Commissioner and the Office will at times attract criticism from different quarters. It is all the more important then, when injecting human rights perspectives and approaches into debates which are frequently politicized, that objectivity, accuracy and the universality of human rights underpin the Office's work.

The current High Commissioner, **Ms. Navanethem Pillay**, assumed office in September 2008. Ms. Pillay was preceded by Ms. Louise Arbour (2004-2008), Mr. Sergio Vieira de Mello (2002-2003),² Ms. Mary Robinson (1997-2002) and Mr. José Ayala Lasso (1994-1997). Mr. Bertrand G. Ramcharan was Acting High Commissioner from 2003 to 2004.

OHCHR is headquartered at Palais Wilson in Geneva, Switzerland, and has an office at United Nations headquarters in New York. Comprising more than 900 staff members, over half of whom work in the field, its presences include country teams and offices, regional offices, human rights advisers, and human rights components in United Nations peace missions.

² On 19 August 2003, Sergio Vieira de Mello was killed along with 21 other United Nations staff in Baghdad, where he was serving the United Nations as the Secretary-General's Special Representative in Iraq.



Mandate of the High Commissioner for Human Rights

The High Commissioner is mandated by General Assembly resolution 48/141 to:

- Promote and protect all human rights for all;
- Make recommendations to the competent bodies of the United Nations system for improving the promotion and protection of all human rights;
- Promote and protect the right to development;
- Provide technical assistance for human rights activities;
- Coordinate United Nations human rights education and public information programmes;
- Play an active role in removing obstacles to the realization of human rights;
- Play an active role in preventing the continuation of human rights violations;
- Engage in dialogue with Governments with the aim of securing respect for all human rights;
- Enhance international cooperation;
- Coordinate human rights promotion and protection activities throughout the United Nations system; and
- Rationalize, adapt, strengthen and streamline the United Nations human rights machinery.

C. OHCHR work and activities

OHCHR seeks the implementation of human rights standards in the daily lives of all people everywhere. Working towards this goal, it collaborates with Governments, parliaments, judicial authorities, police and prison officials, NHRIs, NGOs and a broad range of other civil society actors, in addition to United Nations partners, to build awareness of and respect for human rights. OHCHR empowers individuals to claim their rights and assists States in upholding their human rights obligations.

Local, national and international human rights NGOs are a vital part of the international human rights movement and an essential partner for OHCHR. They alert the world to human rights violations. They defend victims, promote rights through education, and campaign for improvements and advancements. The relationship between OHCHR and civil society is a dynamic and collaborative one, which infuses all parts of OHCHR.

OHCHR areas of work span the full spectrum of human rights. Each activity is interrelated and complementary, and forms an integral part of its mission.

Its **thematic work** identifies and targets gaps in the existing human rights system, leading protection and research and addressing contemporary issues, such as climate change and gender-based violence, from within a human rights framework.

In its **standard-setting work**, OHCHR contributes to the development of new international norms to advance human rights protection and entitlement.

Its **monitoring work** aims to ensure that these standards are implemented in practice and thus contributes to making human rights a reality.

Through its work on **implementation** in the field, OHCHR looks for early warning signs of human rights crises and deteriorating situations, offering technical assistance to Governments and ready to deploy staff and resources when crises develop.

OHCHR also works to increase **human rights education** and awareness. It seeks to empower people to access their rights and, by using United Nations human rights bodies and mechanisms effectively, to become agents of change—an aim which inspired the creation of this *Handbook*.

OHCHR activities are funded from the United Nations regular budget and from voluntary contributions from Member States, intergovernmental organizations, foundations and individuals.

Thematic areas of work

OHCHR explores new areas of human rights protection and standard-setting across a broad collection of themes and issues. It provides legal and policy advice, undertakes substantive research, facilitates discussion and consultations on emerging issues and trends, and seeks out issue-based partnerships with a range of human rights stakeholders, promoting best practices.

Its thematic areas of work include:

- Anti-discrimination;
- Children;
- Climate change and the environment;
- Economic, social and cultural rights, including the rights to health, housing, food and water;
- HIV/AIDS;
- Human rights country assessment and planning;
- Human rights and business;
- Human rights and counter-terrorism;
- Human rights and disability;
- Human rights education and training
- Human rights mainstreaming;
- Human rights monitoring and investigations;
- Human rights in peace operations;
- Indigenous peoples and minorities;

- The Millennium Development Goals and the right to development, including poverty reduction;
- Racism;
- The rule of law and democracy, including the administration of justice, good governance, accountability, impunity and anti-corruption initiatives;
- Security policies;
- Trade and globalization;
- Trafficking;
- Transitional justice;
- Women's human rights and gender.

These programmes seek to inject expertise and fresh thinking into selected cross-cutting themes that are of particular importance to the United Nations human rights programme such as equality and non-discrimination. They address groups and issues deserving special attention, such as victims of racial discrimination, minorities and indigenous peoples, women's rights and gender, disability, trafficking and people affected by HIV/AIDS.



Working together on impunity and the rule of law

The **Updated Set of principles to combat impunity** and the **Basic Principles and Guidelines on the Right to a Remedy and Reparation** were finalized in 2005.

When the initial drafts were ready, OHCHR convened consultations for dialogue and feedback. Several international NGOs participated in these consultations, including the **International Commission of Jurists**, **Amnesty International**, **Human Rights Watch** and the **International Center for Transitional Justice**. NGOs provided the perspectives of international and national partner agencies, allowing needs and experiences from the field to be incorporated into the drafts.

The General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation in 2005. Also in 2005, the former Commission on Human Rights took note of the Updated Set of principles to combat impunity.

OHCHR held a series of workshops to disseminate information on these two sets of principles as well as to discuss strategies for their national implementation. In addition to staff from OHCHR field offices and United Nations peace missions, a number of NGOs from post-conflict countries actively participated in these workshops. These local NGOs are instrumental in disseminating the principles and ensuring that they become operational on the ground. Working with

Governments to ensure the implementation and enforcement of these standards is an important role that NGOs continue to play to ensure that the rights set out in these documents are realized.

For further information, see:

- Updated Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1); and
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147).

Standard-setting and monitoring

OHCHR seeks to offer the highest quality research, expertise, advice and administrative services to the main United Nations human rights bodies and mechanisms as they discharge their standard-setting and monitoring duties, contributing to the development of international human rights law and jurisprudence, and working to ensure the implementation of agreed human rights standards. These bodies and mechanisms include:

- The **Human Rights Council** and its mechanisms, e.g., the special procedures, the universal periodic review mechanism, the complaint procedure, the Advisory Committee, the Social Forum, the Forum on Minority Issues, and the Expert Mechanism on the Rights of Indigenous Peoples; and
- The **human rights treaty bodies**.

OHCHR is committed to strengthening civil society's capacity to use the United Nations human rights programme effectively. The chapters that follow explore the various ways that civil society can engage with and contribute to United Nations human rights bodies and mechanisms through OHCHR:

- **Chapter IV** addresses the human rights treaty bodies;
- **Chapter V** addresses the Human Rights Council and its mechanisms, including the Advisory Committee, the Social Forum, the Forum on Minority Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the open-ended Working Group on the Right to Development and a number of mechanisms related to the Durban Declaration and Programme of Action;
- **Chapter VI** addresses the special procedures;
- **Chapter VII** addresses the universal periodic review; and
- **Chapter VIII** explains how to submit a complaint on an alleged human rights violation.



For current information on **OHCHR standard-setting and monitoring work**, please visit the **OHCHR website**.

Human rights implementation

Human rights standards have little value if they are not implemented. States recovering from conflict or lacking resources or expertise need assistance to meet their human rights obligations. OHCHR therefore devotes considerable resources to supporting national efforts to protect human rights. By engaging with countries, OHCHR strives to bridge a range of implementation gaps, including those related to knowledge, capacity, commitment and security.

Through its implementation work in the field, OHCHR aims to ensure that:

- National authorities are informed about international human rights standards and how to translate these into laws, regulations and policies;
- Government officials and civil society have greater capacity to address human rights concerns;
- Government authorities are aware of their human rights obligations and implement effective remedies to overcome obstacles to the realization of human rights;
- Rights-holders are better protected from policies that threaten their personal security; and
- OHCHR is in a better position to respond to human rights needs on the ground.

OHCHR field offices and presences develop appropriate and effective responses to human rights challenges in close collaboration with Governments, the United Nations system and NGOs and other members of civil society. For instance, OHCHR assists efforts to incorporate international human rights standards into national laws, and advises on the establishment and functioning of independent NHRIs. It also works with and provides human rights training to judiciaries, military police and parliaments on international standards related to their work, provides advice on treaty body and universal periodic review reporting, and develops programmes for human rights education.

Civil society is a vital partner in all OHCHR activities in the field. Here are some examples of civil society engagement and collaboration with OHCHR in the field:

- Alerting OHCHR to deteriorating human rights situations and emerging trends;
- Providing information to OHCHR on human rights situations, developments and alleged abuses, locally and nationally;
- Working in partnership with OHCHR on human rights seminars and workshops, human rights training programmes, and on national and regional projects to raise awareness of human rights; and
- Working with OHCHR to promote the ratification of human rights treaties and their implementation.

OHCHR field presences include country offices, regional offices, human rights components of United Nations peace missions, human rights advisers in United Nations country teams and rapid response to emerging human rights crises.

1. Country offices

OHCHR has established an increasing number of country offices. Their activities cover human rights monitoring, public reporting, providing technical assistance, and assisting Governments to develop long-term and sustainable human rights policies and targets.



Working with the OHCHR country office in Uganda to better protect and promote the rights of persons with disabilities

The OHCHR country office in Uganda works with associations of persons with disabilities to promote an understanding of disability as a human rights issue, increase awareness of relevant human rights standards and promote full compliance with these standards in domestic legislation, policies and plans. The office in Uganda has engaged with NGOs in the following ways:

- It launched a consultation to provide technical advice on compliance of domestic legislation and policies on disabilities with human rights standards;
- It conducted monitoring activities and focus group discussions on the situation of persons with disabilities, actively promoting, in various districts, the participation of NGOs of persons with disabilities in human rights coordination mechanisms;
- It supported the National Union of Disabled Persons in collecting signatures for a petition urging the Government to ratify the Convention on the Rights of Persons with Disabilities. Over 1,000 signatures were collected on the occasion of International Human Rights Day 2007;
- It sponsored the construction of a ramp to the main administrative block in Soroti district to ensure the physical accessibility of public buildings. Continued advocacy by NGOs led to the construction of further ramps in town; and
- It provided training for persons with disabilities on international human rights standards and relevant domestic legislation and policies, making relevant materials available in Braille.

2. Regional offices

OHCHR seeks to identify human rights concerns that are important to countries within a region. It can then offer help, both to the region and to the countries, by promoting the sharing and dissemination of experiences and best practices. OHCHR regional offices are also a source of thematic expertise and work closely with regional and governmental bodies, United Nations country teams, international and regional organizations, NHRIs and civil society.

3. Human rights components of United Nations peace missions

OHCHR is involved in United Nations peacekeeping and peacebuilding, and plays an important part in the human rights components of complex field operations run by the United Nations Departments of Peacekeeping Operations and Political Affairs. OHCHR also contributes to the work of the United Nations Security Council, which is responsible for

international peace and security. These roles illustrate the central place that human rights occupy in all aspects of United Nations work.

OHCHR has identified four priorities that it seeks to integrate into peace missions:

- Ensuring justice and accountability in peace processes;
- Preventing and redressing human rights violations;
- Building capacities and strengthening national institutions; and
- Mainstreaming human rights throughout all United Nations programmes.



Working with the United Nations Mission in the Sudan on women's rights

Since March 2008, the United Nations Mission in the Sudan's (UNMIS) Human Rights Office has produced a radio programme, in cooperation with the Women Advocacy

Group in Malakal and Radio Malakal, to raise awareness about women's rights, in particular their right to live a life free of gender-based violence. Members of the Upper Nile

State Legislative Assembly and civil society activists have been on the programme. The initiative has been coupled with workshops for local communities.

4. Human rights advisers in United Nations country teams

Human rights advisers are experts deployed by OHCHR to support United Nations country teams at the request of Resident Coordinators. They advise on strategies to build or strengthen a country's capacities and institutions to promote and protect human rights. Human rights advisers also engage with national actors (Government and civil society) on how to promote and implement human rights standards effectively.

5. Rapid response to emerging human rights crises

In addition to engaging with countries through field presences, the OHCHR Rapid Response Unit deploys trained personnel to assist in preventing or responding to deteriorating human rights situations across the globe. OHCHR may conduct or support fact-finding missions and commissions of inquiry to investigate serious allegations of human rights violations.

The Unit also serves as the focal point for OHCHR engagement with the human rights components of peace missions, which OHCHR supports by providing assistance with recruitment, induction and training, as well as substantive policy and programme advice.

OHCHR fellowship and training programmes

OHCHR has established fellowship and training programmes to help increase the role and participation of civil society in human rights mechanisms. These programmes are:

- The **Indigenous Fellowship Programme**;
- The **Minorities Fellowship Programme**;
- The **Human Rights LDC Fellowship Programme**; and
- The **Fellowship for National Human Rights Institutions Staff**.



For more information on **OHCHR fellowship and training programmes**, please refer to **chapter II** of this *Handbook*.

OHCHR publications and resource materials

OHCHR produces an extensive range of publications related to human rights which provide information of interest to Governments, NHRIs, civil society, the general public and the media. Many publications and resources are available for downloading on the OHCHR website or may be requested from the OHCHR **Publications and Information Desk**.



For more information on **OHCHR publications and resource materials**, please refer to **chapter III** of this *Handbook*, and contact publications@ohchr.org or library@ohchr.org.

Funds and grants

United Nations funds and grants, some of which are managed by OHCHR, directly benefit NGOs, grass-roots organizations, professional associations and other civil society actors.

The OHCHR-administered funds and grants are:

- The **United Nations Voluntary Fund for Victims of Torture**;
- The **Voluntary Fund for Indigenous Populations**;
- The **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**; and
- The **“Assisting Communities Together” (ACT) Project**.



For more information on **funds and grants**, please refer to **chapter IX** of this *Handbook*.

D. The structure of the Office of the United Nations High Commissioner for Human Rights

OHCHR is led by the High Commissioner and the Deputy High Commissioner. Both are supported in their work by the **Executive Office**, which is part of the OHCHR **Executive Direction and Management Branch**.

The Executive Direction and Management Branch also includes:

- The **New York Office**, which works to ensure that human rights are fully integrated into the United Nations agenda for development and security, and provides substantive support on human rights issues to the General Assembly, the **Economic and Social Council**, the **Security Council** and other intergovernmental bodies;
- The **Policy, Planning, Monitoring and Evaluation Section**, which works with OHCHR staff to ensure that the Office's strategic vision is translated into concrete priorities and operational plans, and that the impact is effectively monitored and evaluated;
- The **Communications Section**, which develops and implements strategies to improve general knowledge of human rights and inform the international community of human rights developments and OHCHR work;
- The **Donor and External Relations Section**, which works to ensure that Member States are kept fully informed of OHCHR plans, priorities and funding needs, and mobilizes resources to support the implementation of OHCHR programmes;
- The **Field Safety and Security Section**, which is responsible, in coordination with the United Nations Department of Safety and Security, for ensuring the security of all OHCHR staff and premises.

The newly established **Civil Society Unit** is also part of the Executive Direction and Management Branch. It is the main entry point for civil society actors wishing to contact OHCHR. The Civil Society Unit provides information and advice on a broad range of issues, advises on policies and strategies to enhance cooperation, and develops tools to assist civil society in engaging with the United Nations human rights bodies and mechanisms, of which this *Handbook* is the primary example.

OHCHR **Programme Support and Management Services** provide support in budgeting and financial management; recruitment and human resources; procurement, asset management and general logistical support for field activities; information technology; and staff development and training.

In addition to the Executive Direction and Management Branch and Programme Support and Management Services, OHCHR comprises four substantive divisions:

- The **Human Rights Council and Treaties Division**, which ensures the smooth functioning of the Human Rights Council and a number of its mechanisms, and the

human rights treaty bodies. It also supports activities carried out through the Voluntary Fund for Victims of Torture and coordinates all official documentation prepared for use by intergovernmental bodies;

- The **Special Procedures Division**, which supports the work of the special procedures by providing thematic, fact-finding and legal expertise, research and analysis, and administrative and logistical assistance. The Division also facilitates collaboration and meetings between mandate-holders and stakeholders, including civil society;
- The **Field Operations and Technical Cooperation Division**, which coordinates the development and implementation of OHCHR country engagement strategies, manages its technical cooperation programme and serves as an entry point for OHCHR field offices; and
- The **Research and Right to Development Division**, which carries out OHCHR thematic research on human rights, including by providing technical support to the field. The Division also manages the OHCHR documentation centre and publications programme, producing a range of methodological tools and learning packages for use in countries and at headquarters to build the capacity of national institutions, civil society and other partners.

E. OHCHR resources

OHCHR website

Civil society actors are encouraged to consult the OHCHR website for updates and information on OHCHR work and activities, including information on the various human rights mechanisms. The OHCHR **Annual Reports on Activities and Results** and the **High Commissioner's Strategic Management Plan** are also available from the OHCHR website.



Visit OHCHR website: <http://www.ohchr.org>

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.

F. How to contact OHCHR

Visiting addresses

Palais Wilson:

52 rue des Pâquis
CH-1201 Geneva, Switzerland

Motta Building:

48 avenue Giuseppe Motta
CH-1202 Geneva, Switzerland

Postal address

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH-1211 Geneva 10
Phone: +41 (0)22 917 90 00
E-mail: InfoDesk@ohchr.org (general enquiries)
Website: <http://www.ohchr.org>

II. OHCHR FELLOWSHIP AND TRAINING PROGRAMMES

The fellowship and training programmes discussed in this chapter have been created by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to increase civil society's role and participation in human rights mechanisms. The contribution and active engagement of civil society contributes to a stronger realization of human rights. This chapter sets out the main information that civil society actors need to participate in OHCHR fellowship programmes and training workshops.

Consultative status with the United Nations Economic and Social Council (ECOSOC) is not a requirement for NGOs and other civil society actors to participate in or access the programmes and workshops discussed in this chapter.

A. Fellowship programmes

Fellowship programmes give selected individuals an intensive learning opportunity about human rights mechanisms and international institutions.

OHCHR administers four fellowship programmes. These aim at strengthening the capacity of particular groups or individuals in human rights work:

- The **Indigenous Fellowship Programme** supports members of indigenous groups to participate in a programme of human rights training;
- The **Minorities Fellowship Programme** supports persons belonging to national, ethnic, religious or linguistic minorities to participate in a programme of human rights training;
- The **Human Rights LDC Fellowship Programme** supports graduate students from the least developed countries (LDC) to participate in training on the United Nations and human rights; and
- The **Fellowship for National Human Rights Institutions Staff** supports staff members from NHRIs in a programme of training on international human rights and the work of OHCHR with NHRIs.

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.



Fellowship contact details

Indigenous Fellowship Programme

Indigenous Peoples and Minorities Unit

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 08 or +41 (0)22 928 90 66

E-mail: fellowship@ohchr.org

Minorities Fellowship Programme

Indigenous Peoples and Minorities Unit

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Phone: +41 (0)22 928 98 45

Fax: +41 (0)22 928 90 10

E-mail: minorities@ohchr.org

Fellowship for Students from Least Developed Countries

United Nations Institute for Training and Research (UNITAR)

Palais des Nations

8–14, avenue de la Paix

CH-1211 Geneva 10 - Switzerland

Phone: +41 (0)22 917 86 40

Fax: +41 (0)22 917 80 47

Website: <http://www.ohchr.org> or <http://www.unitar.org/diplomacy>

Fellowship for NHRIs Staff

National Institutions Unit

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10- Switzerland

Phone: + 41 (0)22 928 92 83 or + 41 (0)22 928 96 63

Fax: + 41 (0)22 928 90 18

E-mail: niu@ohchr.org

1. Indigenous Fellowship Programme

The **Indigenous Fellowship Programme** began in 1997 as an OHCHR initiative to implement the goals of the International Decade of the World's Indigenous People (1995–2004), with the primary objective of empowering indigenous representatives and their communities by strengthening their knowledge of and capacity to access the United Nations human rights system.

The Programme aims to give indigenous women and men the opportunity to gain knowledge of international human rights in general and indigenous rights in particular, in order to help their organizations and communities better protect and promote their rights. At the end of the Programme fellows should be capable of giving training within their communities and organizations on international human rights in general and indigenous peoples' rights in particular, and be able to disseminate the information and knowledge gained during their fellowship. The Programme aims to yield benefits for the individuals themselves, for their organizations, but most importantly for their communities.

The Indigenous Fellowship Programme exists in four languages: **English, French, Russian and Spanish**. Each year approximately five fellows are selected for each linguistic version of the Programme:

- The Geneva-based Programme (in **English**);
- The Deusto-based Programme (in **Spanish**);
- The Dijon-based Programme (in **French**); and
- The Moscow-based Programme (in **Russian**).

The **Geneva-based Programme** is implemented by OHCHR in Geneva. Starting in May each year and generally four months in duration, it is an intensive course on human rights mechanisms and institutions. The Programme is interactive and consists of briefings on various topics and individual and group assignments.

The **Deusto Programme** is a joint initiative of the University of Deusto in Bilbao, Spain, and OHCHR. It is generally four months in duration and consists of two parts: a first session held at the University of Deusto and a second session at OHCHR in Geneva. It has a similar structure to the Geneva-based Programme, while also trying to encourage an exchange between the fellows and the other organizations involved, such as Basque NGOs and the Basque Government.

The **Dijon Programme** is a joint initiative of the University of Bourgogne in Dijon, France, and OHCHR, and is intended for indigenous people who have French as their first or second language. The Programme lasts 10 weeks (4 weeks at the University in Dijon, 4 weeks at OHCHR in Geneva and 2 weeks at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris).

The **Moscow Programme** is a joint initiative of the Russian Association of Indigenous Peoples of the North (RAIPON) in Moscow and OHCHR. The Moscow session consists of four weeks of training with RAIPON, the OHCHR Moscow Office and other United Nations offices in Moscow, followed by four weeks at OHCHR in Geneva.

All fellowship programmes provide a monthly subsistence grant for modest accommodation, travel, health insurance and other living expenses.

Eligibility criteria

- Candidates must be members of an indigenous group and should be supported by their indigenous communities or organizations;
- Although age is not a limitation, preference is given to candidates between 25 and 35 years of age;
- Lack of formal education is not a limitation to participation in the Fellowship Programme given the socio-economic barriers to such education confronting many indigenous peoples;
- Candidates should have the ability and willingness to train other indigenous persons after their return to their communities/organizations;
- It is desirable that the sponsoring organization has a firm constituency or membership;
- The selection of fellows should reflect a gender and regional balance; and
- The candidates must have a good understanding of the language in which the Fellowship Programme will be conducted.

The four linguistic versions of the Programme are held annually and the deadlines for application vary. Only fully completed fellowship applications will be taken into consideration. Applications must be faxed or sent by regular post. Applications sent by e-mail will not be considered, unless both parts I and II of the application are signed and scanned.



Where to submit an application

Indigenous Fellowship Programme

Indigenous and Minorities Unit

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH-1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 08 or +41 (0)22 928 90 66

E-mail: fellowship@ohchr.org

To learn more about the **Fellowship Programme** and to obtain application forms in all four languages visit OHCHR's website.

2. Minorities Fellowship Programme

Through the **Minorities Fellowship Programme**, OHCHR aims to give persons belonging to **national or ethnic, religious and linguistic minorities**, particularly young women and men, an opportunity to gain knowledge of international human rights in general and minority rights in particular. It is expected that by the end of the Programme the minority fellows will gain general knowledge about the United Nations human rights mechanisms as they relate to issues of relevance to minorities, and be capable of giving training within their communities and organizations on the information and knowledge gained during their fellowship.



Community-led training in Bulgaria by former minority fellow

OHCHR supported a project submitted by a former minority fellow from a Roma community in **Bulgaria** to organize a training course in the municipality of Polski Trambesh in December 2006. The project enabled his organization, Roma Together, to organize a training workshop to

engage and equip the local Roma community to put into practice the 2005-2015 “Decade of Roma Inclusion”, as designated by nine countries in Central and South-Eastern Europe. Participants devised a strategy to enhance Roma participation in official decision-making, especially in areas where their rights

and daily lives are most affected. They proposed that the Municipal Council should set up a standing body of local minority representatives to provide policy input concerning minority issues, and this was accepted by the Mayor and Head of the Municipal Council.

At present OHCHR runs two Minority Fellowship Programmes, one in English and one in Arabic. The English-language Programme is held each April for three months with approximately five participants. The pilot Arabic-language Programme was held for the first time in 2007 with four participants taking part in training at OHCHR in Geneva for one month. The Fellowship Programmes provide a monthly subsistence grant to cover modest accommodation and other living expenses, travel to and from Geneva, and health insurance.

Eligibility criteria

- Candidates must belong to a national, ethnic, religious or linguistic minority;
- Although age is not a limitation, preference will be given to candidates between 25 and 35 years of age;
- Lack of formal education is not a limitation to participation in the Minorities Fellowship Programme, if relevant experience can be demonstrated;
- It is desirable that the sponsoring organization or association undertakes work on minority issues and is composed of persons belonging to minorities;
- Candidates should have the ability and willingness to train other persons belonging to minorities upon their return to their communities/organizations;
- Candidates should have the written support of their communities or organizations;
- Candidates must have a good working knowledge of the language in which the Programme is conducted (Arabic or English).

Only fully completed fellowship applications will be taken into consideration. Applications must be faxed or sent by regular post. Applications sent by e-mail will not be considered, unless they are signed and scanned.



Where to submit an application

Minorities Fellowship Programme Indigenous and Minorities Unit

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 928 98 45
Fax: +41 (0)22 928 90 10
E-mail: minorities@ohchr.org

To learn more about the **fellowship programme** and to obtain an application form visit OHCHR's website.

3. Human Rights LDC Fellowship Programme

The **Human Rights Fellowship Programme for students from least developed countries** (LDCs), carried out for the first time in 2007, is administered jointly by OHCHR and the United Nations Institute for Training and Research (UNITAR). The purpose is to increase the LDC fellows' understanding of current human rights issues at the international level and give them an insight into the work of the United Nations and OHCHR, as well as to provide OHCHR and the United Nations human rights mechanisms with the assistance and contribution of outstanding students or graduates from LDCs.

The Programme takes place at OHCHR in Geneva and is conducted in English. It consists of both training and practical exposure to the work of OHCHR in the form of seminars and practical skills exercises, followed by an assignment with a branch of OHCHR. The continuation of this Fellowship Programme in future years will depend on available funding.

The Human Rights Fellowship Programme is open to candidates from LDCs.³ Candidates must be graduate students or holders of a graduate degree in a discipline related to the work of the United Nations (e.g., international law, political science, social sciences or history). Candidates should be under 30 years of age when they apply.

The fellows' travel costs are covered by the Programme and fellows receive a stipend to cover their living expenses in Geneva. Visa arrangements, accommodation, health and accident insurance are also provided.

As the continuation of this Programme depends on the receipt of adequate funding, interested individuals are encouraged to check the OHCHR and UNITAR websites regularly for information.



How to contact the Human Rights LDC Fellowship

United Nations Institute for Training and Research (UNITAR)

Palais des Nations

8–14, avenue de la Paix

CH-1211 Geneva 10 - Switzerland

Phone: +41 (0)22 917 86 40

Fax: +41 (0)22 917 80 47

³ To learn more about the criteria used by the United Nations to designate a least developed country visit <http://www.unohrrls.org/>

4. Fellowship Programme for National Human Rights Institutions Staff

The **Fellowship for National Human Rights Institutions Staff**, carried out for the first time in 2008, is administered by the **National Institutions Unit** of OHCHR. The Programme aims to provide participants with the opportunity to gain knowledge and practical experience with the United Nations human rights system, OHCHR work with and for NHRIs, and technical and substantive issues relating to NHRIs. It is expected that the fellows will return to their NHRIs and thereby strengthen their organizations' capacity in international human rights.

The Programme takes place at OHCHR in Geneva. Two fellows are selected per year for a six-month period, with one starting in January and the other in July. The fellows receive periodic briefings on the human rights system and relevant thematic issues, and undertake assignments and are involved in projects.

Candidates must have at least three years' direct experience working in a NHRI which meets the internationally adopted standards—the Paris Principles⁴—and extensive experience working on NHRI-related issues, nationally, regionally and, ideally, internationally.

The candidates should have a supporting letter from their NHRIs and be committed to imparting the knowledge and experience obtained during their fellowship to colleagues within their NHRIs upon their return. They should furthermore be fluent in English and/or French. OHCHR provides financial support in the form of a monthly stipend during the fellowship.

Candidates should submit their applications (motivation letter, curriculum vitae, letter of support from their NHRIs) directly to OHCHR. The National Institutions Unit selects candidates in consultation with the Bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).



Where to submit an application

National Institutions Unit

Office of the United Nations High Commissioner for Human Rights
Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Phone: + 41 (0)22 928 92 83 or + 41 (0)22 928 96 63

Fax: + 41 (0)22 928 90 18

E-mail: niu@ohchr.org

For current information on the **NHRIs Fellowship Programme** visit OHCHR's website.

⁴ See General Assembly resolution 48/134, annex.

B. Training workshops

Training workshops give civil society actors the opportunity to learn about specific human rights mechanisms and how to strengthen their engagement with them.

Training workshop on follow-up to human rights treaty body recommendations

The **training workshop on follow-up to treaty body recommendations** is for national civil society actors and aims to build their capacity to engage with the treaty bodies.

OHCHR organizes workshops and seminars for national actors in their own countries to strengthen their capacity to contribute to the treaty reporting process and follow up on the recommendations of treaty bodies. OHCHR engages with NHRIs, NGOs and representatives of the media at the national level in these workshops to build capacity and encourage the creation of networks of national actors to support the implementation of the respective human rights treaty body recommendations.

Since 2003, OHCHR has carried out training workshops on follow-up in every region of the world. The training programme serves as a framework for the establishment of national civil society network groups to follow up the human rights treaty reporting process and sustain a constructive national dialogue on issues related to the work of the human rights treaty bodies. OHCHR also provides training directly to interested Governments through workshops and seminars, and encourages civil society to take part in these activities.



For further information on the follow-up training workshops, contact:

Human Rights Treaties Branch Treaties and Follow-up Unit

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22

In addition to the training programme mentioned above, OHCHR, through its many field presences, regularly conducts national training and capacity-building workshops and seminars for civil society on international human rights issues and mechanisms.



For detailed information on the **human rights treaty bodies**, please refer to **chapter IV (Human rights treaty bodies)** of this Handbook.

III. OHCHR PUBLICATIONS AND RESOURCE MATERIALS

A. OHCHR publications

The publications programme of the **Office of the United Nations High Commissioner for Human Rights** (OHCHR) aims to raise awareness of human rights and fundamental freedoms, and to publicize ways of promoting and protecting them worldwide. It also encourages debate on human rights issues under review in United Nations bodies. There are five major categories of publications:

1. **Fact sheets** provide information on a wide range of human rights topics;
2. **Special issue papers** explore selected issues in greater depth;
3. **OHCHR training and educational material** consists of guides, manuals and handbooks for indigenous peoples, minorities, professional groups and educational institutions;
4. **Reference material** provides human rights practitioners with key human rights instruments and jurisprudence; and
5. **Human rights basics** inform the general public about United Nations human rights work.

1. Fact sheets

OHCHR **fact sheets** provide information on basic human rights. Some fact sheets deal with specific issues or groups; others explain United Nations human rights bodies and their procedures. Fact sheets also provide practical guidance on how to work with the United Nations human rights programme.

2. Special issue papers

Special issue papers explore selected issues in greater depth. The topics are chosen in the light of their topicality, urgency and recent developments. Some recent special issue papers are: *Good Governance Practices for the Protection of Human Rights*, *Claiming the Millennium Development Goals: a human rights approach*; *Rule-of-law tools for post-conflict States*; *Assessing the Effectiveness of National Human Rights Institutions* (published jointly with the International Council on Human Rights Policy); and *The Rights of Non-citizens*.

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.

3. Training and educational material

OHCHR **training and educational materials** provide a broad overview of the United Nations human rights system as well as practical tools for training and educational programmes for different audiences, such as the police, prison officials, judges, parliamentarians, human rights monitors, election monitors and social workers, or specific groups or individuals.

The **Professional Training Series** consists of handbooks and manuals to increase awareness of international standards and is directed at audiences able to influence the national human rights situation. Although primarily designed to support OHCHR training activities, these publications also serve as practical tools for organizations providing human rights education to professional groups. Training manuals are adaptable to the needs and experience, in terms of culture, education and history, of a range of audiences within the target group. Where appropriate, information on pedagogical techniques is included to assist trainers in using the manuals.

The **Human Rights Education Series** consists of materials to support general human rights education efforts by all partners. It includes information on the World Programme for Human Rights Education, a study on human rights education and human rights treaties, a compilation of provisions of international and regional instruments dealing with human rights education and a booklet offering practical advice to educators and school teachers.

Finally, the **Guide Series** consists of information sets for specific groups or individuals, on how to seek protection of their rights through the different international and regional procedures. The Series includes the *United Nations Guide for Indigenous Peoples* and the *United Nations Guide for Minorities*, comprising 14 pamphlets on how minorities can use United Nations human rights procedures and regional mechanisms.

4. Reference material

Reference material gives researchers and human rights law practitioners access to key human rights instruments and other essential information. Examples include compilations of human rights instruments, such as *The New Core International Human Rights Treaties*, and jurisprudence from human rights treaty bodies, such as the *Selected Decisions of the Human Rights Committee under the Optional Protocol or the Selected Decisions of the Committee against Torture*.

5. Human rights basics

The purpose of this material, including posters on human rights themes, is to inform the general public about United Nations human rights work and provide answers to the most frequently asked questions about the United Nations human rights programme.

How to obtain OHCHR publications

OHCHR regularly updates its **publications list**. Most OHCHR publications are published in all six official United Nations languages: Arabic (A), Chinese (C), English (E), French (F), Russian (R) and Spanish (S).

Publications marked with a (w) are available for downloading free of charge from the **OHCHR website**. Publication titles marked with an asterisk (*) are **United Nations sales publications** and may be purchased from bookstores and distributors throughout the world.

For more information, visit the website of the United Nations bookshop in New York (readers in Asia and the Pacific, Latin America and North America) or in Geneva (readers in Africa, Europe and the Middle East).



For current information on OHCHR publications, please visit the **OHCHR publications web page**.

Civil society actors wishing to receive an e-mail when new publications become available should write to **publications@ohchr.org**.



Most OHCHR publications are available online. In addition, small quantities of hard copies for specific information and training activities may be ordered from:

Publications and Information 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
Phone: +41 (0)22 928 92 24
Fax: +41 (0)22 928 90 10
E-mail: publications@ohchr.org

When ordering an OHCHR publication you should clearly indicate:

- The purpose for which the publications are to be used. Please provide information on the training course, aims, dates, participants and so on. You are also invited to provide feedback after the training or information event by post or by e-mail
- Number of copies requested of each publication
- Name of contact person
- Name of organization (if applicable)
- Postal address
- Telephone
- Fax number
- E-mail.

To download a publications order form, please visit the OHCHR publications web page. Stocks permitting, copies will be made available for pick-up at a nearby United Nations office, wherever possible. Please note that quantities are limited and a blacked-out space on the list means that the publication is out of stock.

Commercial publishers wishing to reprint or reproduce material from OHCHR publications should send their requests to the United Nations Office at Geneva, Sales Section, Palais des Nations, 8–14, avenue de la Paix, CH–1211 Geneva 10, Switzerland, e-mail: unpubli@unog.ch.

B. OHCHR Library

The **OHCHR Library** in Geneva provides comprehensive information and reference services to OHCHR partners, United Nations human rights mechanisms and experts, and OHCHR staff. It contains a unique collection of human rights documents, publications and other materials in hard copy and in electronic format. The Library, which also integrates a resource collection on human rights education and training, maintains links with United Nations and other major libraries and research institutes around the world, providing users with online search and reference services.

The OHCHR Library serves the international community but is also open to interested professionals outside the Organization. NGOs based in Geneva and already accredited to the United Nations Office at Geneva are allowed easy access to the Library. Other NGO members and civil society actors may receive a temporary access badge.

The Library is open Monday to Friday in the mornings from 9.30 to 12.30 and in the afternoons from 2 to 5. Visitors must have a valid photo ID (United Nations badge, passport, identity card or driving licence). Reference books are not available for loan by the public and must be used in the Library. Library access is subject to OHCHR **Library rules and regulations**. OHCHR regrets that the Library is not accessible to unaccompanied minors.

How to contact the OHCHR Library



The OHCHR Library is located on the ground floor of the Giuseppe Motta building

(48, Avenue Giuseppe Motta, Geneva).

The Library is open Monday to Friday, from 9.30 to 12.30 in the morning and from 2 to 5 in the afternoon. Visitors must have a valid photo ID (United Nations badge, passport, identity card or driving licence).

Phone: +41 (0)22 928 97 90

Fax: +41 (0)22 928 90 65

E-mail: library@ohchr.org

C. Other OHCHR resource materials

The **OHCHR website** is a useful resource for finding publications, reference material and other documentation related to international human rights mechanisms and to OHCHR activities. The main page of the OHCHR website has search boxes that direct users to human rights information, including official documents, by country, by issue or by professional interest.

All official United Nations documentation can also be accessed online through the **Official Document System** of the United Nations.

Media centre

Statements and press releases related to OHCHR activities and United Nations human rights mechanisms may be accessed online through the media centre. Recent news, a calendar of meetings and events, statements by the High Commissioner for Human Rights, and archived press releases are available from the OHCHR website.

Members of the media seeking information, interviews or comments should contact the Communications Section at:

E-mail: press-info@ohchr.org

Phone: +41 (0)22 917 97 67 (OHCHR Spokesperson)
+41 (0)22 917 93 83 (Information Officer).



To receive **news alerts** by e-mail, send a request to press-info@ohchr.org.

For information on OHCHR resources specific to particular United Nations human rights bodies and mechanisms, please consult the relevant chapter(s) of this *Handbook*.

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.

IV. HUMAN RIGHTS TREATY BODIES



Human rights treaty bodies at a glance

What are they?

The **human rights treaty bodies** are the committees of independent experts that monitor the implementation of the United Nations human rights treaties by States parties. They do this by reviewing reports submitted periodically by States parties on steps taken to implement treaty provisions. Most human rights treaty bodies are competent to receive and consider individual complaints, while several may conduct inquiries. One, the **Subcommittee on Prevention of Torture**, is mandated to conduct visits to places where persons may be

deprived of their liberty in order to prevent torture.

How do they work?

In addition to its obligation to implement the substantive provisions of the treaties to which it is a party, each State party is required to submit regular reports on how it has implemented treaty provisions. The relevant human rights treaty body considers these reports in the presence of a delegation of the State party and in the light of all information, including further written information provided by the State party, as well as information provided orally during the

consideration of the report. The committees also receive information from United Nations agencies, national human rights institutions (NHRIs) and civil society actors, in particular non-governmental organizations (NGOs), professional associations and academic institutions.

Based on this process, human rights treaty bodies adopt what are generally known as “concluding observations”, which refer to the positive aspects of a State’s implementation of the treaty and the areas where the treaty body recommends the State to take further action.

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.

In addition to considering States parties' reports, treaty bodies exercise other functions to strengthen the implementation of treaties:

- The **Human Rights Committee**, the **Committee on the Elimination of Racial Discrimination**, the **Committee against Torture**, the **Committee on the Elimination of Discrimination against Women**, the **Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**, the **Committee on the Rights of Persons with Disabilities**, and the Committee on Enforced Disappearances (by September 2008, not yet established) may consider complaints or communications from individuals (or groups of individuals in the case of the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the

Committee on the Rights of Persons with Disabilities) who claim their rights have been violated by a State party. When it enters into force, the Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights** will also allow for individual complaints. Within these complaint mechanisms, treaty bodies can adopt interim measures in urgent cases to preserve a situation until they can make a final decision on the matter.

- The Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances may initiate inquiries if they have received reliable information containing well-founded indications of serious, grave or systematic violations of the treaties in a State party.
- The Committee on the Elimination of Racial

Discrimination, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers have procedures for addressing either inter-State complaints or disputes; and

- The Committee on the Elimination of Racial Discrimination has developed procedures relating to early warning measures and urgent action.

Human rights treaty bodies also adopt general comments and convene thematic discussions on a particular subject to provide substantive guidance on implementation.

How to access and work with the human rights treaty bodies

Working with human rights treaty bodies has proved to be an effective way for civil society to contribute to the implementation of human



rights and the development of human rights measures.

There are a number of ways in which civil society can engage with the human rights treaty bodies system, while taking into account the specific arrangements of each treaty body, for instance:

- Promoting the ratification of a treaty;
- Monitoring compliance by States parties with their reporting obligations;
- Submitting written information and material to human rights treaty bodies, including through written reports;

- Depending on the rules of each human rights treaty body, participating in human rights treaty body sessions as observers or through oral submissions;
- Following up on human rights treaty bodies' concluding observations;
- Submitting an individual complaint to human rights treaty bodies (Human Rights Committee, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Elimination of Racial

Discrimination, and Committee on Migrant Workers);

- Providing information to generate confidential inquiries (Committee against Torture and Committee on the Elimination of Discrimination against Women);
- Providing information for early warning and urgent procedures (Committee on the Elimination of Racial Discrimination); and
- Making submissions to the annual inter-committee of the human rights treaty bodies.



Contacting the human rights treaty bodies

All the committees can be contacted through the Office of the United Nations High Commissioner for Human Rights in Geneva at:

[Name of the committee]

c/o Office of the United Nations High Commissioner for Human Rights
 Palais des Nations
 8-14, avenue de la Paix
 CH-1211 Geneva 10 - Switzerland
 Fax: +41 (0)22 917 90 29

A. What are the human rights treaty bodies?

The nine international human rights treaties monitored by the human rights treaty bodies create legal obligations for States to promote and protect human rights. When a State accepts a human rights treaty through ratification⁵ or accession,⁶ it becomes a State party to that treaty and assumes the legal obligation to implement the rights set out in it.⁷ The treaties provide for the creation of **international committees of independent experts** (human rights treaty bodies) to monitor the implementation of their provisions in those countries that have ratified or acceded to them.⁸

The United Nations treaty body system plays a pivotal role in strengthening the protection of human rights nationally. The primary mandate, common to all human rights treaty bodies, is to **monitor the implementation of the relevant treaty** by reviewing the reports submitted periodically by States parties.

By September 2008, there were nine human rights treaty bodies:

- The **Human Rights Committee**, which monitors the implementation of the **International Covenant on Civil and Political Rights** (1966) and its Optional Protocols;
- The **Committee on Economic, Social and Cultural Rights**, which monitors the implementation of the **International Covenant on Economic, Social and Cultural Rights** (1966);
- The **Committee on the Elimination of Racial Discrimination**, which monitors the implementation of the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965);

⁵ Ratification, acceptance and approval all refer to the act whereby a State establishes its consent to be bound by a treaty. As a step preceding ratification, the signature of a treaty also creates an obligation on a State, in the period between signature and ratification, acceptance or approval, to refrain in good faith from acts that would defeat the object and purpose of the given treaty (see article 18 of the 1969 **Vienna Convention of the Law of Treaties**).

⁶ Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an “instrument of accession” with the United Nations Secretary-General. Accession has the same legal effect as ratification, acceptance or approval.

⁷ Save for provisions of the treaty against which the State has entered a reservation. A reservation is a statement made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. A reservation may enable a State to participate in a multilateral treaty that it would otherwise be unable or unwilling to participate in. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it. Reservations cannot be contrary to the object and purpose of the treaty.

⁸ The International Covenant on Economic, Social and Cultural Rights does not explicitly provide for the creation of a treaty body, but gives the Economic and Social Council (ECOSOC) a general mandate to monitor its implementation. In 1985, a sessional working group established by ECOSOC to assist in the consideration of States parties’ reports was reconstituted on the model of the treaty bodies and renamed the “Committee on Economic, Social and Cultural Rights” (ECOSOC resolution 1985/17). The Committee, which first met in 1987, is regarded as a treaty body.

- The **Committee on the Elimination of Discrimination against Women**, which monitors the implementation of the **Convention on the Elimination of All Forms of Discrimination against Women** (1979);
- The **Committee against Torture**, which monitors the implementation of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984);
- The **Subcommittee on Prevention of Torture**, created by the **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (2002);
- The **Committee on the Rights of the Child**, which monitors the implementation of the **Convention on the Rights of the Child** (1989) and its Optional Protocols;
- The **Committee on Migrant Workers**, which monitors the implementation of the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (1990); and
- The **Committee on the Rights of Persons with Disabilities**, which monitors the implementation of the **Convention on the Rights of Persons with Disabilities** (2006).⁹

A tenth human rights treaty body, the **Committee on Enforced Disappearances**, will be established once the **International Convention for the Protection of All Persons from Enforced Disappearance** (2006) enters into force.¹⁰

As indicated above, some treaties are supplemented by **optional protocols**, which States parties to the treaty may ratify.¹¹ Optional protocols provide further substantive rights or include further monitoring procedures. There are seven optional protocols to international human rights treaties:

- The **Optional Protocol to the International Covenant on Civil and Political Rights**;
- The **Second Optional Protocol to the International Covenant on Civil and Political Rights**, aiming at the abolition of the death penalty;
- The **Optional Protocol to the Convention on the Elimination of Discrimination against Women**;

⁹ Ratification of and accession to human rights treaties by States has increased significantly in recent years. By 30 September 2008, there were: 162 States parties to the International Covenant on Civil and Political Rights; 159 to the International Covenant on Economic, Social and Cultural Rights; 173 to the International Convention on the Elimination of All Forms of Racial Discrimination; 185 to the Convention on the Elimination of All Forms of Discrimination against Women; 145 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 193 to the Convention on the Rights of the Child; 39 to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and 40 to the Convention on the Rights of Persons with Disabilities.

¹⁰ By 30 September 2008, there were five States parties to the International Convention for the Protection of All Persons from Enforced Disappearance. The treaty will enter into force once it has been ratified or acceded to by 20 States.

¹¹ A State may ratify the Optional Protocols to the Convention on the Rights of the Child if it is a signatory to the Convention but has not ratified or acceded to it.

- The **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**;
- The **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**;
- The **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**; and
- The **Optional Protocol to the Convention on the Rights of Persons with Disabilities**.¹²

The Human Rights Council adopted the Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights** on 18 June 2008.¹³

Committees consist of 10 to 23 independent experts with recognized competence in the field of human rights. They are nominated and elected by States parties for fixed, renewable terms of four years. The more recent treaties limit the number of terms a treaty body member may have to two.

All human rights treaty bodies are serviced by the Treaties and Follow-up Unit of the **Human Rights Treaties Branch** of the **Office of the United Nations High Commissioner for Human Rights** (OHCHR), which receives submissions, reports and correspondence for the treaty bodies, prepares reports, carries out research, provides technical cooperation, guidance and advice to States parties, organizes meetings and undertakes any other logistical work required by the treaty bodies.

The sessions of all of the treaty bodies are held in Geneva or New York¹⁴ (in Geneva, usually at the main OHCHR building—Palais Wilson—but also on occasion at Palais des Nations). OHCHR is working to ensure the accessibility of its meeting rooms, documents and technology so that experts, delegates, and civil society representatives with disabilities are able to engage in the work of the treaty bodies.

¹² By 30 September 2008, there were: 111 States parties to the Optional Protocol to the International Covenant on Civil and Political Rights; 68 to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; 92 to the Optional Protocol to the Convention on the Elimination of Discrimination against Women; 123 to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; 129 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; 35 to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and 24 to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹³ The General Assembly is also expected to adopt it in 2008.

¹⁴ The Human Rights Committee's March ("spring") sessions take place in New York; sessions of the Committee on the Elimination of Discrimination against Women take place in both New York and Geneva.

THE HUMAN RIGHTS TREATY BODY SYSTEM		
Human rights treaty body	Founding treaty	Optional protocol(s) to founding treaty
Human Rights Committee , established in 1977	International Covenant on Civil and Political Rights (ICCPR) , adopted in 1966	Optional Protocol to the International Covenant on Civil and Political Rights (which allows for individual complaints), adopted in 1966 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted in 1989
Committee on Economic, Social and Cultural Rights , established in 1985	International Covenant on Economic, Social and Cultural Rights (ICESCR) , adopted in 1966	The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was adopted by the Human Rights Council in June 2008. Expected to be adopted by the General Assembly in 2008, the Optional Protocol will allow for individual complaints once it has entered into force.
Committee on the Elimination of Racial Discrimination , established in 1970	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) , adopted in 1965	No optional protocol
Committee on the Elimination of Discrimination against Women , established in 1982	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) , adopted in 1979	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (which allows for individual complaints and inquiries), adopted in 1999
Committee against Torture , established in 1987	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) , adopted in 1984	See next box



Human rights treaty body	Founding treaty	Optional protocol(s) to founding treaty
Subcommittee on Prevention of Torture , established in 2006	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (which establishes national and international monitoring mechanisms), adopted in 2002	
Committee on the Rights of the Child , established in 1991	Convention on the Rights of the Child (CRC) , adopted in 1989	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in 2000
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families , established in 2004	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) , adopted in 1990	No optional protocol
Committee on the Rights of Persons with Disabilities , established in 2008	Convention on the Rights of Persons with Disabilities , adopted in 2006	Optional Protocol to the Convention on the Rights of Persons with Disabilities (which allows for individual complaints), adopted in 2006
Committee on Enforced Disappearances (by September 2008, not yet established)	International Convention for the Protection of All Persons from Enforced Disappearance , adopted in 2006 (by September 2008, not yet in force)	No optional protocol



OHCHR information on the human rights treaty bodies

More information about international human rights treaties and the human rights treaty bodies is available on the **OHCHR website** and in the following OHCHR **fact sheets**:

- **No. 10 (Rev.1): The Rights of the Child**
- **No. 12: The Committee on the Elimination of Racial Discrimination**
- **No. 15 (Rev.1): Civil and Political Rights: The Human Rights Committee**
- **No. 16 (Rev.1): The Committee on Economic, Social and Cultural Rights**
- **No. 17: The Committee against Torture**
- **No. 22: Discrimination against Women: The Convention and the Committee**
- **No. 24 (Rev.1): The International Convention on Migrant Workers and its Committee**
- **No. 30: The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies; and**
- **No. 7 (Rev.1): Complaint Procedures.**

Please visit the OHCHR website for a current list of OHCHR fact sheets.

To learn more about State party reporting, see the *Report on the working methods of the human rights treaty bodies relating to the State party reporting process* (HRI/MC/2008/4).

B. How do the human rights treaty bodies work?

The human rights treaty bodies perform a number of functions to monitor how States parties implement treaties. Although they coordinate their activities, their procedures and practices differ. Some of the key differences relevant to the work of civil society are set out in the annex at the end of this chapter.

1. State party reporting obligations

Once a State has ratified or acceded to a treaty, in addition to its obligation to implement the substantive provisions of the treaty, it assumes the obligation to submit **periodic reports** to the relevant committee concerning the measures taken towards implementation. The reports must set out the legal, administrative, judicial and other measures that the State has adopted to implement the treaty provisions and provide information on the difficulties it has encountered. These reports are ultimately examined by the relevant committee in the presence of a delegation representing the State.

An **initial report** is usually required one to two years after the entry into force of the treaty in the State concerned. The periodicity of subsequent reports varies from two to five years depending on the treaty provisions and the decisions taken by the committees. Several

committees accept combined reports, meaning that a State party may submit two or more of its periodic reports due to a given committee in one combined report. Most treaty bodies identify when the next report is due in their concluding observations.

States parties are encouraged to see the preparation of their reports for the treaty bodies not only as the fulfilment of an international obligation, but also as an opportunity to assess the state of human rights protection within their countries for the purpose of policy planning.

2. Consideration of States parties' reports by the treaty bodies

Lists of issues

In advance of the session at which a committee will consider a State party's report(s), the committee prepares a **list of issues** and questions, which is transmitted to the State party. A State party will usually submit its responses to this list in writing; these answers are posted on the OHCHR website.

The written responses to lists of issues supplement the State party's report and are especially important when there has been a long delay between the submission of the periodic report and its examination.

The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child each convene a one-week, pre-sessional working group to prepare lists of issues and questions with respect to the reports of the States parties that they will consider in the immediate future. The Human Rights Committee assigns this to its **country report task forces**,¹⁵ which meet during the session preceding the one at which the given State's report will be examined.

Most committees appoint one of their members as **country rapporteur** to take the lead in drawing up the list of issues for a specific country.

Other sources of information

In addition to the State party's report, human rights treaty bodies may receive information on the implementation of treaty provisions from United Nations agencies, funds and programmes and other intergovernmental organizations, national human rights institutions (NHRIs), as well as from civil society, particularly NGOs (both national and international), professional associations and academic institutions.

¹⁵ Country report task forces consist of a country rapporteur and four to six other members of the Committee nominated by its Chairperson.

Consideration of States parties' reports

States parties are invited to the committee's session to present their reports, to respond to committee members' questions, and to provide the committee with additional information. In the light of all the information available, the committee examines the report together with Government representatives. The aim is to engage in a constructive dialogue in order to assist a State in its efforts to implement a treaty as fully and effectively as possible. Treaty bodies are not judicial bodies; they monitor treaty implementation and provide encouragement and advice to States.



Regularly updated information on **upcoming human rights treaty body sessions** and the States scheduled to appear at those sessions is available on the human rights treaty bodies section of the OHCHR website.

IV

Concluding observations and recommendations

Based on their dialogue with a State, and any other information they have received, human rights treaty bodies adopt what are generally known as **concluding observations**,¹⁶ which refer to both positive aspects of a State's implementation of a treaty and areas where the treaty body recommends the State to take further action. It is important for the State party to report back to the committee in subsequent periodic reports on the steps taken to implement these recommendations, as well as the treaty's provisions.

Follow-up to recommendations

In order to assist States in implementing their recommendations, the human rights treaty bodies have begun to introduce procedures to ensure effective follow-up to their concluding observations. Some committees request, in their concluding observations, that States report back to the country or follow-up rapporteur within an agreed time frame on the measures taken in response to specific recommendations or "priority concerns". The rapporteur then reports back to the committee.

Some members of treaty bodies have undertaken visits to countries, at the invitation of the State party, in order to follow up on the report and the implementation of concluding observations.

¹⁶ Also referred to as "concluding comments" by some committees in accordance with the wording of their treaties.

3. Consideration of complaints from individuals claiming that their rights have been violated by a State party

Seven human rights treaty bodies may, if certain conditions have been fulfilled, consider complaints or **communications from individuals** claiming that their rights have been violated by a State party. These committees are the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances. **By September 2008, the complaints mechanism of the Committee on Migrant Workers was not yet in force and that of the Committee on Enforced Disappearances had not yet been established.** Upon its entry into force, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights will also allow for individual complaints.

A treaty body cannot consider complaints relating to a State party unless that State has expressly recognized its competence to do so, either by making a **declaration** under the relevant treaty article or by accepting the relevant optional protocol.



For more information on **individual complaints**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this Handbook.

Detailed information about individual complaints to treaty bodies (also called petitions), including advice and instructions on how to submit a complaint, is also available on the human rights treaty bodies section of the OHCHR website.

4. Inter-State complaints and disputes

Several human rights treaties contain provisions to allow for States parties to complain to the relevant treaty body about alleged violations of the treaty by another State party. **By September 2008, these procedures had never been used.**

5. Inquiries

Four treaty bodies—the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances (once established)—may initiate confidential inquiries if they receive reliable information containing well-founded indications of serious, grave or systematic violations of their respective conventions in a State party. Inquiries may not be undertaken with respect to States parties that have opted

out of this procedure, and have thereby explicitly excluded the competence of the relevant committee to conduct an inquiry.¹⁷

Where warranted and with the consent of the State party, inquiries may also include a visit to a State. After examining the findings of such an inquiry, the committee transmits them to the State party concerned, together with any comments and recommendations.

The inquiry procedure is confidential and the cooperation of the State party must be sought throughout the proceedings.



Current information on **inquiries** can be found in **Fact Sheet No. 30 *The United Nations Human Rights Treaty System***.

6. Early warning and urgent action procedures

Since 1993, the Committee on the Elimination of Racial Discrimination has developed procedures relating to **early warning and urgent action**.¹⁸ Early warning procedures aim to prevent existing problems in States parties from escalating into new conflicts, or to prevent a resumption of conflicts. Urgent action procedures aim to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination. In practice, these procedures are used simultaneously. They may be invoked by the Committee itself or by interested parties, including civil society actors, such as indigenous groups.

7. General comments

Each of the human rights treaty bodies publishes its interpretation of the provisions of the human rights treaty it monitors in the form of **general comments** (the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women use the term “general recommendations”).

General comments provide guidance on the implementation of a convention. They cover a variety of subjects ranging from comprehensive interpretation of substantive provisions to general guidance on the information on specific articles of the treaty that States should submit in their reports.

¹⁷ At the time of ratification or accession States parties to the Convention against Torture may opt out by making a declaration under article 28; States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women may similarly exclude the competence of the Committee by making a declaration under article 10. Any State which opts out of the procedure may decide to accept it at a later stage.

¹⁸ See A/48/18, annex III.



The **general comments and general recommendations** adopted by the human rights treaty bodies are compiled annually. To access them and information on upcoming **days of discussion** visit the **human rights treaty bodies** section of the OHCHR website.

8. Days of general discussion/thematic debates

A number of human rights treaty bodies hold days of general discussion on a particular theme or issue of concern. These thematic discussions are usually open to external participants, such as United Nations partners, delegations from States parties and civil society actors, particularly NGOs, academic institutions, professional associations and individual experts. Their outcome may assist the human rights treaty body in the drafting of a new general comment. It can also help States and other stakeholders understand the treaty's requirements.

9. Annual meeting of chairpersons of human rights treaty bodies and inter-committee meeting

The **Annual Meeting of Chairpersons of the human rights treaty bodies** takes place in Geneva and provides a forum for members of the human rights treaty bodies to discuss their work and consider ways to make the treaty body system as a whole more effective. Issues addressed at these meetings have included the streamlining and overall improvement of human rights reporting procedures, harmonization of the committees' methods of work, follow-up to world conferences and financial issues. Informal consultations with States parties as well as United Nations partners and NGOs have also been a feature of the meeting of chairpersons.

Inter-committee meetings include the chairpersons of each of the human rights treaty bodies and two additional members from each committee. The larger committee representation at inter-committee meetings allows for more detailed discussion of recommendations on issues relating to working methods and other issues than is possible at the annual meetings of chairpersons.



For current information on the **annual meeting of chairpersons of human rights treaty bodies and inter-committee meeting** visit OHCHR's website.

10. Treaty body reform

The procedures and working methods of the human rights treaty bodies have been under discussion as part of the system-wide reform that the United Nations has undertaken in recent years.¹⁹ Human rights treaty body reform has to date focused on the coordination and harmonization of working methods, including the adoption of “best practices” and the streamlining of State party reporting requirements through the use of a **common core document** and targeted treaty-specific reports.²⁰

Additionally, the human rights treaty bodies are working to establish effective cooperation between themselves and the **Human Rights Council**, in particular with regard to the new **universal periodic review**, and to develop modalities for enhanced interaction with **special procedures** mandate-holders.²¹ In the light of the proliferation of human rights treaty bodies and procedures, more structural reforms have also been discussed, including, as proposed in 2005 by the then High Commissioner for Human Rights, Ms. Louise Arbour, the creation of a unified standing treaty body.

¹⁹ In his 2002 report, “Strengthening the United Nations: an agenda for further change” (A/57/387 and Corr.1), the then United Nations Secretary-General, Mr. Kofi Annan, called on the human rights treaty bodies to craft a more coordinated approach to their activities. In March 2005, in his report “In larger freedom: towards development, security and human rights for all”, the Secretary-General requested that “harmonized guidelines on reporting to all treaty bodies should be finalized and implemented so that these bodies can function as a unified system” (A/59/2005, para. 147).

²⁰ See “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents” (HRI/MC/2005/3).

²¹ See “Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights” (A/62/224).

C. How to access and work with the human rights treaty bodies

Working with human rights treaty bodies has proved to be a very effective way for civil society to contribute to the implementation of human rights and the development of concrete human rights guidelines. Nationally, civil society plays a critical role through monitoring, promotional and follow-up activities relevant to the work of treaty bodies. The work of the human rights treaty bodies has benefited from the active participation of civil society actors in the various stages of the reporting cycle and in processes such as petitions, inquiries and early warning.

NGOs have traditionally been the main civil society actors engaging with the human rights treaty bodies, in particular at treaty body sessions. Other civil society actors, such as individual experts and human rights defenders, representatives of academic and research institutions, and members of professional groups, also frequently contribute to the treaty reporting process. Their involvement, in particular with regard to submitting information to a committee or attending a session, is often facilitated by NGOs familiar with and active in the reporting system of the human rights treaty bodies.

The Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities expressly envisage a role for “other competent bodies” in the work of their respective treaty bodies, which in the case of the first two has been interpreted to mean NGOs. Furthermore, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have adopted guidelines regarding civil society participation in their work (in these cases focused specifically on NGOs).²²

The modalities for the interaction of civil society actors vary from one human rights treaty body to another. **They are set out in the annex to this chapter.**

1. Promoting the adoption of new international instruments and the ratification of or accession to existing treaties

Civil society can play an important role in the development and adoption of new international instruments. By advocating for the development of a new treaty and promoting its adoption by States, civil society actors can help to bolster international norms and the protection of human rights.

²² See “NGO participation in the activities of the Committee on Economic, Social and Cultural Rights” (E/C.12/2000/6) and the Guidelines for the participation of partners (NGOs and individual experts) in the pre-sessional working group of the Committee on the Rights of the Child (CRC/C/90, annex VIII).



The role of civil society in developing new international human rights standards

Convention on the Rights of Persons with Disabilities and its Optional Protocol

In December 2006, the General Assembly adopted the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Civil society, in particular persons with disabilities and their representative organizations, played a vital role at every stage in the lead-up to the adoption of these instruments. Representatives of civil society participated in the

negotiations of the texts and are now active in promoting their ratification by States.

The Convention on the Rights of Persons with Disabilities was negotiated from 2002 to 2006, making it the fastest negotiated human rights treaty. On the occasion of its adoption, the then High Commissioner, Ms. Louise Arbour, noted the unprecedented collaboration between States, the United Nations, civil society and NHRIs in the drafting of this new treaty, stating:

I want to... pay tribute to the disabilities community that provided the unwavering impetus for this momentous occasion. Their role was a transformative one. More so than by any declaration or statement, the disabilities movement proved able—in every sense of the word—to fight inertia, indifference and often open resistance, in order to achieve, by the force of the law, their legitimate aspiration for equality and justice.



International Convention for the Protection of All Persons from Enforced Disappearance

Civil society actors, in particular associations of the families of victims of enforced disappearance, were active participants in the sessions of the Working Group of the former Commission on Human Rights which drafted the Convention. Ms. Marta Ocampo de Vásquez, whose daughter was a victim of enforced disappearance in Argentina, had been advocating an end to the practice of enforced disappearance and for the adoption of an international instrument addressing this issue for 30 years, representing the American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM) at Working Group sessions. At the

inaugural session of the Human Rights Council, on 22 June 2006, before the adoption of the Convention, Ms. de Vásquez said:

In May 1977 I joined the fledgling movement of the Mothers of the Plaza de Mayo... Together with those fellow women I began a learning process. I began to realize that I was not only searching for my own daughter and son-in-law, but for all the disappeared sons and daughters of Argentina, and of Latin America, and today for all the “Desaparecidos” around the world.

I would like you to know that after the occurrence of the detention and disappearance of a loved one, we came to the

painful conclusion that there were no answers to be found. No recourse existed, nor was the habeas corpus writ or judiciary protection order valid. It was then in our despair that we reached out to the international community but only to discover that no suitable instruments existed there. That is why we are here once again, Mr. President, requesting you and the distinguished delegates of the Human Rights Council to finally approve the Convention. We have travelled a long road with both achievements and disillusionments but today we turn to all of you in order that in our world there be no more victims of the crime against humanity of enforced disappearances.

If a State has not yet ratified or acceded to a treaty or an optional protocol, national civil society actors can encourage the Government to do so by coordinating their efforts with NHRIs and the national media and/or by raising public awareness of the issue.



To see the **ratification status** of human rights treaties and optional protocols visit OHCHR's website.

2. Monitoring the reporting obligations of States parties

States parties are not always able—for different reasons—to meet their reporting obligations. Civil society may work to encourage Governments to meet reporting deadlines, and can raise public awareness about a State's obligation to submit a report at a given time. Civil society actors can also provide States with complementary information on treaty implementation gathered in the course of their activities, and work in partnership with States towards treaty implementation.

If a State party has not submitted a report for an excessive period of time and has not responded to a committee's requests for a report, human rights treaty bodies may consider the situation in the country at one of its sessions in the absence of a report from the State party. This procedure is known as the **review procedure**.

Civil society actors, along with United Nations partner organizations, can contribute information towards the review procedure. On the basis of this information and the dialogue with the State party, the committee will issue its concluding observations, including recommendations.

3. Submitting written information

Throughout the reporting cycle, committees welcome additional information on all areas covered by their respective treaties in order to effectively monitor implementation in States. The most effective way for civil society actors to submit additional information is through a **written report**. The most useful reports are often those produced through the cooperation and coordination of many civil society actors. Civil society actors are thus encouraged to submit jointly written information on a given country.

The modalities for submitting information vary from one human rights treaty body to another. Generally, civil society actors should submit information and material following the submission of the State party report to a treaty body and before its consideration.

The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child welcome written information from national and international NGOs, as well as from other civil society actors (in particular individual experts, academic institutions, professional associations and parliamentarians) at their pre-sessional working groups for the preparation of lists of issues. The Committee on the Rights of the Child requires written information to be submitted two months before its pre-sessional working group. Civil society actors, including academic institutions and professional associations, can also submit written information to the country report task forces of the Committee against Torture and the Human Rights Committee.

Written information submitted to human rights treaty bodies is generally regarded as public information. However, committees will keep information confidential if specifically requested to do so.

Written reports submitted by civil society actors do not become official United Nations documentation, nor are they edited or translated. It is therefore important for civil society actors to consider which language(s) to submit their information in and to ensure that their submissions are in one of the working languages of the relevant committee(s).

Before submitting written information, it is important to check:

- Whether the State has **ratified or acceded** to the relevant instrument, and, if so, the extent of any reservations the State has made to its provisions. (Generally, reservations do not prevent civil society actors from addressing specific issues and from bringing them to the attention of the committee);
- **When the next State report is due** and when the next session of the relevant committee is scheduled. These dates are subject to change at short notice so it is important to be in regular contact with the relevant committee's secretariat in the lead-up to each session;
- The main issues which are or have been under consideration. It is important for civil society actors to familiarize themselves with the **contents of previous States parties' reports, as well as the previous concluding observations and previous lists of issues**; and
- The **reporting guidelines** of each human rights treaty body (so that civil society actors can help monitor the extent to which States parties' reports conform to them).



Submitting a written report

The most useful way for civil society actors to submit information to human rights treaty bodies is by producing a written report alongside the State report.

Before civil society actors begin drafting their reports, they are advised to familiarize themselves with the specific reporting guidelines of the given human rights treaty body. Written reports should aim to resemble the structure of official State reports. Their aim should be to systematically analyse the extent to which law, policy and practice in the State party comply with the principles and standards of the treaty.

Written reports should:

- Be clear and precise, accurate and objective;
- Highlight what the authors see as problems in implementation, and should make concrete recommendations to improve the human rights situation in the given country; and
- Be submitted as early as possible before the scheduled examination of the State's report, as this allows human rights treaty bodies to take the written report into consideration when preparing lists of issues, preparing for sessions and drafting concluding observations.

Guidelines:

- The information that civil society actors provide must be country-specific and relevant to the mandate of the human rights treaty body to which it is addressed. If possible, it should make direct reference to the article of the treaty providing the specific right that is allegedly violated;
- Allegations of human rights violations should always be supported by relevant evidence and documentation;
- All information should be correctly referenced. When referencing a United Nations document, paragraph numbers should be referred to, as page numbers vary from one language to another. This should apply also to citations of State reports, which must be referred to in their official United Nations version;
- An electronic version and multiple hard copies should be provided to the relevant human rights treaty body secretariat, as the secretariat does not have the capacity to reproduce materials from civil society;
- Documents that contain language deemed to be abusive will not be accepted.

Written civil society submissions to specific treaty body sessions are available on the **human rights treaty bodies section of the OHCHR website** or, in the case of the Committee on the Rights of the Child, the website of the **Child Rights Information Network (NGO Group for the Convention on the Rights of the Child)**.

Please consult the boxes at the end of this chapter for information on the submission of written information specific to each human rights treaty body.



Training workshop on writing a report on the implementation of the International Covenant on Economic, Social and Cultural Rights

In June 2007 the OHCHR field presence in **Georgia** convened a workshop in Tbilisi for 20 NGO representatives on submitting a report to the Committee on Economic, Social and Cultural Rights. The workshop was facilitated by two members of the Committee and sought to:

- Raise awareness of international human rights instruments, their monitoring mechanisms and the specific role of NGOs;
- Enhance understanding of the principles of equality, non-discrimination and participation in implementing the International Covenant

- on Economic, Social and Cultural Rights; and
- Increase knowledge of the role of civil society in monitoring progress in the implementation of the Covenant.

As a follow-up to this capacity-building training, several round-table meetings were held with local NGOs during 2007.

4. Attending and contributing to human rights treaty body sessions

Attending sessions

States party reports are considered at public meetings, which civil society actors may attend as observers. Attending human rights treaty body sessions enables civil society actors to:

- Brief the committee as a whole or its individual members;
- Observe the dialogue between the committee and the State; and
- Learn first-hand about the issues raised and the recommendations made by the committee.

The rules and practices governing the participation of civil society in committee sessions, as well as in the pre-sessional period, vary between committees.

Accreditation to attend human rights treaty body sessions should be requested from the relevant secretariat in advance.

Contributing to sessions

Civil society actors, including individual experts, academics and representatives of professional groups, may have an active role in committee sessions. While they do not participate in the dialogue between the State party and the committee, they may make presentations to committee members on the issues contained in their written submissions.

Most committees set aside time for oral submissions by civil society actors. See the annex to this chapter for more information on oral submissions at committee sessions and pre-sessional working groups.

Committee sessions

The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers allocate time to oral submissions during their reporting sessions. This provides civil society actors with an opportunity to present to the committees the key issues contained in their written reports.

Please note that, with the exception of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, whose meetings are open, oral briefings by civil society actors take place in closed meetings.

Pre-sessional working groups

The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child allocate a specific time to civil society actors to contribute to pre-sessional working groups. While other committees may not provide a formal channel for such contribution, it may still be possible to arrange informal meetings with the committee members by contacting the relevant committee's secretariat.

Civil society contributions to pre-sessional working groups may be incorporated into the lists of issues to be sent to States parties. Pre-sessional working groups also provide an opportunity for civil society actors to submit written information or reports. Most committees do not allow Government delegations to be present at the pre-sessional meetings.



Guidelines for oral submissions at human rights treaty body sessions and pre-sessional working groups

- Oral submissions must be relevant to the specific treaty;
- Oral statements must respect the time limits established by the committee;
- Interpretation facilities are usually available at these sessions, and civil society representatives should make sure that they have a written text of their oral submissions to be provided to interpreters;
- Small well-coordinated delegations are usually more effective than large groups of single-issue delegations; and
- Language that is deemed abusive or offensive will not be accepted and anyone using such language may be excluded from sessions.

NGOs and other civil society actors are reminded to contact the secretariat of the relevant committee well in advance to inform it officially of their planned participation.

Informal briefings

Committee sessions normally provide opportunities for civil society actors to meet informally with committee members. **Informal briefings**, generally arranged by NGOs, may be organized as side events in the margins of official meetings, most often during the lunch break from 1 to 3 p.m. Please note that interpretation facilities are not available for “lunchtime” briefings.

The focus of informal meetings should be on the issues and States that the given committee is addressing. Informal briefings normally take place on the day preceding or on the day of the consideration of the State report of the relevant country. Well-organized and coordinated briefings are more likely to be well attended by committee members and will be more effective than numerous briefings on many different issues. Civil society actors are thus encouraged to coordinate their activities.

In some instances, committee secretariats may facilitate briefings by providing rooms and equipment, and by informing committee members about the briefings.

5. Following up on human rights treaty bodies’ concluding observations

Once the committee session has taken place and the concluding observations have been adopted, civil society can undertake follow-up activities at the national level to raise awareness of the recommendations and to encourage the State party to implement the concluding observations.

It is therefore important that civil society actors familiarize themselves with the concluding observations adopted by committees.



Visit OHCHR’s website to subscribe to an **e-mail notification of treaty body recommendations**.

Civil society may work on follow-up to human rights treaty body concluding observations by:

- **Working** together with the Government to help it meet its obligations; civil society often acts as a catalyst to promote national legislative reforms and to establish national policies. Civil society actors can also use the concluding observations of committees as a basis for their dialogue with Governments and their own programmes of action;
- **Monitoring** the human rights situation in particular countries and the steps taken locally to implement the concluding observations of committees;
- **Raising awareness** about the proceedings of committee meetings, the recommendations that States parties are required to implement, and how concluding

observations can be used to strengthen the enjoyment of human rights nationally. This may be done by organizing thematic discussions, round tables, seminars and workshops; by translating and publishing concluding observations; or by collaborating with NHRIs and the national media.

- **Contributing to the work of the human rights treaty bodies** by informing committees about Governments' progress in implementing concluding observations and recommendations, and providing them with focused and targeted information.

6. How to submit an individual complaint to the human rights treaty bodies

Any individual who alleges that her or his rights under a treaty have been violated by a State party to that treaty may transmit a complaint to the relevant committee, **provided that the State has recognized the competence of the committee to receive such complaints**. Complaints may also be brought by **third parties**, including civil society actors, on behalf of an individual, if that individual has given written consent to this end ("power of attorney", authority to act) or is incapable of giving such consent.

Individual complaints can be submitted only if domestic remedies have been exhausted and all other eligibility criteria are fulfilled.



For more information on **individual complaints**, please refer to **the annex to this chapter** and to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this Handbook.

7. Providing information for confidential inquiries

Civil society actors, by providing information to committees, may influence the decision of a committee to undertake a confidential inquiry. Confidential inquiries are important mechanisms which allow civil society actors to bring violations and situations of concern to the attention of committees.

Most confidential inquiries have been instigated by information submitted by NGOs. For example, the seven confidential inquiries undertaken by the Committee against Torture (on Brazil, Egypt, Mexico, Peru, Serbia and Montenegro, Sri Lanka and Turkey) were all initiated on the basis of information received from NGOs. The Committee on the Elimination of Discrimination against Women has completed one inquiry (Mexico).

Civil society actors may also contribute further information once a confidential inquiry is under way.



NGO participation in the initiation of a confidential inquiry

The first inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was initiated on the basis of information provided to the Committee on the Elimination of Discrimination against Women by three NGOs—**Equality Now**, **Casa Amiga** and the **Mexican Committee for the Defence and Promotion of Human Rights**—concerning the killings and disappearances of more than 200 women in Ciudad Juarez in **Mexico**. The NGOs submitted detailed

information containing allegations of the abduction, rape and murder of women since 1993. The Committee found that this information was reliable and that it contained substantiated indications of grave or systematic violations of rights set out in the Convention.

During the course of the inquiry, undertaken in October 2003, the NGOs submitted additional information and actively participated in the visit to Mexico of two members of the Committee. The active participation of the NGOs and the State party resulted

in a comprehensive report addressing both the violations and the socio-cultural background against which the events took place, focusing on the root causes of violence against women and making firm recommendations to ensure that the rights set out in the Convention on the Elimination of All Forms of Discrimination against Women are realized.

The report and the reply from the Government of Mexico are posted on the **Division for the Advancement of Women's website**.



Civil society actors wishing to submit information for **confidential inquiries** should send it to:

[Name of Committee]

c/o Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

8. Providing information for early warning and urgent action procedures

Information submitted by civil society actors can help trigger the Committee on the Elimination of Racial Discrimination's early warning and urgent action procedures. In the past, these procedures have been initiated as a result of information received from NGOs and indigenous groups.



For more information on **individual complaints**, please refer to the **annex to this chapter** and to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

9. Attending and contributing to the annual meeting of chairpersons and the inter-committee meeting

These meetings are open to the participation of civil society actors as **observers**.

The inter-committee meeting has an agenda item which allows NGOs to interact directly with committee members on general themes related to the functioning, procedures and working methods of the treaty bodies.

D. OHCHR resources

OHCHR human rights treaty body web pages

Information and documentation relating to the human rights treaty bodies are publicly available on the **OHCHR website**. Each treaty body has a dedicated web page with information on the treaty itself, recent ratifications, past and upcoming committee sessions, working methods and more.

Furthermore, the **Treaty Bodies Database** on the OHCHR website provides access to a range of documents related to the treaty bodies, including States parties' reports, concluding observations, general comments and decisions on individual communications.

OHCHR fact sheets

OHCHR fact sheets also provide information on international human rights treaties and the human rights treaty bodies. A current and regularly updated list of OHCHR facts sheets is available on the publications section of the OHCHR website.

OHCHR Treaty Bodies DVD “Bringing Human Rights Home”

OHCHR has produced a training tool on the work of the treaty bodies in the form of a DVD, entitled “The Treaty Bodies: Bringing Human Rights Home”. It is available on request from the **OHCHR Publications and Information Desk**. Contact publications@ohchr.org.

Extranet

Three human rights treaty bodies have dedicated pages on the OHCHR Extranet: the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers. The Extranet page on each treaty body records details of State reports, civil society reports, information relating to committee meetings and other relevant information.



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

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: Human rights treaty body profiles

While the committees have common activities, procedures and practices, each also has its own requirements. The information below provides a snapshot of each human rights treaty body.

HUMAN RIGHTS COMMITTEE

Monitors

International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee meets three times a year for three-week sessions, normally in March at United Nations Headquarters in New York and in July and October/November at the United Nations in Geneva.

Reporting requirements

States parties must report initially one year after becoming a party to the Covenant and then whenever the Committee requests (between three to five years). The concluding observations of the previous report usually confirm when the next report is due.

Submitting written information

NGOs and other civil society actors, such as academic or research institutes and professional associations, may submit written information or reports to the Committee's secretariat. This may be done at any time, but preferably two weeks before the session at which the given country report is to be examined and six weeks before the meeting of the country report task force

which determines the list of issues to be addressed at the Committee's next session. All information must be submitted in electronic form and in hard copy (at least 25 copies) to the Committee's secretariat at the address below.

Attending the Committee's sessions

NGOs and other civil society actors may attend the Committee's meetings as observers. To do so, they first need to write to the secretariat at the address below to request accreditation. On the first day of the session at which the State party's report will be considered, the Committee sets aside time for civil society actors, in particular NGOs, to brief it orally in closed meetings. Additional breakfast and lunchtime briefings are regularly convened to allow NGOs and other civil society actors to provide up-to-date, country-specific information.

The country report task force meets in private during the Committee's sessions to prepare the list of issues regarding State reports which will be examined at the Committee's next session. To this end, civil society actors can arrange to hold informal briefings with Committee members.

Individual complaints

Individual complaints under the First Optional Protocol to the Covenant may be sent to:



Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: + 41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

Secretariat contact details

Human Rights Committee
c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland
Fax: + 41 (0)22 917 90 29
Phone: +41 (0)22 917 93 32 or
+41 (0)22 917 93 95

To learn more about the **Human Rights Committee**, consult **Fact Sheet No. 15 (Rev.1)**. To learn more about the First Optional Protocol to the Covenant please visit the treaty bodies section of the OHCHR website.

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Monitors

International Covenant on Economic, Social and Cultural Rights (ICESCR). Note that the Human Rights Council adopted the Optional Protocol to the Covenant in June 2008. The General Assembly is also expected to adopt it in 2008.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee convenes twice a year for three-week sessions with a one-week pre-sessional working group, normally in May and November at the United Nations in Geneva.

Reporting requirements

Although the Covenant does not state the periodicity of reporting, it is customary for

States parties to initially report within two years of becoming a party to the Covenant and thereafter every five years, or as otherwise requested by the Committee.

Submitting written information

NGOs and other civil society actors, such as research foundations, professional associations and indigenous groups, may submit written information or reports to the secretariat for both the reporting sessions and the pre-sessions. Information may be submitted at any time, but preferably at least one week in advance in both electronic form and hard copy to the address below. For reporting sessions at least 25 hard copies should be submitted and for the pre-sessional working group at least 10.

Please note that the secretariat will make any written information formally submitted by civil society actors in relation to the



consideration of a specific State party report available to a representative of that State as soon as possible, unless specifically marked “confidential”.

NGOs in consultative status with the United Nations Economic and Social Council (ECOSOC) (or that are in partnership with an NGO that has such status) may submit written statements to the secretariat for publication in the working languages of the Committee at its reporting sessions. NGO statements must be specific to the articles of the Covenant, focusing on the most pressing issues from the civil society perspective, and must arrive at the secretariat no later than three months before the session for which they are intended.

Attending the Committee’s sessions

Civil society actors may attend the Committee’s meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. NGOs, NHRIs and individual experts may make oral statements during the first morning of the pre-sessional working group meeting, which is usually held on a Monday from 10.30 a.m. to 1 p.m., as well as during the NGO hearings which take place on the first day of each

reporting session, from 3 to 4 p.m. The time limit for statements is 15 minutes.

At each session, the Committee devotes one day, usually the Monday of the third week, to a general thematic discussion of a particular right or a particular aspect of the Covenant. Specialized NGOs and other civil society participants, including academics, researchers and members of professional groups, may submit background documents or attend the day of general discussion.

Secretariat contact details

Committee on Economic, Social and Cultural Rights

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

To learn more about the **Committee on Economic, Social and Cultural Rights**, consult **Fact Sheet No. 16 (rev. 1)**.

To learn more about civil society engagement with the Committee, please visit the treaty bodies section of the OHCHR website.

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Monitors

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee meets at the United Nations in Geneva and holds two three-week sessions in February and August each year.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then normally every two years. However, the last paragraph of the concluding observations usually specifies when the next report is due.

Submitting written information

NGOs and other civil society actors, such as professional associations, academic institutions, indigenous groups and specialized institutions dealing with issues relevant to the remit of the Committee, may submit written information or reports to the secretariat. This may be done at any time, but preferably two months before the Committee's session.

An electronic version of the written information as well as 37 hard copies should be submitted to the secretariat at the address below. National civil society actors with limited resources that have difficulties complying with these requirements may seek assistance from the **Anti-Racism**

Information Service (ARIS), an international NGO in Geneva which helps to transmit information to and from the Committee; ARIS provides this service for regional and national NGOs, other human rights groups and individuals.

The Committee also accepts written submissions from civil society in relation to the review, without a report, of the implementation of the Convention by States parties whose reports are at least five years overdue, and in relation to its **early warning and urgent action procedures**. Civil society actors, in particular NGOs, may send information to the Committee requesting it to deal with a situation that they deem urgent under these procedures.

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings solely as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. The Committee does not convene meetings with NGOs or other civil society actors during its formal meeting hours, but civil society actors may organize informal lunchtime briefings on the first day of consideration of each report between 1.45 and 2.45 p.m. and invite the Committee's members. Civil society actors should request the secretariat to book a room for such briefings. They may also seek assistance from ARIS, which organizes the briefings.

The Committee also holds regular thematic discussions on issues related to racial discrimination and the Convention, and invites civil society actors, such as



academics, individual experts, NGOs and specialized institutions, to attend and express their views on the given subject.

The Committee also holds regular thematic discussions on issues related to racial discrimination and the Convention, and invites civil society actors, such as academics, individual experts, NGOs and specialized institutions, to attend and express their views on the given subject.

Individual complaints

Individual complaints under article 14 of the Convention may be sent to:

Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

Secretariat contact details

Committee on the Elimination of Racial Discrimination

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

Further information about ARIS is available from:

Website: <http://www.antiracism-info.org>²³

E-mail: centre-docs@antiracism-info.org

To learn more about the **Committee on the Elimination of Racial Discrimination**, consult **Fact Sheet No. 12**.

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

²³ 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.

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Monitors

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol.

Membership

Twenty-three independent experts elected for four-year renewable terms.

Sessions

The Committee meets two to three times a year, in both Geneva and New York, for two-week sessions that are usually supplemented by a one-week pre-sessional working group.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then at least every four years and whenever the Committee so requests.

Submitting written information

NGOs and other civil society actors, such as women's groups, faith-based organizations, independent experts and parliamentarians, may submit written information or reports to the secretariat. This may be done at any time, but preferably two weeks before the pre-sessional meeting, or two months before the Committee's session. An electronic copy and at least 35 hard copies should be submitted to the secretariat at the address below. NGOs and other civil society actors, such as academic institutions, may also choose to send copies of their submissions

to the **International Women's Rights Action Watch Asia Pacific (IWRAP-AP)**, a specialized NGO which helps to transmit information to and from the Committee.²⁴

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. Civil society actors, in particular NGOs, may make oral presentations to the pre-sessional working group (usually on the first morning). The pre-sessional working group meets at the end of the session before the one at which a given Government's report will be reviewed. NGOs may also make oral presentations to the Committee on the first day of each week of its session. Informal meetings with the Committee's members may sometimes be arranged by contacting the secretariat at the address below.

Individual complaints

Individual complaints under the Optional Protocol to the Convention may be sent to:

Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

²⁴ 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.

Complaint guidelines under the Optional Protocol to the Convention are contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*. A model communication form is available online in all United Nations languages on the website of the Division for the Advancement of Women.

Confidential inquiries

Civil society actors, in particular NGOs, may submit written information on serious, grave or systematic violations of the Convention to the secretariat. The information must be reliable and indicate that the State party is systematically violating the rights contained in the Convention.

Secretariat contact details

Committee on the Elimination of Discrimination against Women

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: cedaw@ohchr.org

To **learn more** about the **Committee**, consult **Fact Sheet No. 22** and **Fact Sheet No. 7**.
For a **procedural guide** on producing written reports for the Committee, see the **IWRAW-AP** website.

COMMITTEE AGAINST TORTURE

Monitors

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Membership

Ten independent experts elected for four-year renewable terms.

Sessions

The Committee meets in Geneva and normally holds two sessions a year consisting of a plenary (of three weeks in May and two weeks in November) and a one-week pre-sessional working group.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then every four years.

Submitting written information

NGOs and other civil society actors, such as victims' groups, faith-based organizations, representatives of trade unions and professional associations, may submit written information or reports to the secretariat. This may be done at any time, but preferably six weeks before the Committee's session. Inputs to lists of issues should be submitted three months before the given list is due to be finalized. All information must be submitted in electronic form and at least 15 hard copies should be sent to the secretariat at the address below.

Please note that the secretariat will make any written information formally submitted by civil society actors in relation to the consideration of a specific State party report

available to a representative of that State as soon as possible, unless specifically marked "confidential".

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. Civil society actors, in particular NGOs, may brief the Committee orally during its sessions. The attendance of individual victims at briefings is normally facilitated by NGOs. Briefings focus on one country at a time and usually take place from 5 to 6 p.m. on the day before the dialogue of the State party with the Committee.

Individual complaints

Individual complaints under article 22 of the Convention may be sent to:

Petitions Team

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22 (particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

Confidential inquiries

Civil society actors may submit information on serious, grave or systematic violations of the Convention to the secretariat. The information



must be reliable and contain well-founded indications that torture is systematically practised in the territory of the State party.

Secretariat contact details

Committee against Torture

c/o Office of the United Nations
High Commissioner for Human Rights

Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

To **learn more** about the **Committee**, consult **Fact Sheet No. 17**.

SUBCOMMITTEE ON PREVENTION OF TORTURE

Monitors

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Membership

Ten independent experts elected for four-year terms, renewable once. Membership will increase to 25 after the fiftieth ratification or accession to the Optional Protocol (see art. 5).

Sessions

The Subcommittee convenes three times a year for sessions of one week's duration at the United Nations in Geneva. It also undertakes regular visits to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

State requirements

States parties must set up, designate or maintain at the domestic level one or several visiting bodies (which can include NHRIs, ombudsmen, parliamentary commissions or NGOs) for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. States parties must also allow visits of the Subcommittee and their own domestic visiting bodies to any place under their jurisdiction and control where persons are or may be deprived of their liberty. These visits are undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

To **learn more** about the **Subcommittee on Prevention of Torture** visit OHCHR's website.

COMMITTEE ON THE RIGHTS OF THE CHILD

Monitors

Convention on the Rights of the Child (CRC) and its Optional Protocols.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee convenes three times a year for sessions of three weeks' duration and three one-week pre-sessional working groups, in January, May and September at the United Nations in Geneva.

Reporting requirements

States parties must report initially two years after the entry into force of the Convention and then every five years. States parties to its Optional Protocols must also submit reports under these instruments, initially two years after their entry into force, and then in conjunction with their regular reports to the Committee (or every five years if the State is a party to one or both of the Optional Protocols but not the Convention).

Submitting written information

NGOs and other civil society actors, such as children's organizations, faith-based organizations, professional associations and social service organizations, may submit written information or reports to the secretariat. This may be done at any time, but preferably at least two months before the relevant pre-sessional working group. At least 20 hard copies should be submitted to

the secretariat at the address below, in addition to an electronic copy. Civil society actors may request their written submissions to be kept confidential.

NGOs submitting information to the Committee may also wish to contact the **NGO Group for the Convention on the Rights of the Child**, a coalition of international NGOs which works to facilitate the implementation of the Convention. The NGO Group has a liaison unit that supports the participation of NGOs, particularly national coalitions, in the Committee's reporting process. Civil society actors other than NGOs are encouraged to contribute information in coordination with their national CRC coalition, if one exists in their country.

The NGO Group may be contacted at:
NGO Group for the Convention on the Rights of the Child Secretariat

1, rue de Varembé
CH-1202 Geneva - Switzerland
Phone: +41 (0)22 740 4730
Fax : +41 (0)22 740 1145
E-mail : secretariat@childrightsnet.org
Website: <http://www.childrightsnet.org>²⁵

Attending the Committee's sessions

Civil society actors may attend the Committee's reporting sessions solely as observers. To do so, they will need to write to the secretariat at the address below to request accreditation.

²⁵ 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 are also invited to the pre-sessional working group for the three-hour meeting at which partners may provide additional information. Individual experts and members of youth organizations are important contributors to the Committee's pre-sessional working group. Requests to participate should be sent to the secretariat at least two months before the beginning of the relevant pre-sessional working group. Based on the written information submitted, the Committee will issue a written invitation to select civil society actors, usually NGOs (whose information is particularly relevant to the consideration of the State party's report), to participate in the pre-sessional working group. Introductory remarks by participants are limited to a maximum of 15 minutes for civil society actors from the country concerned and 5 minutes for others, allowing time for a constructive dialogue. Each year the Committee also holds a day of general discussion, in which civil society

actors, including children and experts, are welcome to take part.

Secretariat contact details

Committee on the Rights of the Child

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

Please visit the **NGO Group's website** to access its **guidelines on how to report to the Committee on the Rights of the Child**.

To access the **Committee's guidelines for the participation of NGOs and individual experts** in its pre-sessional working group visit OHCHR's website.

To learn more about the **Committee on the Rights of the Child**, consult **Fact Sheet No. 10 (Rev. 1)**.

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Monitors

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

Membership

At present 10 independent experts elected for four-year renewable terms. This number will increase to 14 on the ratification of the Convention by its forty-first State party. For further details, see article 72.

Sessions

The Committee meets in Geneva and normally holds two sessions a year, usually in April and November.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then every five years.

Submitting written information

NGOs and other civil society actors, such as social service organizations, individual experts and trade unions, may submit written information or reports to the secretariat at any time.

All information should be submitted in electronic format and at least 15 hard copies should be sent to the secretariat at the address below.

Civil society actors submitting information to the Committee may also wish to contact the

International NGO Platform for the Migrant Workers Convention, a coalition of international NGOs that work together to facilitate the promotion, implementation and monitoring of the Convention. It may be contacted at:

NGO Platform

c/o December 18
Rue de Varembe 1
P.O. Box 96
CH-1211 Geneva 20 - Switzerland
Phone: +41 (0)22 919 10 42
Fax: +41 (0)22 919 10 48
E-mail: ipmwc@december18.net
Website: <http://www.december18.net>²⁶

Attending the Committee's sessions

Civil society actors can attend the Committee's public sessions as observers. To do so, they will need to write to the secretariat at the address below to request accreditation.

In preparation for the examination of a State party's report, civil society actors, in particular NGOs, are invited to participate in a private meeting with the Committee to report orally on the situation of migrant workers in the given State, and to answer its members' questions. This meeting takes place at the session preceding that at which a State party report will be examined by the Committee.

At the session at which the State party report is examined, civil society actors that have

²⁶ 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.

submitted written information are given the opportunity to provide oral information to the Committee in a public meeting before the Committee's examination of the State party's report. NGOs, academics and representatives of professional groups, among others, are invited to participate in the days of general thematic discussion held periodically by the Committee.

Individual complaints

The Committee will be able to consider individual complaints or communications once 10 States parties have accepted this procedure in accordance with article 77 of the Convention.

Secretariat contact details

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: cmw@ohchr.org

To **learn more** about the **Committee**, consult **Fact Sheet No. 24 (Rev.1)**.

COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

Monitors

Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Membership

The Committee will initially consist of 12 independent experts elected for four-year terms, renewable once, and should include experts with disabilities. After an additional 60 ratifications or accessions to the Convention, the Committee's membership will increase to 18. States parties are invited to actively involve persons with disabilities and their representative organizations when nominating candidates for appointment to the Committee.

Sessions

By September 2008, Committee members had not yet been appointed.

Reporting requirements

States parties must report initially within two years after becoming a party to the Convention and then at least every four years, or whenever the Committee so requests.

Individual complaints

The Committee will be able to consider communications from individuals or groups of individuals. A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

Confidential inquiries

Civil society actors, in particular NGOs, may submit information on serious, grave or

systematic violations of the Convention to the secretariat. The information must be reliable and indicate that the State party is systematically violating the rights contained in the Convention.

Article 33

The Convention contains a unique provision regarding the role of civil society in monitoring its implementation. Article 33 states that civil society shall be involved and participate fully in the monitoring process established by States parties, thus giving civil society a central role in promoting the implementation of the Convention.

Secretariat contact details

Committee on the Rights of Persons with Disabilities

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: crpd@ohchr.org

For more information on the **work of OHCHR on the Convention and on disability issues** in general visit OHCHR's website.

To learn more about the **Convention and its Optional Protocol**, see the OHCHR publication ***From Exclusion to Equality: Realizing the Rights of Persons with Disabilities*** (HR/PUB/07/6).

COMMITTEE ON ENFORCED DISAPPEARANCES (by September 2008, not yet established)

Will monitor

International Convention for the Protection of All Persons from Enforced Disappearance.

Membership

The Committee will consist of 10 independent experts elected for four-year terms, renewable once.

Reporting requirements

States parties must report initially within two years after becoming a party to the Convention.

Urgent action

The Committee will be able to receive urgent requests from individuals that a disappeared person should be sought and found. The person in question must be subject to the jurisdiction of a State party to the Convention.

Individual complaints

The Committee will be able to consider individual communications with regard to States parties that have accepted this procedure in accordance with article 31 of the Convention.

Inquiries

Civil society actors, in particular NGOs, will be able to submit information indicating that a State party is seriously violating the provisions of the Convention, in accordance with article 33. Additionally, the Committee is empowered to urgently bring to the attention of the General Assembly information indicating that the practice of enforced disappearances is widespread or systematic in a State party.

To **learn more** about **enforced or involuntary disappearances**, consult **Fact Sheet No. 6 (Rev.2)**.

V. HUMAN RIGHTS COUNCIL



The Human Rights Council at a glance

What is it?

The Human Rights Council is the principal United Nations intergovernmental body responsible for human rights. Established by General Assembly resolution 60/251, it replaced and assumed most mandates, mechanisms, functions and responsibilities previously entrusted to the Commission on Human Rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is the secretariat for the Human Rights Council, as it was for the Commission on Human Rights.

How does it work?

The Human Rights Council is an intergovernmental body of 47 member States

based in Geneva. It meets for at least 10 weeks a year spread over no fewer than three sessions, and can also hold special sessions. While the Commission was a subsidiary organ of the **Economic and Social Council** (ECOSOC), the Human Rights Council is a subsidiary organ of the **General Assembly**. Its role includes addressing violations of human rights, including gross and systematic violations, and the promotion of effective coordination and the mainstreaming of human rights within the United Nations system.

On 18 June 2007, one year after its first meeting, the Human Rights Council agreed on a package that established the procedures,

mechanisms and structures to form the basis for its future work. This package, adopted as its **resolution 5/1**, included the Council's agenda, programme of work and rules of procedure and made modifications to the system of expert advice and the complaint procedure inherited from the Commission. Resolution 5/1 also set out the modalities for the operation of the Council's new universal periodic review mechanism and established a process for reviewing, rationalizing and improving all special procedures mandates.

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.

How to access and work with the Human Rights Council and its mandates and mechanisms

In resolution 60/251 the General Assembly acknowledged the important role played by non-governmental organizations (NGOs) and other civil society actors nationally, regionally and internationally in the promotion and protection of human rights.

The participation of observers, including NGOs, in the sessions of the

Council is based on arrangements and practices observed by the former Commission. These practices and arrangements continue to develop and evolve, with the Council required to ensure “the most effective contribution” of observers.²⁷

While **consultative status** with ECOSOC is required for NGOs to be accredited as observers to the Human Rights Council’s sessions, NGOs without such status and other civil society actors can contribute to the overall work of the Human Rights

Council and its mechanisms in a number of ways. Furthermore, its meetings are broadcast live on an OHCHR **webcast**, and a broad range of documentation and information is available on the Council’s **homepage** and **Extranet**. Session-specific information is normally posted on the homepage two weeks before each regular session.

²⁷ See General Assembly resolution 60/251 and Human Rights Council resolution 5/1.



Key contacts relating to the Human Rights Council

The Human Rights Council Branch

Human Rights Council Branch
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 92 56
Fax: +41 (0)22 917 90 11

The Civil Society Unit

OHCHR Civil Society Unit
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 90 00
E-mail: civilsocietyunit@ohchr.org

For requests or information relating to consultative status with ECOSOC

United Nations headquarters

NGO Section
United Nations Department of Economic and Social Affairs Section
One UN Plaza, Room DC-1-1480
New York, NY 10017
Phone: +1 212 963 8652
Fax: +1 212 963 9248
E-mail: desangosection@un.org

United Nations Office at Geneva (UNOG)

NGO Liaison Office
Office of the Director-General
Office 153, Palais des Nations
8–14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 21 27
Fax: +41 (0)22 917 05 83
E-mail: ungeneva.ngoliaison@unog.ch

Key contacts for each of the Human Rights Council's mechanisms are included in relevant sections throughout this chapter.

What is the Human Rights Council?

Transition from Commission on Human Rights to Human Rights Council

The **Human Rights Council**, established by General Assembly **resolution 60/251** of 15 March 2006, is the principal United Nations intergovernmental body responsible for human rights. It replaced the **Commission on Human Rights**, which, for over 60 years, was at the centre of the United Nations human rights system. The Commission met for the last time in March 2006, at its sixty-second session. Its normative and standard-setting achievements form the foundation of the work of the Council.

While the Commission was a subsidiary organ of the **Economic and Social Council** (ECOSOC), the Human Rights Council is a subsidiary organ of the **General Assembly**. This elevation emphasizes human rights as one of the three essential pillars of the United Nations, along with development, and peace and security. The Council's creation also affirms the General Assembly's commitment to strengthening the United Nations human rights machinery, with the aim of ensuring the effective enjoyment by all of all human rights—civil, political, economic, social and cultural rights, including the right to development.

In its resolution 60/251, the General Assembly tasked the Human Rights Council with reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities that it assumed from the Commission. The Council was required to complete this task within one year of holding its first session. The Council's methods of work were also required to:

- Be transparent, fair and impartial;
- Be results-oriented;
- Enable genuine dialogue;
- Allow for follow-up discussions to its recommendations and their implementation; and
- Allow for substantive interaction with its mechanisms.

The General Assembly will review the Council's status within five years.²⁸

²⁸ See resolution 60/251, in which the General Assembly also requires the Council to review its work and functioning five years after its establishment and report to it.

The Human Rights Council's institution-building package (resolution 5/1)

On 18 June 2007, one year after its first meeting and following an intensive period of “institution-building”, the Council agreed on a package that set out its procedures, mechanisms and structures. Adopted as its **resolution 5/1** on institution-building of the United Nations Human Rights Council,²⁹ the package included:

- A new agenda and a framework for the programme of work;
- New methods of work and new rules of procedure based on the rules established for committees of the General Assembly;
- The complaint procedure (which replaced the 1503 procedure);
- The Human Rights Council Advisory Committee (which replaced the Sub-Commission on the Promotion and Protection of Human Rights);
- Principles, processes and modalities to guide the operation of the new universal periodic review (UPR) mechanism; and
- Criteria for the continuing review, rationalization and improvement of special procedures mandates.

How do the Human Rights Council and its mechanisms and mandates work?

Membership

Membership of the Council consists of 47 States elected directly and individually by secret ballot by the majority of the members of the General Assembly. The human rights records and voluntary human rights pledges and commitments of candidate States are to be taken into account when electing member States. The Council's member States serve for three years and are not eligible for immediate re-election after two consecutive terms.

If a member State of the Council commits gross and systematic violations of human rights, the General Assembly, by a two-thirds majority of the members present and voting, may suspend its rights of membership in the Council.



For a list of the **current Council member States** visit OHCHR's website.

²⁹ Resolution 5/1 was endorsed by the General Assembly in its resolution 62/219.

Meetings

Whereas the former Commission met only once a year for a total of six weeks, the Council meets at the Palais des Nations in Geneva, Switzerland, for at least three regular sessions a year, for a total duration of no less than 10 weeks. The Council's main (four-week) session is normally held in March.

The Council may also hold special sessions at the request of a member State, where such a request is supported by at least one third of its member States.³⁰ By September 2008, the Council had held seven special sessions.³¹

The Council also organizes panel discussions and special events to enhance dialogue and mutual understanding on specific issues. By September 2008 the Council had held six of these events,³² including annual discussions on the rights of persons with disabilities³³ and the integration of a gender perspective into its work and the work of its mechanisms.³⁴

Mandates and mechanisms

A. Universal periodic review

The **universal periodic review** (UPR) is a new human rights mechanism. Through it the Council periodically reviews the fulfilment by each of the United Nations 192 Member States of its human rights obligations and commitments. The UPR is a cooperative mechanism, based on an interactive dialogue with the State under review. It is intended to complement, not duplicate, the work of the treaty bodies.

³⁰ It requires the support of fewer States to hold a special session at the Council than it did at the Commission (one third of 47 members against a majority of 53 members). The Commission held only five special sessions.

³¹ Three on the occupied Palestinian territory (July and November 2006 and January 2008), one on Lebanon (August 2006), one on Darfur (December 2006), one on Myanmar (October 2007) and a thematic special session on the world food crisis (May 2008).

³² Two on the adoption and entry into force of the Convention on the Rights of Persons with Disabilities (March 2007 and June 2008), one on the **Draft United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children** (June 2008), one on intercultural dialogue on human rights (March 2008), one on human rights voluntary goals (March 2008) and one on missing persons (September 2008).

³³ The first debate is scheduled to take place at the Council's tenth regular session, to focus on key legal measures for the ratification and effective implementation of the **Convention on the Rights of Persons with Disabilities**. OHCHR has been requested to prepare a thematic study on this topic in consultation with, among others, civil society organizations.

³⁴ See resolution 6/30 of 14 December 2007. The first meeting on the question of violence against women was held at its eighth session and consisted of two panels: one on violence against women, and one on maternal mortality. In September 2008 the Council held a panel discussion on the integration of a gender perspective into its work.

The UPR is to be seen as a process composed of several steps within a four-year cycle:

- The preparation of information upon which reviews are based (including information prepared by the State under review (national reports), a compilation of United Nations information prepared by the **Office of the United Nations High Commissioner for Human Rights** (OHCHR), and a summary of stakeholders' submissions, which is also prepared by OHCHR;
- The review itself, which takes place in the Working Group on the UPR, composed of the 47 member States of the Council, which meets in three two-weeks sessions each year;³⁵
- The consideration and adoption of review outcome documents by the Council at its regular sessions; and
- Follow-up to the implementation of UPR outcomes by reviewed States.

Relevant stakeholders, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, regional organizations and civil society representatives, may participate in some of these steps.



For information on the **universal periodic review**, please refer to **chapter VII (Universal periodic review)** of this *Handbook*.

V

B. Human Rights Council Advisory Committee

The Advisory Committee is a subsidiary body of the Human Rights Council. It replaced the Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights, and functions as a think tank for the Council, focusing mainly on studies and research-based advice in a manner and form requested by the Council.

While unable to adopt resolutions or decisions, or to establish subsidiary bodies without the Council's authorization, the Advisory Committee can make suggestions to the Council:

- To enhance its own procedural efficiency; and
- To further research proposals within the scope of its work.

The Advisory Committee consists of 18 experts drawn proportionally from the five United Nations regional groups (Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western Europe and others). Members serve in their personal capacity for three-year terms and are eligible for re-election only once.³⁶ The Advisory Committee meets in two

³⁵ The Working Group on the UPR reviews 16 States at each session—a total of 48 States each year.

³⁶ Resolution 5/1 provided, however, that for the first term one third of members would serve for one year and another third would serve for two years in order to stagger membership.

sessions each year for a total of up to 10 working days, and can hold additional ad hoc sessions with the Council's approval.



For current information on the **Advisory Committee** visit OHCHR's website.

C. Complaint procedure

The **complaint procedure** addresses consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances. It is based on the former Commission's 1503 procedure, improved to ensure that the procedure is impartial, objective, efficient, victims-oriented and conducted in a timely manner.

The complaint procedure is based on communications received from individuals, groups or organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. Two distinct working groups—the Working Group on Communications and the Working Group on Situations—are responsible, respectively, for examining communications and bringing consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms to the Council's attention.

The Council examines reports of the Working Group on Situations in a confidential manner (unless it decides otherwise) and may:

- Discontinue its consideration of a situation when further consideration or action is not warranted;
- Keep a situation under review and request the State concerned to provide further information within a reasonable time;
- Keep a situation under review and appoint an independent and highly qualified expert to monitor the situation and to report back to the Council; or
- Recommend that OHCHR should provide technical cooperation, capacity-building assistance or advisory services to the State concerned.



For more information on the **complaint procedure**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

D. Special procedures

“Special procedures” is the general name given to the mechanisms established by the former Commission and assumed by the Council 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**).

Since June 2007 the Council has begun a process to review, rationalize and improve each of the special procedure mandates it inherited. It has discontinued and amended some mandates, created new ones, developed new selection and appointment processes for mandate-holders, and produced a **Code of Conduct for Special Procedures Mandate-holders** (resolution 5/2).

Mandate-holders (special rapporteurs, special representatives, representatives, independent experts and members of working group) serve in their personal capacity. Their activities may include:

- Receiving, sharing and analysing information on human rights situations;
- Responding to individual complaints;
- Conducting studies;
- Sending urgent appeals or letters of allegation to Governments;
- Undertaking country visits at the invitation of Governments and producing findings and recommendations based on these visits;
- Providing advice on technical cooperation at the country level; and
- Engaging in general promotion.

OHCHR provides special procedures mandate-holders with personnel, logistical and research assistance to support their mandates.



For more information on the **special procedures**, please refer to **chapter VI (Special procedures)** of this *Handbook*.

E. Working groups of the Human Rights Council

Open-ended Working Group on the Right to Development

The **open-ended Working Group on the Right to Development** was established by the Commission on Human Rights.³⁷ In March 2007, the Human Rights Council renewed its mandate for two years (resolution 4/4).

The Working Group convenes in an annual session of five working days. Its mandate is to:

- Monitor and review progress made in the promotion and implementation of the right to development;

³⁷ See its resolution 1998/72 and ECOSOC decision 1998/269.

- Review reports and other information submitted by States, United Nations agencies and other relevant international organizations and NGOs; and
- Present for the Council's consideration a sessional report on its deliberations, including advice to OHCHR with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries.

In this same resolution, the Council also renewed for two years the mandate of the **high-level task force on the implementation of the right to development**, established within the framework of the Working Group on the Right to Development.

The objective of the task force is to provide the necessary expertise to the Working Group to enable it to make appropriate recommendations to the various actors on the issues identified for the implementation of the right to development. The task force comprises five experts nominated by the Chairperson of the Working Group on the Right to Development in consultation with each of the United Nations regional groups and other institutional members, including representatives from identified international trade, finance and development institutions. The task force convenes in annual sessions of seven working days and presents its reports to the Working Group.

F. Social Forum

In 2007 the Human Rights Council renewed the mandate of the **Social Forum**, preserving it as a “unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including grass-roots organizations, and underlines the importance of coordinated efforts at national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity as well as to address the social dimension and challenges of the ongoing globalization process” (resolution 6/13).

An initiative of the former Sub-Commission, the Social Forum³⁸ originated as a two-day pre-sessional forum on economic, social and cultural rights held before annual sessions of the Sub-Commission. Whereas the Social Forum was previously a subset of the Sub-Commission, it is now an independent Human Rights Council mechanism.

The Social Forum meets each year for three working days to focus on specific thematic issues designated to it by the Council. It met for the first time as a mechanism of the Council in September 2008 and, as requested by the Council, some thematic procedures mandate-holders participated in it. The Social Forum was asked to formulate conclusions and recommendations to be presented to relevant bodies through the Council and focused on:

- Questions relating to the eradication of poverty in the context of human rights;

³⁸ Not to be confused with the World Social Forum.

- Capturing best practices in the fight against poverty in the light of grass-roots presentations to the Social Forum; and the
- Social dimension of the globalization process.

The Social Forum is chaired by a chairperson-rapporteur appointed by the Council's President each year from among nominations presented by the regional groups.



For current information on the **Social Forum** visit OHCHR's website.

G. Forum on Minority Issues

The **Forum on Minority Issues**³⁹ replaced the former Sub-Commission's Working Group on Minority Issues. It provides a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities by:

- Providing thematic contributions and expertise to the work of the **independent expert on minority issues**; and
- Identifying and analysing best practices, challenges, opportunities and initiatives for the further implementation of the **Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities**.

The Forum meets for two working days in Geneva each year for thematic discussions, and is expected to contribute to the High Commissioner's efforts to improve cooperation among United Nations mechanisms, bodies and specialized agencies, and funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.⁴⁰

Whereas the Chairperson of the Forum (appointed by the Council's President each year on the basis of regional rotation) is responsible for the preparation of a summary of the Forum's discussions, the **independent expert on minority issues** guides its work and prepares its annual meetings. The independent expert is also invited to include in her/his report the thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Council.

The Council is to review the Forum's work after four years, i.e., in 2012.



For current information on the **Forum on Minority Issues**, and on the **independent expert on minority issues** visit OHCHR's website.

³⁹ Created by Human Rights Council resolution 6/15 of 28 September 2007.

⁴⁰ At its inaugural session, on 15 and 16 December 2008, the Forum is expected to consider minorities and access to education.

H. Expert Mechanism on the Rights of Indigenous Peoples

The **Expert mechanism** on the rights of indigenous peoples⁴¹ is the successor to the former Sub-Commission's Working Group on Indigenous Populations. A subsidiary of the Human Rights Council, the Expert Mechanism provides it with thematic expertise on the rights of indigenous peoples in a manner and form requested by it. The Expert Mechanism reports annually to the Council, focuses mainly on studies and research-based advice, and may, within the scope of its work, suggest proposals to the Council for consideration and approval.

The Expert Mechanism consists of five independent experts, each serving for three years with the possibility of being re-elected for an additional term. It may meet for up to five days per year in a combination of private and public meetings and is free to decide on its own methods of work, though unable to adopt resolutions or decisions.

The **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people** and a member of the **Permanent Forum on Indigenous Issues** also attend and contribute to the Expert Mechanism's annual meetings.



For current information **Expert mechanism**, and on the **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people** visit OHCHR's website.

I. Durban Declaration and Programme of Action

In 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa. The **Durban Declaration and Programme of Action**, adopted at this Conference, records a commitment by States to work together to eradicate racism, racial discrimination, xenophobia and related intolerance. It is a comprehensive and action-oriented road map, offering a functional common approach to realizing the principles of equality and non-discrimination.

In 2006, the United Nations General Assembly decided to convene a review conference in 2009 on the implementation of the Durban Declaration and Programme of Action. It requested the Human Rights Council to prepare this event, making use of the three existing and ongoing follow-up mechanisms,⁴² to formulate a concrete plan, and to provide

⁴¹ Created by Human Rights Council resolution 6/36 of 14 December 2007.

⁴² The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African Descent.

annual updates and reports on this issue starting in 2007.⁴³ The Council's Preparatory Committee for the Review Conference decided that the Review Conference would be held in Geneva in April 2009.

1. Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

The **Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action** was established by the Commission on Human Rights (resolution 2002/68). In June 2006, the Human Rights Council extended its mandate for a further three years (resolution 1/5). The Intergovernmental Working Group is mandated to:

- Make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action; and
- Prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.



To find out more about the **Intergovernmental Working Group** visit OHCHR's website.

2. Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

The World Conference requested the High Commissioner to cooperate with five **independent eminent experts** to follow up the implementation of the provisions of the Durban Declaration and Programme of Action.⁴⁴

In 2003, the independent eminent experts (one from each regional group) were appointed by the then Secretary-General, Mr. Kofi Annan, from among the candidates proposed by the Chairperson of the Commission on Human Rights after consultation with the regional groups.

Their mandate is to:⁴⁵

- Follow the implementation of the provisions of the Durban Declaration and Programme of Action in cooperation with the High Commissioner; and
- Assist the High Commissioner in preparing her/his annual progress report to the Council and to the General Assembly based on information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Council, international and regional organizations, NGOs and national human rights institutions (NHRIs).

⁴³ See General Assembly resolution 61/149.

⁴⁴ See para. 191 (b) of the Programme of Action and General Assembly resolution 56/266.

⁴⁵ See Commission on Human Rights resolution 2003/30. See also General Assembly resolution 59/177.



To find out more about the **independent eminent experts** and for current information on the **Working Group of Experts on People of African Descent** visit OHCHR's website.

3. Working Group of Experts on People of African Descent

The **Working Group of Experts on People of African Descent** is a special procedure of the Council. It was created by the Commission at the request of the World Conference. The Working Group comprises five independent experts appointed on the basis of equitable geographic representation. It holds a five-day session every year and conducts country visits at the invitation of Governments in order to facilitate in-depth understanding of the situation of people of African descent in various regions of the world. It also submits an annual report to the Human Rights Council.

Its mandate is to:⁴⁶

- Study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, NGOs and other relevant sources, including through holding public meetings;
- Propose measures to ensure full and effective access to the justice system by people of African descent;
- Submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;
- Elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent;
- Make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world; and
- Address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action.

4. Ad Hoc Committee on the elaboration of complementary standards

The Human Rights Council established the **Ad Hoc Committee on the elaboration of complementary standards** in December 2006. It is mandated to develop, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the **International Convention on the Elimination of All Forms of Racial Discrimination**. These complementary standards are to:⁴⁷

- Fill existing gaps in the Convention; and
- Provide new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred.

⁴⁶ See Commission on Human Rights resolutions 2002/68 and 2003/30.

⁴⁷ See Human Rights Council decision 3/103 and its resolution 6/21.

The Ad Hoc Committee convenes in an annual session of 10 working days to draw up the requisite legal instruments. It held its inaugural meeting in February 2008 and is required to report regularly to the Council on its progress.

5. Preparatory Committee for the Durban Review Conference and the intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference

In 2007, meeting the mandate assigned to it by the General Assembly,⁴⁸ the Human Rights Council established the **Preparatory Committee for the Durban Review Conference**.⁴⁹ The Preparatory Committee held an organizational meeting in August 2007, followed by two substantive sessions of 10 working days in April and October 2008 to decide on all the relevant modalities for the Durban Review Conference, such as:

- Its objectives;
- The structure of its outcome document;
- The level at which it would be convened;
- Regional preparatory meetings and other initiatives, including at the national level; and
- Its date and venue.

The **intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference** was established by the Human Rights Council at the first substantive session of the Preparatory Committee in April 2008. It is mandated to:⁵⁰

- Follow up the work of the Preparatory Committee, including through reviewing contributions and through commencing negotiations on the draft outcome document; and
- Review additional written contributions and report thereon to the Preparatory Committee.



To find out more about the **Preparatory Committee for the Durban Review Conference and the open-ended intergovernmental working group** visit OHCHR's website.

⁴⁸ See General Assembly resolution 61/149.

⁴⁹ See its resolution 3/2. See also its resolution 6/23.

⁵⁰ See decision PC.2/4.

How to access and work with the Human Rights Council and its mandates and mechanisms

Arrangements and practices for NGO participation in the Human Rights Council's sessions

“...the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.”⁵¹

In resolution 60/251, the General Assembly acknowledged the important role played by NGOs and other civil society actors nationally, regionally and internationally in the promotion and protection of human rights. It also provided that NGO participation in the Human Rights Council would:

- Be based on arrangements and practices observed by the Commission (including ECOSOC **resolution 1996/31**); and
- Ensure the most effective contribution of NGOs and other observers.

The arrangements and practices of NGO participation observed by the Commission on Human Rights have been successfully transferred to the Human Rights Council. In line with the Human Rights Council's obligation to ensure “the most effective contribution” of observers, these practices and arrangements continue to develop and evolve.

NGOs in consultative status with ECOSOC participating as observers in Human Rights Council sessions

The role of NGOs is essential for the promotion and protection of all human rights at the national, regional and international levels. NGO participation in the Human Rights Council's first two years of existence has been a key element for enhancing the credibility of the United Nations. NGOs contributed significantly to the institutional building of the Human Rights Council, with valuable and essential inputs, as well as in its substantive debates while considering all agenda items of the Council.

Moreover, the complementary work of NGOs in the field of human rights is perceived to be increasingly moving from traditional “naming and shaming” policies towards a more cooperative engagement with Governments and other stakeholders. Such responsible engagement should be aimed at improving the human rights situation on the ground.

⁵¹ See General Assembly resolution 60/251 and Human Rights Council resolution 5/1, annex.

Therefore, the participation and inputs of local NGOs is essential, particularly now that Council meets more often and taking into account that the universal periodic review is operational. In sum, the main challenge that the Human Rights Council and the NGO community faces is to move beyond participation of civil society in the work of the Council, to a true partnership between Member States and civil society.

**Ambassador Luis Alfonso de Alba of Mexico,
First President of the Human Rights Council (2006-2007).**

NGOs enjoy a level of participation in the Human Rights Council, inherited from the Commission, that is unique in the United Nations system. In turn, as an intergovernmental body, the Human Rights Council is greatly enriched by the knowledge and expertise, the witness-bearing role, and the grass-roots relevance that NGOs bring to its work.

Since the first session in June 2006, NGOs have enjoyed a meaningful and inclusive level of participation in the Human Rights Council. At the seventh regular session in March 2008, 180 NGOs were represented by a total of 1116 individuals. At this same session, NGOs submitted 98 written statements, made 224 oral statements and hosted 69 parallel events. The Human Rights Council's presidency and secretariat have sought to build upon practices and arrangements observed by the Commission, as well as best practices, while taking into account that the Human Rights Council and its mechanisms meet continually throughout the year in a number of forums.

Only **NGOs in consultative status with ECOSOC** can be accredited to participate in the Human Rights Council's sessions as observers. It is their prerogative to decide who their representatives will be.

Once accredited as observers, NGOs in consultative status with ECOSOC enjoy a number of privileges and arrangements at the Human Rights Council. They are able to:

- Submit written statements to the Human Rights Council ahead of a given session;
- Make oral interventions during all substantive items of the Human Rights Council's agenda;
- Participate in debates, interactive dialogues and panel discussions; and
- Organize "parallel events" on issues relevant to the work of the Human Rights Council.

NGOs in consultative status with ECOSOC also have a responsibility to conform at all times to the principles governing the establishment and nature of this consultative relationship. In particular, ECOSOC resolution 1996/31 provides that an NGO may be suspended or excluded from participating in United Nations meetings, or have its consultative status withdrawn where, inter alia, it (including affiliates and representatives acting on its behalf) clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the **Charter of the United Nations**.

Accreditation

Representatives of NGOs in consultative status with ECOSOC should seek accreditation to the Human Rights Council sessions that they wish to attend.

Letters requesting accreditation should:

- Be submitted on the official letterhead of the organization;
- Clearly state the title and duration of the session that the organization wishes to attend;
- Be signed by the president or the main representative of the organization in Geneva; and
- Indicate the name(s) of the person(s) who will represent the organization at the Human Rights Council's session. Note that the names of persons must appear exactly as they appear in identification documents and family names should be capitalized.



To be accredited, NGOs in consultative status with ECOSOC should fax a letter, preferably ahead of a given session, requesting accreditation to:

Fax: +41 (0)22 917 90 11.

Written statements

Ahead of a given Human Rights Council's session, NGOs in consultative status with ECOSOC may submit to the Human Rights Council, individually or jointly with other NGOs, written statements that are relevant to the Human Rights Council's work. These statements must also be on subjects for which the NGO has a special competence. Once received and processed by the Human Rights Council's secretariat, NGO written statements become part of the official documentation of Human Rights Council's sessions.

Please note that:

- NGOs in **general consultative status with ECOSOC** may submit written statements of not more than 2000 words; and
- NGOs in **special consultative status with ECOSOC** or on the **Roster** may submit written statements of not more than 1500 words.



NGOs are encouraged to consult the **General Information Note** available on the Human Rights Council's section of the OHCHR website.

Written statements should be submitted to the **Human Rights Council's secretariat** at: [**hrcngo@ohchr.org**](mailto:hrcngo@ohchr.org)

Oral statements

NGOs in consultative status with ECOSOC may make oral interventions during all substantive items, both in general debates and in interactive dialogues at Human Rights Council sessions. The modalities for NGO oral interventions, which continue to evolve taking into account that the Human Rights Council meets continually throughout the year, can be found on the Human Rights Council's **Extranet** under the NGO Liaison information page.

Representatives of NGOs wishing to make oral interventions should register in person at the "List of Speakers" desk in the meeting room (the plenary). Registration forms for individual and joint statements can be downloaded from the Human Rights Council's **homepage** and should be brought in person to that desk when registering.

Please note that NGOs are not permitted to distribute documents, pamphlets or any other material in the plenary room. However, copies of delivered NGO oral statements may be placed on the designated table at the back of the plenary room. All other NGO documentation may be placed on the designated NGO tables outside the plenary room.

Parallel events

NGOs in consultative status with ECOSOC, once accredited to attend a Human Rights Council's session, may organize public events that are of relevance to the work of the Human Rights Council. These events are known as "parallel events" and take place in the margins of the session, normally during lunch breaks.

Usually combining panel presentations with open discussion, parallel events provide NGOs with a space to share their experiences and to engage in dialogue with other NGOs, States and other stakeholders (including special procedures mandate-holders) on human rights issues and situations of relevance and importance to the Human Rights Council.

Rooms are provided free of charge for the hosting of parallel events and bookings are processed on a "first come, first served" basis. NGOs wishing to co-sponsor a parallel event should complete a "co-sponsorship form".⁵²

NGOs hosting a parallel event may invite persons that are not accredited to the Human Rights Council's session to attend the parallel event. A complete list of the invitees must be provided to the Human Rights Council's secretariat and to the Pregny security office 48 hours before the event in order for invitees to be accredited. Invitees will be issued with accreditation for the parallel event only.

NGOs hosting a parallel event are responsible for its content and for the conduct of participants at the event. Please also note that:

⁵² Available on the Human Rights Council's web page.

- The secretariat does not provide interpretation for NGO parallel events. NGOs may bring their own interpreters if they wish and should inform the secretariat accordingly ahead of time; and
- The use of cameras/video recorders at parallel events is not encouraged, except by journalists and camerapersons duly accredited with the United Nations Office at Geneva (UNOG).



Room bookings for the hosting of **parallel events** should be faxed to:
Fax: + 41 (0) 22 917 90 11

For current information on **accreditation, written statements, oral statements and parallel events** visit the NGO Liaison information page on the Human Rights Council **Extranet**.

Participating in and engaging with the Human Rights Council's mandates and mechanisms

A. Universal periodic review



For detailed information on how to access and engage with the **universal periodic review**, please refer to **chapter VII (Universal periodic review)** of this *Handbook*.

B. Human Rights Council Advisory Committee

Participating in and contributing to the work of the Advisory Committee

The Advisory Committee's predecessor, the former Sub-Commission, greatly benefited from the participation of NGOs in consultative status with ECOSOC. While, by September 2008, the Advisory Committee was still developing its rules of procedure and working methods, the Human Rights Council had urged it, in the performance of its mandate, to establish interaction with NGOs and other civil society actors. States are also encouraged to consult with civil society actors before nominating candidates for appointment to the Advisory Committee.

NGOs are entitled to participate in the work of the Advisory Committee based on arrangements and practices observed by the Commission on Human Rights and the Human Rights Council, including ECOSOC resolution 1996/31, while ensuring the most effective contribution of NGOs.

NGOs interested in participating as observers in the Advisory Committee's sessions should contact the secretariat.



For more information on how to contribute to the work of the **Advisory Committee**, please contact:
HRCAdvisoryCommittee@ohchr.org.

C. Complaint procedure



For detailed information on how to contribute information to the **complaint procedure**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*, contact CP@ohchr.org.

D. Special procedures



For detailed information on how to access and engage with the **special procedures**, please refer to **chapter VI (Special procedures)** of this *Handbook*.

E. Working groups of the Human Rights Council

Open-ended Working Group on the Right to Development ***Participating in the Working Group's sessions***

As the Working Group is open-ended, NGOs in consultative status with ECOSOC may participate in the public segments of its sessions.

NGOs attending meetings of the **high-level task force on the implementation of the right to development** have the opportunity to make opening statements.



NGOs in consultative status with ECOSOC interested in participating in the **Working Group** or the **high-level task force** should complete a **registration form** (available from the dedicated page on the OHCHR website) and send it together with their signed request for accreditation to:

The Accreditation Officer

Fax: +41 (0)22 928 9010

Tel: +41 (0)22 928 9829

Contributing to the work of the Working Group

One of the key tasks assigned to the Working Group is to review reports and any other information submitted by NGOs on the relationship between NGO activities and the right to development. The Working Group welcomes contributions by NGOs and other civil society

actors. This is partly facilitated by the work of the high-level task force, whose public sessions are open to the participation of a wide range of civil society actors and NGOs.

NGOs and other civil society actors are encouraged to submit statements and engage with the task force in its activities, work plan and the implementation of the Working Group's recommendations.

F. Social Forum

Participating in meetings of the Social Forum

The Social Forum is open to the participation of interested stakeholders, including:⁵³

- Intergovernmental organizations;
- Different components of the United Nations system, especially mandate-holders of thematic procedures and mechanisms of the human rights machinery;
- Regional economic commissions;
- Specialized agencies and organizations, in particular the United Nations Development Programme (UNDP), the World Bank, the International Monetary Fund and the World Trade Organization;
- Representatives designated by NHRIs, and NGOs in consultative status with ECOSOC; and
- Other NGOs, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, regional banks, and other financial institutions and international development agencies.

The participation of civil society actors in the Social Forum is based on arrangements, including ECOSOC resolution 1996/31, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of the entities listed above. The Human Rights Council has also asked OHCHR to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with NGOs, the private sector and international organizations.⁵⁴



Civil society actors interested in participating in the **Social Forum** should contact its secretariat.

For more information, please contact:

socialforum@ohchr.org.

⁵³ See Human Rights Council resolution 6/13.

⁵⁴ See its resolution 6/13.

G. Forum on Minority Issues

Participating in meetings of the Forum on Minority Issues

The Forum on Minority Issues is open to the participation of NGOs in consultative status with ECOSOC, and other NGOs whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations. Participation is also open to other civil society actors, including academics and experts on minority issues.



Civil society actors interested in participating in or contributing to the work of the **Forum on Minority Issues** should contact its secretariat.

For more information, please contact: minorityforum@ohchr.org.

Nominating candidates for appointment as chairperson of the Forum

In accordance with Human Rights Council resolution 5/1, NGOs in consultative status with ECOSOC and other Human Rights Council observers, along with its member States, can also propose candidates for appointment as chairperson of the Forum on Minority Issues.

H. Expert Mechanism on the Rights of Indigenous Peoples

Participating in meetings of the Expert Mechanism

The annual meeting of the Expert Mechanism is open to the participation of civil society actors, including NGOs and indigenous peoples' organizations.

Voluntary Fund for Indigenous Populations

Civil society actors should also be aware of the **Voluntary Fund for Indigenous Populations**, established to assist representatives of indigenous communities and organizations financially to participate in the Expert Mechanism and the Permanent Forum on Indigenous Issues.



Civil society actors interested in participating in or contributing to the work of the **Expert Mechanism** should contact its secretariat:

expertmechanism@ohchr.org

To find out more about the **Voluntary Fund for Indigenous Populations**, including the criteria for the selection of beneficiaries, please refer to **chapter IX (Funds and grants)** of this *Handbook*.

Nominating candidates for appointment to the Expert Mechanism

In line with Human Rights Council resolution 5/1, NGOs and other human rights organizations may nominate candidates for appointment as independent experts on the Expert Mechanism. Individuals may also nominate themselves as candidates.

The criteria for appointment as an independent expert are expertise, experience in the field of the mandate, independence, impartiality, personal integrity and objectivity. Due consideration is also given to gender balance, equitable geographic representation and appropriate representation of different legal systems.



To find out more about how to **nominate candidates** and about how the appointment process works **contact the Human Rights Council's secretariat:**

E-mail: hrcexpertmechanism@ohchr.org.

Fax: +41 (0)22 917 9011

Tel: +41 (0)22 917 9223

I. Durban Declaration and Programme of Action



For information on how to participate in and contribute to the work of **Human Rights Council's mechanisms related to the Durban World Conference**, please contact:

Anti-Discrimination Unit

Office of the United Nations High Commissioner for Human Rights

8-14, avenue de la Paix

CH-1211 Geneva 10, Switzerland

E-mail: adusecretariat@ohchr.org

Tel: +41 (0)22 928 92 08

Fax: +41 (0)22 928 90 50

1. Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action

As the Working Group is open-ended, NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may attend its public meetings. NGOs attending its meetings have the opportunity to make oral statements and may submit written statements.

2. Group of independent eminent experts

NGOs interested in submitting reports to the group of eminent experts should contact the **OHCHR Anti-Discrimination Unit**.

3. Working Group of Experts on People of African Descent

NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may participate in sessions of the Working Group. NGOs attending its sessions have the opportunity to submit written declarations and make oral presentations.



For current information on participation in the Working Group visit OHCHR's website.

NGOs and other civil society actors are also invited to provide the Working Group with information and reports to enable it to carry out its mandate. NGOs and other civil society actors can also collaborate with the Working Group when it undertakes field visits by providing information in situ and arranging for people to speak to its members.

4. Ad Hoc Committee on the elaboration of complementary standards

NGOs in consultative status with ECOSOC and NGOs that were accredited to the World Conference may attend public meetings of the Working Group, and have the opportunity to make oral statements.

Civil society actors are invited to contribute information and studies to the Ad Hoc Committee. Civil society actors interested in doing so should contact the **OHCHR Anti-Discrimination Unit**.

5. Preparatory Committee for the Durban Review Conference and the Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference

The Preparatory Committee and the open-ended intergovernmental working group were established in preparation for the Review Conference. The criteria and arrangements below apply to NGO participation in the Preparatory Committee's sessions. NGOs accredited to participate in these sessions may also participate in meetings of the open-ended intergovernmental working group.

- NGOs in consultative status with ECOSOC are invited to participate fully in all sessions of the Preparatory Committee, pursuant to ECOSOC resolution 1996/31;
- NGOs without such status that were accredited to participate in the World Conference and its follow-up mechanisms are invited to participate fully in sessions unless a Government raises questions concerning their accreditation. If questions are raised regarding the accreditation of an NGO, the NGO is given an opportunity to

respond, with the final decision taken by the Preparatory Committee in accordance with the standard process established in resolution 1996/31;

- NGOs without consultative status that were not accredited to participate in the World Conference and its follow-up mechanisms may submit applications to participate in sessions of the Preparatory Committee to its secretariat. The secretariat reviews all applications received to ensure that they meet the requirements established in resolution 1996/31; and
- Indigenous peoples' representatives accredited in accordance with ECOSOC resolution 1995/32 that express a willingness to participate in the Preparatory Committee's sessions will be accredited. Other interested indigenous peoples' representatives can also be accredited following the standard procedures established under resolution 1996/31.

NGOs attending sessions of the Preparatory Committee and the open-ended intergovernmental working group have the opportunity to make oral statements and may submit written statements.

NGOs in consultative status with ECOSOC and those accredited to participate in the World Conference and its follow-up mechanisms, including the Preparatory Committee, may also participate in the Review Conference.⁵⁵

NGOs without such status that were not accredited to participate in the World Conference and its follow-up mechanisms were invited to submit applications to participate in the Review Conference.

⁵⁵ See "Report of the Human Rights Council on the preparations for the Durban Review Conference: Report of the Preparatory Committee on its first session" (A/62/375, rule 66).

OHCHR resources

Human Rights Council's web page

Civil society actors should regularly consult the Human Rights Council's homepage for updates and information on participating in its sessions. Session-specific information is normally posted on the website two weeks before each regular session.

Extranet

The **Extranet** is linked to the Human Rights Council's homepage. It contains:

- The Human Rights Council's draft resolutions and decisions;
- Informal written contributions by States and other stakeholders; and
- Oral statements made by member States, observer States, and NGOs and other participants at the Human Rights Council's regular and special sessions and organizational meetings.

The Extranet also has an NGO Liaison information page with regularly updated session-specific information.



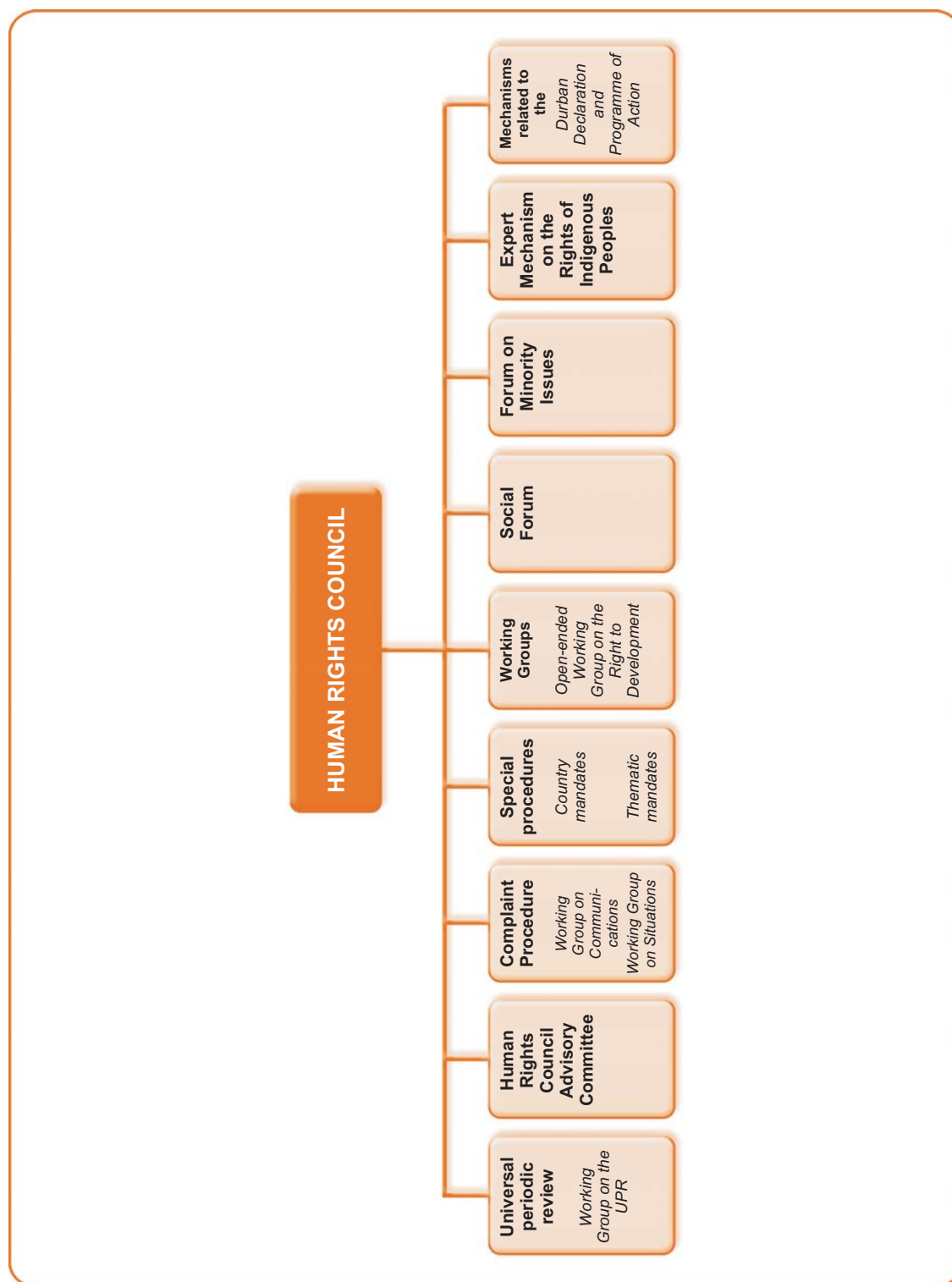
To access the password-protected Extranet page, fill in the online form available from the Human Rights Council page of OHCHR's website. When you have done this you will receive a username and password by e-mail.

Webcast

Public meetings of the Human Rights Council and some of its mechanisms can be viewed live on its webcast. The webcast site also contains archived video of its previous meetings. To view the webcast you will need to download the appropriate software.



The webcast service is available from the Human Rights Council page of OHCHR's website.



Annex: Accessing and working with the Human Rights Council and its mandates and mechanisms

MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Human Rights Council's regular and special sessions	NGOs in consultative status with ECOSOC, once accredited	- Submission of written statements - Oral statements - Hosting of parallel events	Only NGOs in consultative status with ECOSOC can submit written statements to regular/special sessions	NGOs in consultative status with ECOSOC should consult the guidelines for written statements
Universal periodic review	NGOs in consultative status with ECOSOC, once accredited	- Hosting of information sessions - Brief general comments can be made before the adoption of outcome documents at regular sessions of the Human Rights Council	Relevant CSAs	- Working with Governments towards the preparation of national reports - Contributing stakeholders' submissions for potential inclusion in the OHCHR summary - Work on follow-up to UPR outcomes (conclusions, recommendations, voluntary pledges/commitments)
Human Rights Council Advisory Committee	NGOs in consultative status with ECOSOC, once accredited	- Submission of written statements - Oral statements	Relevant CSAs	Nominating candidates for appointment to the Advisory Committee
Complaint procedure	CSAs cannot participate in meetings of the complaint procedure or its working groups; these meetings are private	N/A	Relevant CSAs	Submission of complaints under the complaint procedure



MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Special procedures	NGOs and other CSAs may arrange to meet with mandate-holders during select segments of the annual meeting of special procedures	- Interactive dialogue with mandate-holders during select segments of the annual meeting of special procedures - NGOs in consultative status with ECOSOC can participate in interactive dialogues with mandate-holders at regular sessions of the Human Rights Council	Relevant CSAs	- Submission of urgent appeals/individual cases - Providing support for country visits - Working to advocate, disseminate, follow up and implement the work of the special procedures - Meeting with mandate-holders - Nominating candidates as mandate-holders
Open-ended Working Group on the Right to Development	NGOs in consultative status with ECOSOC, once accredited, can attend public segments of the Working Group's meetings A wide range of CSAs can attend public sessions of the high-level task force	NGOs attending meetings of the high-level task force have the opportunity to make opening statements. This opportunity does not apply, however, to the Working Group's meetings.	Relevant CSAs	- Submission of statements to the Working Group - Engagement with the task force - Working to implement Working Group recommendations
Social Forum	A wide range of CSAs can attend meetings	- Providing feedback on the human rights work of international mechanisms at meetings - Exchanging best practices at meetings - Grass-roots presentations at meetings	Relevant CSAs	Submission of information to the Social Forum



MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Forum on Minority Issues	A wide range of CSAs, including NGOs, academics and experts on minority issues	- Oral presentations/statements - Written statements	Relevant CSAs	- Submission of information to the Forum - NGOs in consultative status with ECOSOC can nominate candidates for appointment as chairperson of the Forum
Expert Mechanism on the Rights of Indigenous Peoples	A wide range of CSAs, including NGOs and indigenous peoples and organizations	- Oral presentations/statements - Written statements	Relevant CSAs	- Submission of information to the Expert Mechanism - Nomination of candidates for appointment as independent experts
Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	- Oral presentations - Written statements	Only CSAs falling into the categories provided at left may contribute information to the Intergovernmental Working Group	Submission of information to the Working Group
Group of independent eminent experts	Meetings are, in principle, closed. However, the Group may invite CSAs to exchange views with it	Exchange of views at the invitation of the Group	Relevant CSAs	Submission of information to the Group



MEETING/MECHANISM	Which civil society actors (CSAs) can attend meetings of the mechanism?	How can these CSAs participate in meetings they attend?	Which CSAs can contribute to the work of the mechanism (other than by attending meetings)?	What forms can these contributions take?
Working Group of Experts on People of African Descent	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	- Oral presentations - Submissions of written statements	Relevant CSAs	- Submission of information to the Working Group - Providing information in situ during country missions of the Working Group - Meeting with its members during country visits
Preparatory Committee for the Durban Review Conference Intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee for the Durban Review Conference	- NGOs in consultative status with ECOSOC - NGOs accredited to the Durban World Conference - NGOs (without consultative status and that did not attend the World Conference) can submit applications to participate - Indigenous peoples' representatives	- Oral statements - Submission of written statements	Only CSAs falling into the categories provided to the left may contribute information to the Preparatory Committee and the Intersessional open-ended working group	Submission of written statements to the Preparatory Committee and the Intersessional open-ended working group
Ad Hoc Committee on the elaboration of complementary standards	NGOs in consultative status with ECOSOC NGOs accredited to the Durban World Conference	- Oral presentations - Submission of written statements	Relevant CSAs	Submission of information and studies to the Ad Hoc Committee

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)

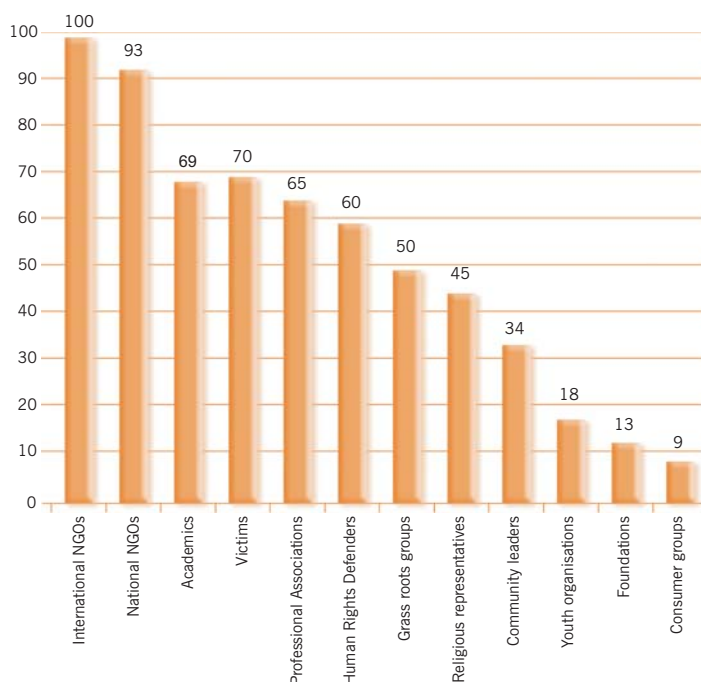
Over the years, the special procedures have established relationships and have cooperated with various civil society actors. Special procedures have helped them in providing protection to actual or potential victims and have contributed to their empowerment. Different mandates have developed different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

VII. UNIVERSAL PERIODIC REVIEW



The universal periodic review at a glance

What is it?

Established by General Assembly **resolution 60/251**, the universal periodic review (UPR) is a new human rights mechanism. Through it the **Human Rights Council** reviews, on a periodic basis, the fulfilment by each of the 192 United Nations Member States of their human rights obligations and commitments. The UPR is a cooperative mechanism and is intended to complement, not duplicate, the work of the **human rights treaty bodies**.

How does it work?

Human Rights Council **resolution 5/1** sets out

the periodicity and process. The UPR operates on a four-year cycle and consists of several stages, for instance:

- Preparation of the information upon which reviews are based, including: information prepared by the State under review (national report); a compilation of United Nations information on the State under review prepared by the **Office of the United Nations High Commissioner for Human Rights** (OHCHR); and a summary of information submitted by other stakeholders (including civil society actors), also prepared by OHCHR;
- The review itself takes place in Geneva in the Working Group on the UPR, which is composed of the 47 member States of the Council, and takes the form of an interactive dialogue between the State under review and the member and observer States of the Council. The Working Group meets in three two-week sessions each year and reviews 16 States at each session—a total of 48 States each year;
- A group of three rapporteurs (“troika”), drawn from among the Council’s member States, facilitates the review of each State;
- The Working Group’s adoption of an outcome document at the end of each review;

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.

- The Council's consideration and adoption of the UPR outcome document, normally at its next regular session; and
- Follow-up by reviewed States and other stakeholders, including civil society, on the implementation of the conclusions and recommendations contained within outcome documents.

How to engage with the universal periodic review

Resolution 5/1 provides for the participation of all relevant stakeholders in the process. Accordingly, the participation of regional intergovernmental organizations, national human rights institutions (NHRIs), as well as civil

society representatives, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, is envisaged at relevant stages.

Consultative status with the United Nations Economic and Social Council (ECOSOC) is required to attend sessions of the Working Group on the UPR and sessions of the Human Rights Council.

However, civil society actors may contribute to work of the UPR, inter alia, by:

- Participating in consultations held by Governments to prepare their national reports on the human rights situation in their countries;
- Preparing submissions on the human rights situation in States under

review for potential inclusion in the summary of stakeholders' submissions prepared by OHCHR. The OHCHR summary is taken into consideration by the Working Group when reviewing States; and

- Contributing to the follow-up to the implementation of review outcomes.

The Working Group's sessions are broadcast live on an OHCHR **webcast**, and a broad range of UPR documentation and information is available on the UPR section of the **OHCHR website** and on the UPR page on the Human Rights Council's **Extranet**.



Key contacts relating to the universal periodic review

OHCHR Human Rights Council Branch

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 92 69
Fax: +41 (0)22 917 90 11

OHCHR Civil Society Unit

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What is the universal periodic review?

Establishment of the universal periodic review

The universal periodic review (UPR), established by General Assembly **resolution 60/251** of 15 March 2006 and elaborated in **Human Rights Council resolution 5/1** of 18 June 2007, is a new human rights mechanism. Through it the Human Rights Council is tasked to review, on a periodic basis, the fulfilment by each of the 192 United Nations Member States of their human rights obligations and commitments. The UPR is a cooperative mechanism and is based on an interactive dialogue between each State under review and the member and observer States of the Council. It is intended to complement, not duplicate, the work of the **human rights treaty bodies**.

Operating on a four-year cycle, the UPR is composed of several stages, including the preparation of the documents that reviews are based on, the review itself, and follow-up to the conclusions and recommendations stemming from reviews. The participation of regional intergovernmental organizations, national human rights institutions (NHRIs), as well as civil society representatives, including non-governmental organizations (NGOs), human rights defenders, academic institutions and research institutes, is envisaged at relevant stages of the review process.

At the conclusion of the first UPR cycle, the Human Rights Council may review the modalities and the periodicity of the reviews, based on best practices and lessons learned.

Principles and objectives guiding the universal periodic review

A number of principles guide the UPR through its various stages. It must:

- Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- Ensure universal coverage and equal treatment of all States;
- Be an intergovernmental process, United Nations Member-driven and action-oriented;
- Fully involve the country under review;
- Complement and not duplicate other human rights mechanisms, thus adding value;
- Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- Not be overly burdensome to the concerned State or the agenda of the Council;
- Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- Not diminish the Human Rights Council's capacity to respond to urgent human rights situations;
- Fully integrate a gender perspective;
- Take into account the level of development and specificities of countries; and
- Ensure the participation of all relevant stakeholders, including non-governmental organizations (NGOs), in accordance with General Assembly resolution 60/251 and Economic and Social Council (ECOSOC) **resolution 1996/31**, as well as any decisions that the Human Rights Council may take in this regard.

The UPR's objectives are:

- The improvement of the human rights situation on the ground;
- The fulfilment of the State's human rights obligations and commitments, and an assessment of the positive developments and challenges it faces;
- The enhancement of the State's capacity and the provision of technical assistance, in consultation with, and with the consent of, the State concerned;
- The sharing of best practice among States and other stakeholders;
- Support for cooperation in the promotion and protection of human rights; and
- The encouragement of full cooperation and engagement with the Human Rights Council, other human rights bodies and the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

Two financial mechanisms, the **universal periodic review Voluntary Trust Fund** and the **Voluntary Fund for Financial and Technical Assistance**,⁶³ have been established to facilitate the participation of developing countries (particularly the least developed countries) in the UPR mechanism and support its follow-up at country level, respectively.

⁶³ See Human Rights Council resolution 6/17.

How does the universal periodic review work?

A. Periodicity, order and basis of the review

Periodicity

The UPR operates on a four-year cycle. At its sixth session, in September 2007, the Human Rights Council adopted a **calendar** for the review of all United Nations Member States during the first cycle.



To see the **order of States to be reviewed during the first cycle** (2008-2011) visit OHCHR's website.

Order of review

The order in which States are reviewed is guided by the principles of universality and equal treatment. Resolution 5/1 also sets out the following provisions to determine the order of review:

- All member States of the Council shall be reviewed during their term of membership;
- The initial member States of the Council, especially those elected for one or two-year terms, should be reviewed first;
- A mix of member and observer States of the Council should be reviewed; and
- Equitable geographic distribution should be respected in the selection of countries for review.

Basis of review

Each State is examined on the basis of:

- The **Charter of the United Nations**;
- The **Universal Declaration of Human Rights**;
- The human rights instruments to which it is a party;
- Its voluntary pledges and commitments, including (where relevant) those undertaken when presenting its candidature for election to the Council; and
- Applicable international humanitarian law.

B. The review process

1. Documentation

The preparation of information for reviews is a preliminary stage of the process. State reviews are based on the information contained in three documents:

- Information prepared by the State under review;
- A compilation of United Nations information prepared by OHCHR; and
- A summary of stakeholders' submissions (prepared by OHCHR).

These three documents provide distinct and complementary perspectives on the human rights situation in each State under review. They should be available at least six weeks before each review and are posted on the **UPR section** of the OHCHR website.

(a) Information prepared by the State under review (national report)

A State presents the information that it has prepared towards its review, which may take the form of a national report, orally or in writing. Written presentations must not exceed 20 pages. **States are encouraged to prepare this information through a broad national consultation process with all relevant stakeholders, including civil society.**

(b) Compilation of United Nations information, prepared by OHCHR

OHCHR prepares, in no more than 10 pages, a compilation of the information contained in the reports of human rights treaty bodies, special procedures and other relevant official United Nations documents.

(c) Summary of stakeholders' submissions, prepared by OHCHR

OHCHR also prepares, in no more than 10 pages, a summary of submissions provided by other UPR stakeholders (**including NHRIs and NGOs and other civil society actors**). The stakeholders' summary is taken into consideration during reviews.

General Guidelines for the preparation of information towards reviews

In **decision 6/102**, the Human Rights Council set out its General Guidelines for the preparation of information under the UPR. **These Guidelines apply to States and other stakeholders, as well as to OHCHR for the preparation of the documents under its responsibility**, and provide that information submitted towards reviews should include:

- A description of the methodology and the broad consultation process followed for the preparation of the information provided;
- The background and framework (particularly normative and institutional) for the promotion and protection of human rights in the State, including: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure (e.g., NHRIs) and the scope of international obligations identified in the "basis of review" (see above);
- The promotion and protection of human rights on the ground, including the implementation of the international human rights obligations identified in the "basis

- of review”, national legislation and voluntary commitments, NHRI activities, public awareness of human rights, and cooperation with human rights mechanisms; and
- The identification of achievements, best practices, challenges and constraints.

Each State should also identify/provide information on:

- The key national priorities, initiatives and commitments that it intends to undertake to overcome challenges and constraints and to improve the human rights situation on the ground;
- Its expectations in terms of capacity-building and requests, if any, for technical assistance;
- Any other information it considers relevant; and
- During later reviews, its follow-up to the previous review.

2. Working Group on the Universal Periodic Review

The actual review of States takes place in the Working Group on the UPR. It is chaired by the President of the Human Rights Council and is composed of the Council’s 47 member States. It meets in three two-week sessions each year, reviewing 16 States at each session—a total of 48 States each year. The Working Group convened for the first time in April 2008.

A three-hour interactive dialogue between the State under review and the member and observer States of the Council takes place. During this dialogue member and observer States have two hours to ask questions and suggest recommendations to the State under review. In turn, the State under review has one hour to present to the Working Group information that it has prepared towards its review, to respond to questions and recommendations presented by States in advance of and during the interactive dialogue, and to make concluding comments at the end of the review.⁶⁴

NGOs in consultative status with ECOSOC may attend sessions of the Working Group on the UPR, but do not play a role in the interactive dialogue.



For regularly updated information on sessions of the Working Group, including information notes for NGOs visit the UPR section of OHCHR’s website.



For more information on **consultative status with ECOSOC** visit the website of the United Nations Department of Economic and Social Affairs.

⁶⁴ See “Modalities and practices for the universal periodic review process” (A/HCR/PRST/8/1).

Troikas

A group of three rapporteurs (“troika”) facilitates the review of each State. A different troika is formed for each State review, with troika members (drawn from different United Nations regional groups) selected by the drawing of lots from among the Human Rights Council’s members States.⁶⁵ OHCHR provides assistance to the troika members in the performance of their role.

States have the opportunity to raise questions/issues in writing on a State under review in advance of its review.⁶⁶ The troika is responsible for receiving these questions/issues and, if it so decides, clustering them.⁶⁷ The troika then sends the questions/issues to the secretariat of the UPR, which in turn sends them to the State under review no later than 10 working days before its review. The questions/issues are also circulated among the Council’s member and observer States.

3. Working Group outcome document on the State under review

After the interactive dialogue on each State, the designated troika facilitates the preparation of an outcome document (report) on the review with the assistance of the UPR secretariat and with the full involvement of the reviewed State. The Working Group allocates a maximum of 30 minutes to the consideration and adoption of each outcome document no less than 48 hours after the review. The Working Group country reports are adopted *ad referendum* leaving two weeks for States to make editorial changes to their own statements.

Outcome documents include a summary of the proceedings of the review, conclusions and/or recommendations, and any voluntary commitments and pledges made by the State under review.

Each reviewed State is given the opportunity to indicate whether or not it supports the conclusions/recommendations contained in the outcome document. It can do this:

- During the meeting of the Working Group;
- Between the Working Group’s session and the Council’s next session; or
- During the meeting of the Council to adopt the Working Group’s outcome document.

⁶⁵ The State under review may request that one of the three should be from its own regional group and may also request one substitution on only one occasion. A member of a troika may also request to be excused from participation in a specific review.

⁶⁶ These questions/issues are sent to the troika and should be based mainly on the three UPR documents.

⁶⁷ In doing so, the troika must not alter the meaning of questions/issues in any way, and must refrain from assessing the questions/issues or the human rights situation in the State under review.

Recommendations supported by the State are identified as such in the outcome document; recommendations that are not supported by the State are noted in the outcome document, together with any comments that the State may have on them.

4. Adoption of outcome documents by the Human Rights Council

Once adopted by the Working Group on the UPR, the report on each reviewed country is transmitted to the Human Rights Council. The Council normally considers and adopts these outcome documents at its next regular session, allocating up to an hour to each.

In accordance with resolution 5/1, before each outcome document is adopted:

- The reviewed State is offered the opportunity to present its views on the conclusions/recommendations, on voluntary pledges and commitments, and to present replies to questions or issues that were not sufficiently addressed during the Working Group's interactive dialogue;
- The reviewed State and member and observer States of the Council are given the opportunity to express their views on the outcome; and
- Other relevant stakeholders (including NHRIs and NGOs in consultative status with ECOSOC) are given an opportunity to make general comments.

When adopting outcome documents, the Council also decides if and when any specific follow-up to the review is necessary.

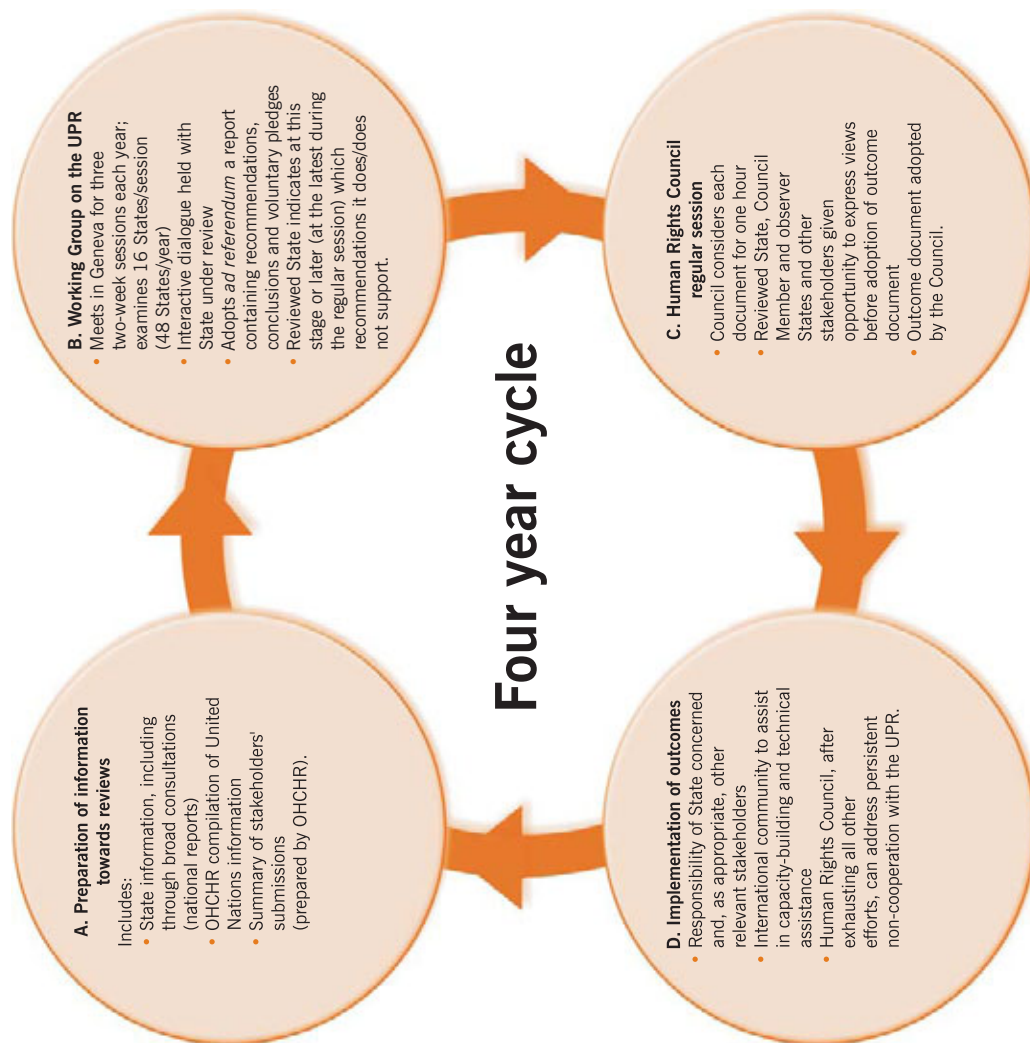
5. Follow-up to reviews

The conclusions/recommendations contained in an outcome document which enjoy the support of the reviewed State serve as the basis for UPR follow-up.

It is primarily the responsibility of reviewed States to implement UPR outcomes (including conclusions and recommendations and voluntary pledges and commitments); however, **resolution 5/1 provides that other relevant stakeholders, including civil society actors, also have a role to play in their implementation.** The international community assists States to implement review outcomes regarding capacity-building and technical assistance, in consultation with them and with their consent.

Later review cycles will focus, among other things, on each State's implementation of recommendations and, to this end, the Council may address, as appropriate, cases of persistent non-cooperation with the UPR mechanism where it has exhausted all efforts to encourage a State to cooperate with it.

The UPR process



How to engage with the universal periodic review mechanism

Civil society has an important role to play in relevant stages of the UPR—in preparing submissions for the reviews, in attending reviews, and by contributing to follow-up to the implementation of UPR recommendations and conclusions.

A. Working with States to prepare national reports

Resolution 5/1 encourages States to prepare the information that they submit towards their reviews through a broad, national consultation process with all relevant stakeholders. This can include NHRIs, as well as civil society representatives, such as NGOs, human rights defenders, academic institutions and research institutes.

The experience of the UPR to date demonstrates a diversity of examples of “best practice” for civil society and Government collaboration in the preparation of national reports.



Contributing to the preparation of State information (national reports)

In the lead-up to the review of **Switzerland** at the second session of the Working Group on the UPR in May 2008, a coalition of 32 Swiss-based NGOs met to coordinate the preparation of a stakeholders’ submission. Coordinated by three NGOs (**Amnesty International - Swiss section, Humanrights.ch and CODAP**), the “NGO Coalition” prepared and

transmitted an initial draft of its submission to the Swiss Government.

The Swiss Federal Government shared its draft national report to the UPR with the NGO Coalition and invited its members to attend a day of discussion with the Government. At the meeting, the Coalition provided substantive comments on the

Government’s draft report and presented a series of recommendations. A number of the Coalition’s comments were incorporated into the final version of the national report submitted to the UPR, with the Government also dedicating a section of its report to identifying and addressing some of the key concerns raised by the Coalition.

B. Stakeholders’ submissions

In line with resolution 5/1, stakeholders are also invited to make submissions on States under review for potential inclusion in the summary of stakeholders’ submissions prepared by OHCHR. The OHCHR summary of stakeholders’ submissions is one of three documents on which reviews are based.

Stakeholder submissions should contain credible and reliable information on the State under review.

OHCHR references all stakeholder submissions incorporated into summary documents. Furthermore, stakeholder submissions are available, in the form originally received, through the **UPR section** of the OHCHR website.



Preparing and submitting stakeholders' submissions to OHCHR

Human Rights Working Group (HRWG) -

Indonesia, a coalition of Indonesian human rights organizations, contributed a stakeholders' submission towards the review of **Indonesia** at the first session of the Working Group on the UPR in April 2008.

In preparing its submission, HRWG

undertook a "bottom-up" process, inviting a number of national NGOs working on thematic issues to meet to discuss the UPR mechanism and to develop an outline and structure for the submission. After the meeting, each NGO was assigned the responsibility for preparing information relevant to its area(s) of expertise, while HRWG took editorial responsibility

for the submission, transmitting it to the OHCHR UPR secretariat.

HRWG-Indonesia also collaborated with Komnas HAM, the Indonesian national human rights institution, and engaged in dialogue with the Indonesian Ministry of Foreign Affairs in preparing its stakeholders' submission.

Format of submissions

Stakeholders are invited to provide OHCHR with submissions which:

- Follow the structure of the General Guidelines for the preparation of information under the UPR, set out in Council **decision 6/102** (see previous section).
- Are no longer than 5 pages or, in the case of larger coalitions of stakeholders, 10 pages;
- Cover, as a maximum, a four-year period;
- Are written in an official United Nations language, preferably English, French or Spanish;
- Provide in a short paragraph information on the objectives and work of the entity making the submission;
- Are in a common word-processing format, with paragraphs and pages numbered;
- Include an introductory paragraph summarizing the main points;

- Indicate key words in relation to their submission (e.g., domestic violence);
- Refrain from reproducing concluding observations and recommendations of the human rights treaty bodies or the special procedures of the Human Rights Council, though they may refer to the extent of implementation;⁶⁸ and
- Refrain from quoting or annexing reports from other organizations.

Please note that:

- Submissions in excess of the 5-or 10-page limit will not be considered;
- Submissions received in a language other than one of the six official United Nations languages will not be considered;
- Submissions submitted after specified deadlines will not be considered; and
- Submissions containing manifestly abusive language (e.g., incitement to violence, inherently racist language) will not be considered.



Civil society actors are encouraged to regularly consult the UPR section of the OHCHR website for the submission deadlines specific to each session of the Working Group. **Stakeholder information should normally be submitted to OHCHR seven months in advance of the Working Group's sessions.**

Civil society actors wishing to submit information for consideration and possible inclusion by OHCHR in the stakeholders' compilation should send their contribution to UPRsubmissions@ohchr.org.

While civil society actors are not encouraged to fax or post a hard copy of their submission to the OHCHR secretariat, they may, if there are technical difficulties with electronic mail, fax their submission to **+41 (0)22 917 90 11**.

Civil society actors are also encouraged to consult the **technical guidelines for the submission of stakeholders' information**.

C. Attending sessions of the Working Group on the Universal Periodic Review

NGOs in consultative relationship with ECOSOC, once accredited, may attend sessions of the Working Group on the UPR, but cannot make oral statements at its meetings.



For information on how to be **accredited to attend sessions of the Working Group on the UPR** visit OHCHR's website.

⁶⁸ Human rights treaty body and special procedures recommendations and observations are incorporated into the compilation of United Nations information prepared by OHCHR.

Information sessions

NGOs in consultative status with ECOSOC, once they are accredited to attend a session of the Working Group, may arrange to hold information sessions during the Working Group's session. NGOs interested in holding such a session should contact the **UPR secretariat**.

D. Attending sessions of the Human Rights Council

NGOs in consultative status with ECOSOC, once accredited, may attend regular sessions of the Human Rights Council, at which UPR outcome documents are considered and adopted.

NGOs in consultative status with ECOSOC are given the opportunity to make brief general comments before the adoption of outcome documents by the Human Rights Council.



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

E. Working on follow-up to review outcomes

Resolution 5/1 provides that it is primarily the responsibility of States to implement their review outcomes (including conclusions and recommendations, and voluntary pledges and commitments). **Resolution 5/1 also states that other relevant stakeholders, including civil society actors, have a role to play in the implementation.**

Civil society actors, including NGOs, academia, the media, trade unions and professional groups, can work on follow-up to UPR outcomes in a number of ways, for instance:

- Working with national entities (including Government, parliament, the judiciary and NHRIs) to help the State meet its obligations; civil society often acts as a catalyst to promote national legislative reforms and develop national policies. It can also use the UPR outcomes as a basis for dialogue with State entities and for defining its own programmes of action;
- Monitoring the human rights situation and steps taken locally to implement UPR outcomes;
- Raising awareness about the UPR, the outcomes States are required to implement, and how outcomes can be used to improve the enjoyment of human rights nationally. This may be done by organizing thematic discussions, round tables, seminars and workshops, translating and publishing UPR outcomes and working with NHRIs and the national media, and by raising awareness of UPR outcomes among the general public and civil society;

- Engaging with national entities towards the preparation of information for the next periodic review; and
- Collaborating with other civil society actors in the preparation and submission to OHCHR of follow-up information on the implementation of UPR outcomes.



Working on follow-up to UPR outcomes

Follow-up to the report adopted by the Working Group on the UPR

After the review and the adoption of the Working Group's report on Brazil, in April 2008, **Conectas**, a Brazilian human rights organization, undertook the following activities:

- It translated the recommendations and voluntary commitments contained in the Working Group's report into Portuguese;
- It analysed the content of the Working Group's report, the conclusions of which were brought to the attention of the Brazilian Government and identified by Conectas in an oral intervention made at the Human Rights

Council's eighth session; and

- In collaboration with a coalition of Brazilian NGOs (**Comitê Brasileiro de Direitos Humanos e Política Externa**), Conectas arranged a public discussion on the UPR process with the human rights commission of the Brazilian parliament. Segments of the webcast of the review of Brazil were screened at the meeting.

Follow-up to the UPR report adopted by the Human Rights Council

Since the Council's adoption of the final report on Brazil, Conectas has:

- Worked on follow-up to UPR recommendations

and voluntary commitments by establishing partnerships with NGOs that work on specific issues in order to assess Brazil's progress in implementing UPR outcomes; and

- Worked with the Government in an ongoing process to identify concrete steps and policies towards implementing UPR recommendations and achieving voluntary commitments.

Conectas has also shared its experiences with partner organizations in Argentina, Peru, the Philippines and South Africa to contribute towards the review of these countries.

OHCHR resources

Universal periodic review web page

Civil society actors are encouraged to regularly consult the UPR section of the OHCHR website for updates and information on the Working Group's sessions.

Human Rights Council web page

Civil society actors are encouraged to regularly consult the Council's section of the OHCHR website for updates and information on its sessions. Session-specific information is normally posted on the web page two weeks before each regular session.

Extranet

The **Extranet** is linked to the Human Rights Council's homepage. It contains a dedicated UPR page with information specific to each session of the Working Group, including:

- The States (to be) reviewed at the session;
- The documents on which reviews are/were based;
- Questions submitted to States under review by the Council's member States in advance of reviews;
- Oral statements made by member and observers States at reviews; and
- Outcome documents adopted by the Working Group.



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

Webcast

The Working Group's sessions can be viewed live on the Human Rights Council's webcast. The webcast site also contains archived video of its previous sessions. To view the webcast you will need to download the appropriate software.



The webcast service is available from the Human Rights Council page of OHCHR's website.

VIII. SUBMITTING A COMPLAINT ON AN ALLEGED HUMAN RIGHTS VIOLATION



Complaint procedures at a glance

What are they?

Human rights complaint procedures are mechanisms for bringing cases of alleged human rights violations to the attention of the United Nations. There are three such mechanisms:

- Individual complaints under the international human rights treaties (petitions);
- Individual communications under the **special procedures** of the **Human Rights Council**; and
- The **complaint procedure** of the Human Rights Council.

How do they work?

Each procedure has its own requirements, advantages and limitations.

These need to be carefully considered before deciding which one(s) to use:

- Individual complaints of human rights violations can be submitted under five of the core **international human rights treaties**;
- Individual communications operate under the thematic and geographic mandates of the special procedures of the Human Rights Council; and
- The Council's complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

How to access and work with the complaint procedures

Any civil society actor, with due regard for the specific requirements of each procedure, is able to access these mechanisms, regardless of status with the United Nations. Complaints under each of these procedures can be submitted by the individual who has suffered the alleged human rights violation or on that person's behalf by third parties, for example, by a non-governmental organization (NGO). Civil society actors can often act as a conduit for individuals seeking redress from human rights abuses by preparing, submitting or lodging a complaint on



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.

their behalf. However, anyone submitting a complaint on behalf of an individual should ensure that they obtain the

consent of that individual and that the individual is aware of the implications of making a complaint. The requirements for each

procedure should be carefully followed to ensure that the complaint is admissible.



Key contacts for the human rights complaint mechanisms

Complaints under the human rights treaties

(To the **Human Rights Committee**, the **Committee against Torture**, the **Committee on the Elimination of Discrimination against Women**, the **Committee on the Elimination of Racial Discrimination** or the **Committee on the Rights of Persons with Disabilities**)

Petitions Team

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 22

E-mail: tb-petitions@ohchr.org

Communications under special procedures

Special Procedures Division

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 06

E-mail: urgent-action@ohchr.org

Human Rights Council's complaint procedure

Human Rights Council Branch (complaint procedure)

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 11

E-mail: CP@ohchr.org

What are the complaint procedures?

The United Nations system focuses largely on the obligations of States and operates at the level of Governments. However, its human rights system also provides for different procedures that are open to individuals and groups seeking United Nations action on a human rights situation of concern to them. These are called human rights complaint procedures.

Through these procedures, individuals may bring a human rights concern to the attention of the United Nations; thousands of people around the world do so every year.

Human rights complaints may be submitted under these three mechanisms:

- The **international human rights treaties** (petitions);
- The **special procedures mechanisms** of the **Human Rights Council**; and
- The **complaint procedure** of the Human Rights Council.

Under certain circumstances, these different procedures may be complementary and more than one may be used.

How do the complaint procedures work?

It is important to consider carefully which complaint procedure is best suited to a particular case. Each has its own strengths, specific requirements and limitations. They need to be considered in the interests of the victim(s) and of the individual(s) or organization(s) presenting the complaint.

A. Individual complaints under the international human rights treaties

Seven international human rights treaties allow for individual complaints to human rights treaty bodies:

- The **International Covenant on Civil and Political Rights** under its **First Optional Protocol**;
- The **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** under its article 22;
- The **Convention on the Elimination of All Forms of Discrimination against Women** under its **Optional Protocol** (this treaty also allows communications from groups of individuals);
- The **International Convention on the Elimination of All Forms of Racial Discrimination** under its article 14 (this treaty also allows communications from groups of individuals);

- The **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** under its article 77. However, this provision will come into force only after 10 States parties have made a declaration to that effect.⁶⁹
- The **Convention on the Rights of Persons with Disabilities** under its **Optional Protocol** (this treaty also allows communications from groups of individuals); and
- The **International Convention for the Protection of All Persons from Enforced Disappearance** under its article 31. By September 2008 this Convention had not yet entered into force.

Upon its entry into force, the Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights**⁷⁰ will also allow for individual complaints.

Strengths

- An important advantage of submitting a complaint to a treaty body is that, once a State party has made the relevant declaration under the treaty, it **should comply with its obligations** under that treaty, including the obligation to provide an effective remedy for breaches of the treaty. The relevant human rights treaty body, through individual complaints, authoritatively determines whether there has been a violation, and the State concerned has an obligation to give effect to the treaty body's finding(s);
- Human rights treaty bodies can issue interim measures in urgent cases to preserve a situation until they make a final decision on the matter. This interim measure will stay in place until the decision is made;
- Decisions of human rights treaty bodies can go beyond the circumstances of the individual case and provide proactive guidelines to prevent a similar violation occurring in the future;
- Human rights treaty bodies can also consider complaints that are being or have been addressed by a special procedure.

Specific requirements and limitations

- The complainant's case must fall within the scope of application of one of the treaties that allow for individual complaints;
- The State in question must be a party to the treaty and must have ratified the relevant optional protocol or accepted the competence of the specific human rights treaty body to accept complaints;
- When submitting an allegation to a human rights treaty body, a number of requirements must be met, including the consent or authorization of the victim. If any of these requirements are not met or are missing, the complaint may not be considered;

⁶⁹ By September 2008 only one State had made such a declaration.

⁷⁰ The Optional Protocol was adopted by the Council on 18 June 2008 and is expected to be adopted by the General Assembly later in 2008.

- Under the International Convention on the Elimination of All Forms of Racial Discrimination, complaints must be lodged within six months of the final decision by a national authority in a given case;
- The complainant must have exhausted all available and effective domestic remedies before sending a complaint to a treaty body—a remedy is considered effective if it offers a reasonable prospect of redress for the complainant;
- It takes two to three years, on average, for a final decision to be taken on a complaint;
- Generally, a complaint addressed to a human rights treaty body does not relate to a widespread pattern of human rights violations;
- Human rights treaty bodies may not consider a case that is already being considered by another international or regional adjudicative complaint procedure.⁷¹



For detailed information on the **human rights treaty bodies**, please refer to **chapter IV (Human rights treaty bodies)** of this *Handbook*.

B. Communications under special procedures

A number of the special procedures mechanisms allow for allegations to be made concerning either individual cases or a more general pattern of human rights abuse. All individuals, or others acting on an individual's behalf, can submit individual cases to special procedures mandate-holders, if the mandate allows for this. Civil society actors can often support individuals seeking protection from human rights abuses.

Strengths

- Individual communications under special procedures are a procedure that may be used for individual cases as well as for a more general pattern of violations;
- They can be a useful tool in urgent cases as they allow for urgent or preventive action (known as **urgent appeals**);
- Cases may be brought **regardless of the State** in which they occur and of whether that State has ratified any of the human rights treaties;
- It is not necessary to have exhausted all domestic remedies before using the procedure;
- The communication is not required to be made by the victim, although the source must be reliable; and
- A complaint may be lodged simultaneously before a human rights treaty body and a special procedure (if there is a relevant mandate).

⁷¹ This can be another treaty body, the European Court of Human Rights or the Inter-American Court of Human Rights, but does not include the special procedures of the Human Rights Council.

Limitations

- There must be a special procedure in place covering that specific human rights issue or that specific country (not all special procedures mandate-holders can act on individual cases);
- Special procedures are not legally binding mechanisms: it is at each State's discretion to comply with the recommendations of special procedures mandate-holders; and
- Procedures vary depending on the mandate.



For detailed information on the **special procedures**, please refer to **chapter VI (Special procedures)** of this *Handbook*.

C. Human Rights Council's complaint procedure

Any individual or group claiming to be the victim of human rights violations may submit a complaint under this procedure, as may any other person or group with direct and reliable knowledge of such violations. The Council's complaint procedure is the only universal complaint procedure covering all human rights and all fundamental freedoms in all States.

Communications under it are not tied to the acceptance of treaty obligations by the country concerned or the existence of a special procedures mandate. The complaint procedure deals with consistent patterns of gross human rights violations in a State. It neither compensates alleged victims, nor does it seek a remedy for individual cases.

Strengths

- The procedure can deal with **violations of all human rights and fundamental freedoms**; a State does not need to be a party to a treaty for a complaint against it to be submitted under this procedure;
- Complaints may be brought **against any State**;
- Complaints may be submitted by the victim or anyone acting on the victim's behalf and does not necessarily require the victim's written authorization;
- Complainants (authors of communications) are informed of the decisions taken at the various key stages of the process; and
- The admissibility criteria are generally less strict than for other complaints mechanisms.

Possible limitations

- The process can be lengthy, since the complaint goes through several stages of consideration, and therefore may not be suitable for urgent cases;
- The complainant must have exhausted all available and effective domestic remedies before sending information under this procedure;
- There are no provisions for urgent interim measures of protection;
- Communications must generally refer to a consistent pattern of human rights violations, in other words affecting a larger number of people, rather than individual cases;
- Due to its confidentiality, this procedure may not draw public attention to the human rights situation in a given State; and
- Cases that appear to reveal a consistent pattern of gross violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional human rights complaint procedure are not admissible under this procedure.



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

How to access and work with the complaint procedures

Any civil society actor, with due regard for the specific requirements of each procedure, is able to access the complaint procedures. Complaints under each of these procedures can be submitted by an individual who has suffered an alleged human rights violation or by third parties on that person's behalf, for example, by an NGO.

Civil society actors often act as a conduit for individuals seeking redress from human rights abuses by preparing, submitting or lodging a complaint on their behalf. However, anyone submitting a complaint on behalf of an individual should ensure that they obtain the consent of that individual and that the individual is aware of the implications of making a complaint. For example, when information is submitted to the special procedures, the mandate-holder sends a communication to the State regarding the case, which will ultimately be included in a public report. When a complaint is submitted to a human rights treaty body, the identity of the individual will be disclosed to the Government. It is therefore fundamental for the alleged victim to be familiar with how each of the complaint procedures operates.

The requirements for each procedure should also be carefully followed to ensure that the complaint is admissible.

A. Individual complaints under the international human rights treaties

Complaints may be brought by individuals or by duly authorized third parties, for example lawyers, non-governmental organizations (NGOs) or professional groups, on behalf of individuals who claim to be victims of human rights violations. This section examines the requirements and the main elements of individual complaints.

Requirements

1. State party ratification

A complaint of a human rights violation under a human rights treaty may be made against a State if:

- The State is a party to the treaty in question, having ratified or otherwise accepted it; and
- The State party has recognized the competence of the human rights treaty body established under that treaty to consider such complaints. Depending on the treaty, this requires the State either to have become a party to the relevant optional protocol or to have made the necessary declaration under the treaty.

It should be noted that a number of States parties have entered substantive reservations or declarations that may limit the scope of the human rights obligations that they assume under the treaties. These should be reviewed when determining whether or not a complaint can be made under a certain section of a treaty.⁷²

2. Individual violations

Individual complaints under treaty bodies may be used only for **cases of human rights violations concerning one or more specific individuals**, and are not usually suited for general patterns of human rights violations where individuals are not identified.

3. Domestic remedies

Individual complaints under international human rights treaties can be submitted only if **effective domestic remedies have been exhausted**, i.e., the case/complaint has completed the various steps of the domestic court system or through any administrative instances capable of providing an available and effective remedy within a reasonable period of time. This rule does not apply if domestic remedies are **ineffective or unduly prolonged**. What constitutes “undue prolongation” cannot be determined generally and must be assessed case by case.

⁷² To learn more about both the status of ratification and State party declarations/reservations to each treaty and the relevant optional protocols [click here](#).

4. Bringing a complaint on behalf of the victim

A person or organization can bring a complaint on behalf of another person provided the individual victim has given **written consent** in the form of a “power of attorney” or an “authority to act”.⁷³

5. Other complaint processes

If a case is **already being considered by the adjudicative complaint procedures of another United Nations body, international or regional organization**, it generally cannot be considered by a United Nations treaty body. If the case has previously been considered and rejected by the **Inter-American Court of Human Rights** or the **European Court of Human Rights**, then the same complaint may sometimes be eligible for consideration by a treaty body. Cases submitted under a special procedures mandate can also be submitted to a treaty body.

6. Form of the complaint

While complainants are encouraged to use model complaint forms (see annexes I and II to this chapter), any form of correspondence including the relevant information is in principle sufficient. This should be submitted in one of the working languages of the relevant human rights treaty body.⁷⁴

⁷³ Such consent is not necessary if there are strong grounds for believing that it is impossible to obtain under the circumstances.

⁷⁴ These languages are usually Arabic, Chinese, English, French, Russian and Spanish, but complainants are advised to check the OHCHR website to confirm the working languages of each body.



What information should individual complaints under treaty bodies include?

- **Basic personal information** on the person whose human rights have allegedly been violated (name, nationality, date of birth);
- Name of the **State party** against which the complaint is directed;
- If the complaint is made on behalf of another individual, **proof of** that person's **consent** or authorization ("power of attorney", in hard copy) or, alternatively, a justification of why such consent or authorization is unavailable or cannot be provided;
- A thorough **account of the facts** on which the complaint is based, clearly presented in chronological order;
- Details of the **steps taken to exhaust all available judicial remedies in the local courts, as well as any effective administrative remedies** which might be available in the State concerned;
- Details of **other submissions of the case or the facts involved** to another means of international investigation or settlement, if any;
- Account of **arguments as to why the facts in the case amount to a violation** of the human rights contained in the treaty whose provisions are invoked. It is useful for the **relevant articles of the treaty** to be identified;
- **All documents relevant** to the claims and arguments (court decisions, etc.);
- Copies of **relevant national laws**, where available;

As a general rule, communications containing abusive language are not considered.

7. Time limits

The International Convention on the Elimination of All Forms of Racial Discrimination is the only human rights treaty that has set a formal deadline for the filing of complaints. Nonetheless, complaints should ideally be submitted **as soon as possible** after the alleged violation has occurred and the domestic remedies have been exhausted. Delayed submission may make it difficult for the State party to respond properly and for the treaty body to evaluate the factual background thoroughly. Complaints concerning violations which occurred prior to the entry into force of the complaint mechanism for the relevant State party will not be examined (except if they have a continuous effect in violation of the treaty). Complaints submitted under the International Convention on the Elimination of All Forms of Racial Discrimination must be submitted within **six months** of the final decision by a national authority in the case.

8. Urgent action

Each committee may take urgent action by way of interim measures if irreparable harm would otherwise be suffered before a given case is examined in the usual course. Typically, such initiatives are undertaken to prevent actions that cannot later be undone, for example the execution of a death sentence or the deportation of an individual facing a risk of torture. **Individuals or organizations requesting a human rights treaty body to consider undertaking interim measures are encouraged to clearly state this in their complaint.**

9. Sensitive matters

If there are **sensitive matters** of a private or personal nature that emerge in the complaint, it is possible to request the committee to suppress the victim's name in its final decision so that his/her identity does not become public.

Elements of the procedures

If the complaint contains the essential elements outlined above, the case is formally listed for consideration (that is, **registered**) by the relevant human rights treaty body.

The case will then be transmitted to the State party concerned to give it an opportunity to comment. Once the State party replies, the complainant is offered an opportunity to comment on the State's response. At that point, the case is ready for a decision by the human rights treaty body. If the State does not reply, despite one or several reminders, the human rights treaty body will take a decision on the case giving due weight to the claims formulated by the complainant.

The two major stages of the human rights treaty body review process are known as the "admissibility" stage and the "merits" stage. At the admissibility stage, the treaty body considers whether the complaint meets the requirements of the procedure. If it determines the case to be admissible, it considers the merits of the complaint. Although these stages are usually considered together, they may be split at the request of the State party. If a case fails at the admissibility stage, the merits of the case may not be considered.

The human rights treaty bodies consider each case in closed meetings. Once a human rights treaty body has taken a decision on a case, the decision is transmitted to the complainant and the State simultaneously. If a human rights treaty body decides that a complainant has indeed been the victim of a human rights violation by a State party under the relevant treaty, it generally identifies the remedy that should be provided and invites the State party to supply follow-up information within a specific period of time (usually six months) on the steps it has taken to give effect to the human rights treaty body's findings.

The text of any final decision on the merits of a case or of a decision of inadmissibility is posted on the OHCHR website as part of the human rights treaty body's jurisprudence.



Where to send an individual complaint under the international human rights treaties

Complaints should be sent to:

Petitions Team

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 22 (particularly for urgent matters, should include all relevant documents in hard copy)

E-mail: tb-petitions@ohchr.org

Always specify which human rights treaty body you are writing to.

B. Communications under special procedures

This mechanism allows for communications to be made concerning either individual cases or more general patterns of human rights abuses. Any individual or group or an organization acting on an individual's behalf can submit cases to special procedures mandate-holders.

Civil society actors can often act as a conduit for individuals seeking protection from human rights abuses. Individuals or organizations wishing to submit a case under any of the special procedures mandates should first check whether there is a country or thematic mandate relevant to their case. In addition, they should carefully read the specific criteria of the mandate that must be fulfilled before the communication can be accepted. In particular, the **Working Group on Arbitrary Detention** and the **Working Group on Enforced or Involuntary Disappearances** have specific criteria that differ from those of other mandates.

On receipt of an individual case, the decision to intervene is at the discretion of the special procedure mandate-holder. It will depend on the criteria that the mandate-holder has established and should be in line with the **Code of Conduct for Special Procedures Mandate-holders**. The criteria will generally relate to:

- The reliability of the source, which should not exclusively be based on media reports;
- The credibility of the information received, which should not be politically motivated;

- The detail provided; and
- The scope of the mandate itself.

To facilitate the examination of reported violations, **questionnaires** relating to several mandates are available online for persons wishing to report alleged violations (see below). It should, however, be noted that communications from individuals or other authors are considered even when they are not submitted in the form of a questionnaire. Authors of communications are encouraged to send regular updates of the information they have submitted.



What information should individual complaints under special procedures include?

- Identification of the alleged **victim(s)**;
- Identification of the alleged **perpetrators** of the violation;
- Identification of the **person(s) or organization(s) submitting the communication** (this information will be kept confidential);
- **Date and place** of the incident; and
- A **detailed description of the circumstances** of the alleged violation.

Note:

- As a general rule, communications that contain abusive language are **not** considered;
- Communications should be **clear and concise**;
- Always specify **which special procedure mechanism** the complaint is addressed to;
- Always **consult the requirements established by each mandate** for the submission of individual complaints; and
- Communications can be written in English, French or Spanish.



Where to send an individual complaint under special procedures

Special Procedures Division
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 06
E-mail: urgent-action@ohchr.org

Please specify which special procedure mechanism the complaint is addressed to in the subject line of the e-mail or fax or on the envelope. Note that some special procedures mandates have established specific requirements that the complaints must meet. Details of these requirements can be found on the OHCHR website, under each mandate.

On the basis of credible and reliable information received from victims of alleged human rights abuses, special procedures mandate-holders can send **communications to Governments**. These are transmitted through OHCHR and may take the form of an **urgent appeal**, if a serious violation appears ongoing or imminent, or a **letter of allegation**, if a violation has allegedly already occurred. Through communications, the mandate-holder asks the Government concerned for clarification on a specific case and/or adequate remedial measures. Mandate-holders can also request Governments to communicate the results of their investigation and actions.

Depending on the response received, they may decide to further inquire or make specific recommendations. In some instances they can also decide to issue a public statement on the case.

Under the rules of the Human Rights Council, all special procedures are required to **report** on their activities at its annual sessions. Communications sent and received are usually confidential and remain so until the annual report of the relevant special procedure is made public, unless the mandate-holder decides to issue a press statement.⁷⁵

Please note that the alleged victims are named in the reports of special procedures mandate-holders, except in the case of children or specific circumstances. Given the public nature of the reports of special procedures mechanisms, it is important that individuals or organizations acting on behalf of victims of human rights violations ensure that the victims are aware that their case is being transmitted to the special procedures mechanisms, that their names may be communicated to the authorities concerned, and that their names (or initials) may appear in the public report of the relevant special procedure.

⁷⁵ In addition to annual reports, some mandate-holders issue other documentation that helps to explain their work and the scope of their mandates. In particular, the Working Group on Arbitrary Detention issues “deliberations” on general matters and “opinions” on individual complaints; and the Working Group on Enforced or Involuntary Disappearances issues “general comments” on the Declaration on the Protection of All Persons from Enforced Disappearance.



Standard questionnaires are available for reporting alleged violations under the following mandates:

- **Working Group on Arbitrary Detention**
- **Working Group on Enforced or Involuntary Disappearances**
- **Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination**
- **Special Rapporteur on extrajudicial, summary or arbitrary executions**
- **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**
- **Special Rapporteur on the human rights of migrants**
- **Special Rapporteur on the sale of children, child prostitution and child pornography**
- **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**
- **Special Rapporteur on trafficking in persons, especially in women and children**
- **Special Rapporteur on violence against women, its causes and consequences; and**
- **Special Rapporteur on the situation of human rights defenders.**

However, communications from individuals and other sources will be considered even when they are not submitted in the form of a questionnaire.

C. The Human Rights Council's complaint procedure

Under the Human Rights Council's complaint procedure, communications may be submitted by any individual or group claiming to be a victim of human rights violations or having direct, reliable knowledge of such violations. The important elements of this procedure are set out below.



What information should complaints under the Human Rights Council's complaint procedure include?

- Identification of the **person(s) or organization(s) submitting the communication** (this information will be kept confidential, if requested). Anonymous complaints are not admissible;
- **Description of the relevant facts** in as much detail as possible, providing names of alleged **victims, dates, locations and other evidence**;
- Purpose of the complaint and the **rights allegedly violated**;
- **Explanation** of how the case may reveal a **pattern of gross and reliably attested human rights violations** rather than individual violations; and
- Details of how **domestic remedies have been exhausted**, or explanation of how such remedies would be ineffective or unreasonably prolonged.

Note:

- All complaints must be in writing. Please note that it is not sufficient to rely on mass media reports. If you intend to submit a human rights report as evidence, attach a cover letter to identify yourself, explain the case you want to make and that you wish the complaint to be dealt with under the Human Rights Council's complaint procedure.
- It is advisable to limit the complaint to 10-15 pages. Additional information may be submitted at a later stage.
- Complaints can be written in English, French, Russian or Spanish. Documents in other languages should be translated or summarized in one of these languages; and
- Communications that contain language deemed abusive or insulting will not be considered.

The detailed modalities and procedures of this complaint mechanism are laid out in Council **resolution 5/1**. The information provided in this section is based on the provisions of that resolution. It is expected that these initial provisions and working methods, in particular in relation to feedback-sharing with complainants through the various stages of the process, will be further developed.

The stages of the complaint procedure are:

Stage 1: Initial screening

The OHCHR secretariat, together with the Chairperson of the **Working Group on Communications**, screens all communications (complaints) as they arrive on the basis of the admissibility criteria, and discards those found to be manifestly ill-founded or anonymous. If a communication is admitted to the next stage of the procedure, the author receives a written acknowledgement and the communication is sent to the Government concerned for reply.

Stage 2: Working Group on Communications

The **Working Group on Communications** is composed of five appointed members of the **Human Rights Council Advisory Committee** and is mandated to meet at least twice a year for five days each session. This Working Group examines complaints that have passed the initial screening stage and any replies received from Governments with a view to bringing to the attention of the Working Group on Situations any particular situation appearing to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

Stage 3: Working Group on Situations

The **Working Group on Situations** is composed of five members of the Human Rights Council, who serve in their personal capacity, and is mandated to meet at least twice a year, for five days each session, to consider situations referred to it by the Working Group on Communications. It assesses the cases referred to it and produces a report for the Human Rights Council with specific recommendations on the action to be taken with regard to any situation that reveals a consistent pattern of gross violations. Alternatively, it may decide to keep a situation under review or to dismiss a case.



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

Stage 4: Human Rights Council

The Human Rights Council considers, in plenary, situations brought to its attention by the Working Group on Situations as frequently as needed, but at least once a year. It examines the reports of the Working Group on Situations referred to it in a confidential manner, unless it decides otherwise. Based on its consideration of a situation the Council may take action, usually in the form of a resolution or decision. It may decide on the following measures:

- To discontinue considering the situation when further consideration or action is not warranted;

- To keep the situation under review and request the State concerned to provide further information within a reasonable period of time;
- To keep the situation under review and appoint an independent and highly qualified expert to monitor the situation and report back to it;
- To discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same;
- To recommend that OHCHR should provide technical cooperation, capacity-building assistance or advisory services to the State concerned.

All material provided by individuals and Governments regarding a situation under consideration, as well as the decisions taken at the various stages of the procedure, remains **confidential**. This also applies to situations that have been discontinued.



Where to send a complaint under the Human Rights Council's complaint procedure

Human Rights Council Branch (complaint procedure)

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Fax: +41 (0)22 917 90 11

E-mail: CP@ohchr.org

Annex I - Model complaint form for communications under:

- The **Optional Protocol to the International Covenant on Civil and Political Rights**
- The **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**; or
- The **International Convention on the Elimination of All Forms of Racial Discrimination**

Please indicate which of the above procedures you are invoking

Date: _____

I. Information on the complainant:

- Family name
- First name(s)
- Nationality
- Date and place of birth
- Address for correspondence on this complaint
- Indicate whether you are submitting the communication:
 - On your own behalf
 - On behalf of another person.

[If the complaint is being submitted on behalf of another person:]

- Please provide the following personal details of that other person:
 - Family name
 - First name(s)
 - Nationality
 - Date and place of birth
 - Address or current whereabouts.

If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint

or

If you are not so authorized, please explain the nature of your relationship with that person and detail why you consider it appropriate to bring this complaint on his or her behalf.

II. State concerned/articles violated

- Name of the State that is either a party to the Optional Protocol (in the case of a complaint to the Human Rights Committee) or has made the relevant declaration (in the case of complaints to the Committee against Torture or the Committee on the Elimination of Racial Discrimination);
- Articles of the Covenant or Convention alleged to have been violated.



III. Exhaustion of domestic remedies/application to other international procedures

- Steps taken by or on behalf of the alleged victim(s) to obtain redress within the State concerned for the alleged violation—detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes;
- If you have not exhausted these remedies because their application would be unduly prolonged, they would not be effective, they are not available to you, or for any other reason, please explain your reasons in detail;
- Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g., the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)?;
- If so, detail which procedure(s) have been or are being pursued, which claims you have made, at which times, and with which outcomes.

IV. Facts of the complaint

- Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters that may be relevant to the assessment and consideration of your particular case. Please explain how you consider that the facts and circumstances described violate your rights;
- Author's signature.

V. Checklist of supporting documentation (copies, not originals, to be enclosed with your complaint):

- Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization);
- Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful);
- Complaints to and decisions by any other procedure of international investigation or settlement;
- Any documentation or other corroborating evidence you possess that substantiates your description in part IV (above) of the facts of your claim and/or your argument that the facts described amount to a violation of your rights.

If you do not enclose this information and it needs to be sought specifically from you, or if accompanying documentation is not provided in the working languages of the secretariat, the consideration of your complaint may be delayed.

Annex II - Complaint guidelines for communications under:

- The **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

1. Information concerning the author(s) of the communication

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Postal address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail
- Indicate whether you are submitting the communication as:
 - Alleged victim(s); if there is a group of alleged victims, provide basic information about each individual.
 - On behalf of the alleged victim(s); provide evidence showing the consent of the victim(s), or reasons that justify submitting the communication without such consent.

2. Information concerning the alleged victim(s) (if other than the author)

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Postal address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail.

3. Information on the State party concerned

- Name of the State party (country).

4. Nature of the alleged violation(s)

Provide detailed information to substantiate your claim, including:

- Description of alleged violation(s) and alleged perpetrator(s)
- Date(s)
- Place(s)
- Provisions of the Convention on the Elimination of All Forms of Discrimination against Women that were allegedly violated. If the communication refers to more than one provision, describe each issue separately.

5. Steps taken to exhaust domestic remedies

Describe the action taken to exhaust domestic remedies; for example, attempts to obtain legal, administrative, legislative, policy or programme remedies, including:

- Type(s) of remedy sought
- Date(s)
- Place(s)
- Who initiated the action
- Which authority or body was addressed
- Name of court hearing the case (if any)
- If domestic remedies have not been exhausted, explain why

Note: Enclose copies of all relevant documentation.

6. Other international procedures

Has the same matter already been examined or is it being examined under another procedure of international investigation or settlement? If so, explain:

- Type of procedure(s)
- Date(s)
- Place(s)
- Results (if any)

Note: Enclose copies of all relevant documentation.

7. Date and signature

Date/place: _____

Signature of author(s) and/or victim(s): _____

8. List of documents attached (do *not* send originals, only copies)

IX. FUNDS AND GRANTS

There are a number of funds and grants, some of which are directly managed by the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, which directly benefit civil society actors, including non-governmental organizations (NGOs), grass-roots organizations, professional associations and individuals. These can provide financial support for civil society activities in certain human rights areas.

Funds make available financial grants to support activities within their mandate. OHCHR and other United Nations offices administer several funds and grants to support civil society actors in certain circumstances. The funds receive voluntary contributions from Governments, NGOs, other private or public entities, and individuals for distribution according to their mandate.

Civil society organizations, such as NGOs, grass-roots organizations, community groups and professional associations, are generally eligible to apply for the funds and grants. In some cases individuals may also apply for funding. Civil society actors wanting to apply should carefully review the guidelines and ensure that they meet the administrative and other requirements.

Consultative status with the United Nations Economic and Social Council (ECOSOC) is not a requirement for NGOs and other civil society actors to participate in or access any of these funds or grants.

A. What are the funds and grants?

The funds and grants administered by OHCHR are:

- The **United Nations Voluntary Fund for Victims of Torture**, which offers grants to civil society actors providing medical, psychological, social, economic, legal, humanitarian or other forms of assistance to victims of torture and members of their families. Eligible civil society actors include, in particular, NGOs, specialized rehabilitation centres, associations of victims, foundations and hospitals, and, less frequently, individual human rights defenders, for example, lawyers acting on behalf of victims;

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.

- The **Voluntary Fund for Indigenous Populations**, which provides travel grants to facilitate the participation of representatives of indigenous communities and organizations in United Nations meetings relating to indigenous issues;
- The **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery**, which provides small project grants in particular to civil society organizations, such as NGOs, community and youth groups, trade unions or professional associations assisting victims of contemporary forms of slavery; and
- The **“Assisting Communities Together” (ACT) Project**, which provides small grants to support local human rights training and education initiatives.

Two other funds that support civil society activities on important issues are also addressed in this chapter:

- The **United Nations Democracy Fund**, which provides funding for projects that build and strengthen democratic institutions, promote human rights and ensure the participation of all groups in democratic processes; and
- The **United Nations Voluntary Fund on Disability**, which provides small grants to support activities aimed at building the capacity of civil society organizations to take part in the implementation of the **Convention on the Rights of Persons with Disabilities**.

While administered by other United Nations offices, OHCHR has a designated role in both these funds.



Contact details

OHCHR-administered funds

United Nations Voluntary Fund for Victims of Torture

United Nations Voluntary Fund for Victims of Torture
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 93 15
Fax: +41 (0)22 917 90 17
E-mail: unvft@ohchr.org

Voluntary Fund for Indigenous Populations

Voluntary Fund for Indigenous Populations
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 928 91 64 or +41 (0)22 928 91 42
Fax: +41 (0)22 928 90 66
E-mail: IndigenousFunds@ohchr.org

United Nations Voluntary Fund on Contemporary Forms of Slavery

United Nations Voluntary Fund on Contemporary Forms of Slavery
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 928 93 81 or +41 (0)22 928 91 64
Fax: +41 (0)22 928 90 66
E-mail: SlaveryFund@ohchr.org

‘Assisting Communities Together’ (ACT) Project

ACT Project
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 928 90 61
E-mail: ACTProject@ohchr.org



Funds administered by other United Nations offices in which OHCHR has a designated role

United Nations Democracy Fund

United Nations Democracy Fund (UNDEF)
United Nations
One UN Plaza, Room DC1-1330
New York, NY 10017
United States of America
Phone: +1 917 367 42 10 or +1 917 367 80 62
Fax: +1 212 963 14 86
E-mail: democracyfund@un.org

United Nations Voluntary Fund on Disability

Secretariat for the Convention on the Rights of Persons with Disabilities
Department for Economic and Social Affairs
United Nations
Two UN Plaza, DC2-1372
New York, NY 10017
United States of America
Fax: +1 212 963 01 11
E-mail: enable@un.org

B. How do the funds and grants work?

1. United Nations Voluntary Fund for Victims of Torture

The **United Nations Voluntary Fund for Victims of Torture's** mandate is to provide **grants** to projects for humanitarian assistance (medical, psychological, legal, social and financial) to victims of torture and members of their families through established channels of assistance, usually civil society actors such as NGOs, specialized rehabilitation centres, associations of victims, foundations and hospitals, and less frequently, individual human rights defenders. Applications from governmental, parliamentary or administrative entities, political parties or national liberation movements are inadmissible.

The Voluntary Fund for Victims of Torture is the largest managed by OHCHR, contributing to projects implemented by civil society actors in more than 60 countries. It is administered by the United Nations Secretary-General on the advice of a Board of Trustees. The Board meets twice a year, in February on policy issues and October to award grants. It reviews reports on the use of previous grants and adopts recommendations on

new grants, and also meets with regular donors to the Fund, as well as other institutional donors, and discusses policy issues relating to assistance to victims of torture.

The Fund's secretariat and Board are based at OHCHR in Geneva. The secretariat determines the admissibility of applications for project grants, while it is the role of the Board to judge the applications on their merits. The Board considers a number of elements including:

- The number of victims of torture and members of their families to be assisted by a project;
- The type of torture endured and after-effects suffered;
- The type of assistance needed;
- The professional experience of the project staff in assisting victims of torture;
- Case studies of victims to be assisted; and
- The need to assist small projects for humanitarian assistance to victims of torture, most of which have very little funding, in priority regions: Africa, Asia, Central Asia and Eastern Europe.

Grants from the Fund cover a 12-month period. New applications for the continuation of a project can be submitted and a new grant recommended provided the Board receives satisfactory **narrative, financial and audit reports on the use of the previous grant.**

The grant cycle is the following each year:

- Deadline for the reception of applications and reports on the use of previous grants: **1 April**;
- Analysis by the secretariat of the applications, as well as pre-screening visits to admissible applicants: **April to September**;
- Meeting of the Board of Trustees: **October**;
- Information to applicants on the recommendation of the Board: **November**;
- Payment of grants: **January of the year following application.**

[How to access the United Nations Voluntary Fund for Victims of Torture⁷⁶](#)

Who is eligible for a grant?

- Only non-governmental entities can apply; this includes NGOs, specialized rehabilitation centres, associations of victims, foundations and hospitals, and, less frequently, individual human rights defenders, for example lawyers acting on behalf of victims.
- Applications from Governments, national liberation movements or political parties are not admissible.

⁷⁶ Governments, NGOs and other private or public entities can contribute to the Fund. For information on how to contribute, please contact its secretariat.

- The projects' direct beneficiaries must be victims of torture, as understood in article 1 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or their direct family members.
- The staff involved in the project should have experience in direct assistance to victims of torture and the project should already be in place at the time of the submission of the grant request.
- Applications must be made using the Fund's online application form, which is available on the OHCHR website.
- Applications must be submitted to the Fund's secretariat before 1 April each year.

First-time applicants to the Fund should:

- Provide background information on their organization;
- Demonstrate that its staff has relevant experience in providing direct assistance to victims of torture (the curriculum vitae should be attached);
- Explain the aims of and justification for the project; and
- Provide the statutes of the organization.

What types of projects are accepted?

- Applications for grants should aim at providing medical, psychological, social, economic, legal, humanitarian or other forms of assistance to victims of torture and members of their families;
- Applications for projects concerning social or economic reintegration of victims of torture into society, including vocational training for the victims themselves, are accepted;
- Subject to the availability of funds, a limited number of grants could also be given for the training of professionals or for the organization of conferences and seminars with a special focus on the treatment of victims of torture;
- Applications for projects aiming at campaigning against torture, preventing torture or providing financial assistance to other projects will not be accepted;
- Applications for projects concerning investigations, studies, research, the publication of newsletters or similar activities will not be accepted;
- As a rule, applications for projects aiming at financing the establishment of a new NGO or other civil society organization will not be accepted;
- NGOs and other civil society actors submitting applications for projects to provide direct legal assistance to victims of torture should submit information on whether the judiciary can provide free legal aid to defend the victims, in conformity with domestic law. The list of the victims to be assisted under legal aid should be provided together with the application form;
- The Fund does not provide financial compensation to victims.

Emergency grants

Civil society actors can exceptionally submit a request for emergency assistance between two sessions of the Board for projects currently subsidized by the Fund which encounter financial difficulties. Civil society actors should send their requests for emergency funding on the secretariat's application form, as well as a detailed letter explaining why they need emergency financial assistance. Applications will be considered eligible only in cases where an unpredictable situation has resulted in a sudden increase in the number of victims assisted (e.g., as a result of an influx of torture victims due to a humanitarian crisis).



How to submit an application to the Fund

As a rule, applications should be made through the online grant management system. Exceptionally, applications can be sent in paper form by airmail or by e-mail. The application form is available upon request from the secretariat.

Where to submit an application

United Nations Voluntary Fund for Victims of Torture Office of the United Nations High Commissioner for Human Rights

Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Phone: +41 (0)22 917 93 15
Fax: +41 (0)22 917 90 17
E-mail: unvft@ohchr.org

When submitting an application, please note:

- The Fund's secretariat will not accept applications that do not use the Fund's application form, do not provide all the requested information, are not signed and dated by the project leader, or in any manner do not comply with the guidelines of the Fund.
- The application may be in English, French or Spanish.

For more information on the United Nations Voluntary Fund for Victims of Torture visit OHCHR's website.

2. Voluntary Fund for Indigenous Populations

The **Voluntary Fund for Indigenous Populations** seeks to facilitate the participation of representatives of indigenous communities and organizations in the two United Nations bodies working on indigenous rights:

- The **Expert Mechanism on the Rights of Indigenous Peoples**; and
- The **Permanent Forum on Indigenous Issues**.

The Expert Mechanism on the Rights of Indigenous Peoples is a new mechanism of the **Human Rights Council**⁷⁷ which replaced the **Working Group on Indigenous Populations** of the former Sub-Commission on the Promotion and Protection of Human Rights.



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

The Permanent Forum on Indigenous Rights, an advisory body to the United Nations **Economic and Social Council**, is a high-level body based in New York that contributes to inter-agency cooperation on indigenous issues. The Voluntary Fund for Indigenous Populations, managed by OHCHR, provides **travel grants** for representatives of indigenous peoples and organizations working with them to participate in these bodies. In this way indigenous civil society actors can contribute their expertise and take home the lessons learned.

The Fund is administered by the United Nations Secretary-General in accordance with the Financial Regulations and Rules of the United Nations with the advice of a Board of Trustees, all of whom have experience on indigenous issues.

How to access the Voluntary Fund for Indigenous Populations⁷⁸

The contribution and active engagement of local, national and international civil society actors have significantly helped to advance indigenous issues on the world stage. The United Nations bodies on indigenous populations are important tools of action for civil society actors working with indigenous people and for indigenous civil society groups themselves. The Fund's travel grants aim to increase the number and diversity of indigenous peoples participating in these bodies.

⁷⁷ Established by resolution 6/36 of 14 December 2007.

⁷⁸ Governments, NGOs and other private or public entities can contribute to the Fund. For information on how to contribute, please contact its secretariat.

Who is eligible for a grant?

Indigenous representatives of indigenous populations' organizations and communities:

- Who would not otherwise be able to attend the sessions of the Expert Mechanism or the Permanent Forum; and
- Who can contribute to a deeper knowledge on the part of the Expert Mechanism or the Permanent Forum of the problems affecting indigenous populations, and who would also secure a broader geographical representation.

Application requirements

- Travel grants are given on an individual basis—an organization or beneficiary cannot request that a beneficiary be replaced by another;
- Applications by individuals must be accompanied by a letter of recommendation signed by an executive of their indigenous organization. The Board will not examine letters signed by the applicants themselves;
- A maximum of two applicants per organization may apply;
- Applicants are requested to submit application forms and recommendation letters in the working languages of the Board's secretariat (English, French or Spanish);
- Applicants are requested to indicate their responsibility in their organization or community;
- The Board's recommendation in favour of an applicant to attend a session of the Permanent Forum does not exclude another recommendation to attend the Expert Mechanism and vice versa.



Where to submit an application

Application forms for grants are available on the OHCHR website and should be submitted by **1 October each year** to:

Voluntary Fund for Indigenous Populations

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Phone: +41 (0)22 928 91 64 or +41 (0)22 928 91 42

Fax: +41 (0)22 928 90 66

E-mail: IndigenousFunds@ohchr.org

To learn more about OHCHR work on indigenous peoples visit OHCHR's website.

3. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery** provides small **project grants** in particular to civil society organizations, such as NGOs, community and youth groups, trade unions or professional associations, assisting victims of contemporary forms of slavery (e.g., child labour, trafficking, forced labour). The aim of the project grants is to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It provides an opportunity for civil society actors, often working at the grass-roots level, to assist a large number of victims directly, with relatively small funds.

How to access the United Nations Voluntary Fund on Contemporary Forms of Slavery

Many civil society actors today are combating and protecting victims of contemporary forms of slavery in various parts of the world. Slavery-like practices are often clandestine and civil society actors may have a crucial role in uncovering hidden human rights violations linked to contemporary forms of slavery. The word “slavery” today covers a variety of human rights violations. In addition to traditional slavery and the slave trade, these abuses include the sale of children, child prostitution, child pornography, the exploitation of child labour, the sexual mutilation of girls, the use of children in armed conflicts, debt bondage, the traffic in persons and the sale of human organs, the exploitation of prostitution, and certain practices under apartheid and colonial regimes.

The **project grants** in particular for civil society organizations, such as NGOs, community and youth groups, trade unions or professional associations, aim to increase the participation of civil society in eliminating slavery around the world.

Who is eligible for project grants?

- Organizations that provide direct assistance to individuals whose human rights have been violated as a result of contemporary forms of slavery. This direct assistance accounts for the majority of the grants awarded. The funds are passed to the recipient through approved and established civil society organizations or grass-roots networks that provide humanitarian, legal and financial assistance to victims;
- Organizations that provide indirect assistance to victims through preventive measures and training. Many of the projects selected involve rehabilitation and education programmes to help the victims become self-sufficient and less vulnerable to exploitation.

Application requirements

- The original application form, available online, must be submitted by airmail and should be signed and dated. Applications can be submitted in English, French or Spanish;
- An organization can request maximum US\$ 15,000 per grant from the Fund;
- Projects will be selected from all the geographical regions in order to provide the widest possible view of contemporary forms of slavery in the world;
- The project should take gender balance into consideration;
- Project grants should be allocated for direct assistance to victims and to local civil society organizations. Grants can be channelled via an international NGO, provided that it does not keep any part of the grant for its activities;
- The Board will not consider an application for which the secretariat has not received, at its request, additional satisfactory information after a second reminder.



Projects benefiting from the Voluntary Fund on Contemporary Forms of Slavery

Mahila Seva Samithi,

India: In 2005, US\$ 2,000 worth of aid helped 88 victims of child labour to be admitted to elementary and primary schools and supplied with study

materials. The project ensured follow-up evaluations every four months to track the children's progress.

Jadakris, Nigeria:

In 2006, 30 victims of human trafficking received support worth US\$ 6,400 for rehabilitation and retraining to enable them to earn a livelihood.



Where to submit an application

Application forms for grants should be submitted by **15 September each year** to:

**United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
Office of the United Nations High Commissioner for Human Rights**

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland

Phone: +41 (0)22 928 93 81 or +41 (0)22 928 91 64

Fax: +41 (0)22 928 90 66

E-mail: SlaveryFund@ohchr.org

Applicants should submit a fully completed application form available on the OHCHR website.



For more information, please also consult the **United Nations Voluntary Trust Fund on Contemporary Forms of Slavery brochure**.

4. “Assisting Communities Together” Project

In 1998 OHCHR and the United Nations Development Programme (UNDP) established the **“Assisting Communities Together” (ACT)** Project, which provides small grants to civil society actors, such as NGOs, local associations, educational institutions and professional groups carrying out **human rights education and training activities in local communities**. Throughout the years, it has focused on supporting activities in the context of the United Nations Decade for Human Rights Education (1995-2004) and of the World Programme for Human Rights Education (2005-ongoing). Since 1998, OHCHR and UNDP have supported more than 800 projects in 73 countries.

The overall administration of the ACT Project is coordinated by OHCHR headquarters. In each participating country, a local “ACT Task Force”, composed of staff of the UNDP country office and the OHCHR field presence (when applicable) as well as other United Nations entities, disseminates the application forms, selects the activities to be granted and is responsible for monitoring the implementation of the activities through direct contacts with the grant recipients.

The ACT Project takes a bottom-up approach by encouraging action at the community level with a view to improving respect for human rights in practical ways, relevant to people’s specific conditions. The ACT Project is principally aimed at strengthening local capacities for human rights education, training and public information. For instance, it has funded:

- Human rights workshops and training courses for various groups, including teachers, women, social workers, public officials and indigenous peoples;
- Human rights awareness campaigns with cultural events, such as theatre performances, art exhibits and rock concerts;
- The production/translation of human rights materials and their dissemination through the media;
- The creation of information centres for the promotion and protection of human rights;
- Education programmes for specific vulnerable groups, such as prisoners, sex workers, HIV-positive persons, orphans, internally displaced persons; and
- Human rights education activities for children and youth, such as school competitions and the establishment of human rights youth clubs.

How to access the ACT Project

The ACT Project provides financial support to grass-roots civil society actors, in particular local NGOs, educational institutions, professional groups, local media and women's organizations that carry out human rights education activities.

Application requirements

- The applicant must be a civil society organization or association with institutional capacity to carry out the project it is proposing;
- The proposed project should be innovative, replicable and designed to provide maximum sustainable impact locally;
- Projects should last no longer than six months and have a maximum budget of US\$ 5,000;
- Applications are disseminated and collected by the national United Nations focal point for the ACT Project in participating countries, within deadlines set nationally. The grantee enters into a grant agreement with the UNDP country office or with OHCHR;
- Project applications and reports can be submitted in English, French or Spanish.



Examples of ACT Project funding

In **Madagascar**, the ACT Project supported an initiative focused on the rights of children with disabilities, which included a puppet show and the preparation and distribution of a related manual. The project reached more than 6,000 pupils in 14 schools. School directors have recommended that the event should be repeated at the beginning of each school year.

The South Women's Media Forum in Rafah, southern Gaza Strip, occupied Palestinian territory, was set up in 2005, for young women, particularly those working in the media. The founders believed it was important to provide a forum for women media workers who found it more difficult than their male counterparts to meet, network and share ideas regarding their work, and recognizing that women's

rights were not adequately addressed by the media. The ACT grant supported human rights training, focusing on women's rights, for 15 women journalists from the southern Gaza Strip; the production of the first issue of a specialized magazine for women in the media, which focused on human rights; and five workshops for women from different areas in the southern Gaza Strip.



How to contact the ACT Project

ACT Project

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8-14, avenue de la Paix

CH-1211 Geneva 10 - Switzerland

Fax: +41 (0)22 928 90 61

E-mail: ACTProject@ohchr.org

For more information on the ACT Project consult the *ACT Project, Assisting Communities Together* brochure for Phases I and II of the Project on OHCHR's website.

5. United Nations Democracy Fund

The **United Nations Democracy Fund** (UNDEF) was established in July 2005 as a result of the 2005 World Summit.⁷⁹ Its primary purpose is to support democratization throughout the world by providing assistance to governmental, non-governmental, national, regional and international organizations, including relevant United Nations departments, offices, funds, programmes and agencies. UNDEF finances projects that build and strengthen democratic institutions, promote human rights and ensure the participation of all groups in democratic processes. Eligible activities include:

- Democratic dialogue and support for constitutional processes;
- Civil society empowerment;
- Civic education, voter registration and strengthening political parties;
- Citizens' access to information;
- Human rights and fundamental freedoms; and
- Accountability, transparency and integrity.

UNDEF is administered by the **United Nations Office for Partnerships**, at United Nations headquarters in New York. An Advisory Board of 19 members was established to provide policy guidance and to recommend funding proposals for approval by the Secretary-General. The Advisory Board consists of Member States, representatives from international NGOs and personal representatives of the Secretary-General. In the first round of project selection and fund disbursements in 2006, the then Secretary-General, Mr. Kofi Annan, approved 125 projects worth US\$ 36 million, covering all regions.

How to access the United Nations Democracy Fund

UNDEF can receive applications for project funding from a wide range of democracy and governance actors, including national human rights institutions (NHRIs), but with a particular focus on civil society organizations, such as national and international NGOs, research and policy institutes, and professional associations.

Some of the requirements that UNDEF-financed projects must meet are:

- Projects must generally be implemented over a period of two years;
- Grants do not in principle exceed US\$ 500,000 for any given project and are usually of a minimum of US\$ 50,000;
- Applications from all countries, as well as regional and global initiatives, are considered; and
- Preference will be given to applicants from countries and regions where the difficulties of democracy are more critical and pervasive, such as countries emerging from conflict, new and restored democracies, the least developed countries, and low- and middle-income countries.

⁷⁹ See General Assembly resolution 60/1 on the 2005 World Summit Outcome.

UNDEF aims at supporting projects that promote democracy and whose outputs would strengthen, for instance, the relations between civil society and governmental bodies, the inclusion and participation of marginalized segments of society and vulnerable groups, or foster South-South cooperation.



How to apply to UNDEF

Organizations wishing to apply for UNDEF funding should visit its website, where they will be prompted to complete an online proposal, which can be completed in English or French. The Fund will not accept proposals submitted by e-mail, regular post, fax, hand or courier delivery or any other channel.

How to contact UNDEF

United Nations Democracy Fund (UNDEF)

United Nations

1 UN Plaza, Room DC1-1330

New York, NY 10017

United States of America

Phone: +1 917 367 42 10 or +1 917 367 80 62

Fax: +1 212 963 14 86

E-mail: democracyfund@un.org

For more information, please visit the [UNDEF website](#).

6. The United Nations Voluntary Fund on Disability

The **United Nations Voluntary Fund on Disability** was established pursuant to General Assembly resolution 32/133, in connection with preparations for the 1981 International Year of Disabled Persons. The General Assembly has since decided that the Fund should continue and it now provides small grants to support activities aimed at building the capacity of civil society organizations to take part in the implementation of the **Convention on the Rights of Persons with Disabilities**.

The Fund provides small grants to support catalytic and innovative activities to:

- Promote greater awareness of the Convention and disability issues, and support the implementation of the Convention;
- Permit the exchange of knowledge and experience, as well as dissemination of inclusive and accessible policies and practices;
- Promote mainstreaming of disability in the development agenda; and
- Build the capacity of stakeholders to improve the livelihoods and well-being of persons with disabilities in developing countries, and to implement the Convention (stakeholders may include organizations of persons with disabilities, other civil society organizations, Governments, private sector organizations and international development donors).

The Fund is administered by the **Department of Economic and Social Affairs** at United Nations headquarters in New York.

How to access the United Nations Voluntary Fund on Disability

Since its establishment in 1981, the Fund has supported activities that aim to build national and institutional capacities to improve the livelihood and well-being of persons with disabilities in developing countries. It has also supported awareness-raising on the Convention on the Rights of Persons with Disabilities, such as training, communications support and public information activities. Funding is available to both civil society organizations and Governments, but does not extend to individuals.

Project proposals are accepted throughout the year. Civil society organizations wishing to submit a proposal first need to obtain a letter of concurrence/non-objection from the relevant governmental officials, prior to submitting a request for assistance to the Fund. Civil society organizations may wish to consult the local UNDP office about procedures for obtaining such a letter.



How to apply to the United Nations Voluntary Fund on Disability

A project proposal template is available for use when submitting applications for assistance. Project proposals will be accepted in other formats provided that all necessary information is included. Proposals may be submitted in English, French or Spanish. Project proposal templates are available from the **United Nations Enable website**.

Proposals should be sent by e-mail, fax or post (e-mail submissions are preferred) to:

Secretariat for the Convention on the Rights of Persons with Disabilities
Department for Economic and Social Affairs
United Nations

Two UN Plaza, DC2-1372

New York, NY 10017

United States of America

Fax: +1 212 963 01 11

E-mail: enable@un.org

For more information on the Fund, the Convention on the Rights of Persons with Disabilities and on the work of the United Nations on disability, please visit the United Nations Enable website.

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2007 REPORT ON ACTIVITIES AND RESULTS
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