

RESOURCE KIT

2nd Training Course on “Using International Mechanisms for Human Rights - Scope and Limitations for Indian NGO's”.

17 and 18 September 2011

KROSS, Bangalore

Organised by



SICHREM SOUTH INDIA CELL FOR HUMAN RIGHTS EDUCATION & MONITORING

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For Additional and More Information.

<p>1. Working with the UN HR Programme by the OHCHR (2008) available at www.ohchr.org.</p> <p>2. The UN HR System - How to make it work for you (2008) by UN NGO Liaison Service (NGLS) http://www.un-nhls.org.</p> <p>3. Special Procedures: Facts and Figures 2009 - www.ohchr.org.</p> <p>4. Fact sheet No 29 on Human Rights Defenders</p> <p>5. GA resolution A / 60 / 251 on the Council. *</p> <p>6. UPR - http://www.ohchr.org/EN/HR/Bodies/UPR</p> <p>7. UPR April 2008 India - 3 compilations UPR / OHCHR -> A/HRC/WG.6/1/IND/2 27.3.2008 (Govt., NGOs, OHCHR)A/HRC/8/26 and Add 1 & 2. (Outcome June 2008)</p>	<p>8. Mission Reports on India</p> <p>a. Right to Food (2005 / Ziegler) E/ CN. 4/ 2006 /44/ Add.2</p> <p>b. Freedom of Religion or Belief (2008 / Asma Jahangir) A/HRC/10/8/Add.3</p> <p>c. Health (2007 / Hunt) A/HRC/7/11/Add.4</p> <p>9. April 2008 UPR documents: http://www.wgchr.org/pdf/2.%20UPR.pdf</p> <p>10. WGHR submission to HRC: http://www.wgchr.org/pdf/WGHR%20written%20submission%20HRC%20-%20May%202011.pdf</p> <p>11. WGHR report on implementation of recommendations: http://www.wgchr.org/pdf/WGHR-chart-status-implementation-18-recommendations.pdf</p> <p>12. WGHR report on UPR consultative workshop, April 2011 http://www.wgchr.org/pdf/Report%20on%20UPR%20Workshop.pdf</p> <p>13. UN Special Procedures Facts & Figures 2010: http://www2.ohchr.org/english/bodies/chr/special/docs/Facts_Figures2010.pdf *</p> <p>14. SR Statement on HRD: http://wgchr.org/unspecialrapporteur.html</p> <p>15. SR Statement on Toxic Waste: http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9880&LangID=E</p> <p>16. Programme for 18th Session of UN HRC: http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/PoW18HRC.pdf *</p>
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SICHREM

'Making Human Rights a Household Concept'

SICHREM-South India Cell for Human Rights Education and Monitoring was established in 1995, as an answer to the growing insensitivity to the supremacy of the rule of law. The founders reckoned that the best remedy for building a responsible civil society would be through a process of education, sensitization and intervention.

SICHREM's vision is to create a fearless society where the rights of the last and the least will be respected without any kind of bias and hopes to make human rights a household concept by adopting a proactive stance on the restoration of rights and by advocating a rights-based value system. SICHREM believes that the domain of human rights extends to all realms of the society to embrace social, cultural, economic, civil and political rights. Thus, it consciously takes a pro-poor, gender-sensitive and pro-child stance.

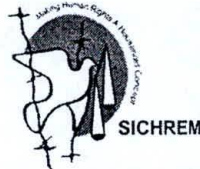
Coinciding with the declaration of UN Decade for Human Rights Education, SICHREM launched its human rights education program in 1995, since then has initiated innovative projects and activities to address the issues of dignity and rights of the marginalized communities.

Objective:

- Human rights education for students, activists, NGO's staff, government officers & larger public.
- Monitoring status of human rights in South India continuously and document the same.
- Undertake advocacy for the victims of human rights violation and obtain justice for them.
- Campaign and lobby in regional, national and international policy matters on human rights.
- Campaign for reforms in law and implementation of UN Conventions and treaties on human rights.
- Maintains a documentation center and disseminates information info and other supports services to human rights groups and activists, students and several public.
- Conducts fact-finding on incidents of human rights and take follow-up action.
- Support the struggle for justice and the right to livelihood by people's organisation and of underprivileged section.
- Networking with rights groups and activists and explore areas of mutual support and common activities.

Core Activities:

- Human Rights Training
- Monitoring of Human Rights violations
- District Human Rights Centers
- Human Rights Legal Clinics
- Human Rights Helpline
- Human Right Educations in Schools
- National Programme on Preventing Torture in India
- The Right to Education(RTE)
- The Aflatoon Program
- The Documentation Centre
- Advocacy, Campaign and Lobbying
- Networking



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About the Trainer: Dr. Rajkumar is the former Secretary-General of Pax Romana (INGO), and has been a Visiting Staff to the Mahidol University, Thailand for teaching MA (Human Rights). He served as an Independent Expert to the UN. He has served as the Advisor and Consultant to Forum Asia, Pax Romana and People's Watch. He was a member of the Working Group on Human Rights in India and the UN and presently associated with People's Tribunal on Torture as Juror. He is involved with a number of programmes of People's Watch and the Institute of Human Rights Education (IHRE) as a Facilitator, especially on Human Rights Education, Human Rights Defenders, Fisherfolk, etc. He provides assistance to organisations such as NCDHR, IDSN, etc. on Dalit rights, etc.

* * *

About SICHREM: SICHREM has a track record of offering quality and pioneering training programmes for the past 15 years. From 2005, realizing the need for spreading knowledge of human rights and on feeling the need for monitoring all human rights related to civil, political, economic, social and cultural rights and the engagement with the State, SICHREM began to partner with qualified and experienced institutions, and expert resource persons, to offer training programs in human rights. The training programs organised by SICHREM attract demand from various organisations and institutions. The participants in their feedback state that the trainings helped them in upscaling their knowledge and skills on human rights and also transforming their attitudes. Encouraged by this positive experience, SICHREM continues in its efforts to facilitate short-term training courses in human rights. SICHREM is also involved in monitoring the status of human rights, advocacy, campaign, legal aid for victims and human rights education.

For more info visit:

Blog: <http://sichrem.wordpress.com/>

Website: www.sichrem.org



South India Cell for Human Rights Education and Monitoring (SICHREM)

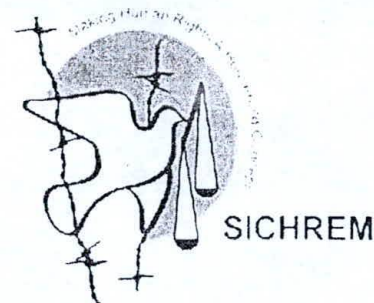
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Training in "Using International Mechanism for Human Rights- Scope and Limitations for Indian NGOs"

17-18 September 2011: Bangalore

South Indian Cell for Human Rights Education and Monitoring (SICHREM)

South India Cell for Human Rights Education and Monitoring - SICHREM

Announcing the 2ND Training Course: "Using International Mechanisms for Human Rights - Scope and Limitations for Indian NGO's".

17th -18th September 2011 | Bangalore |
| Trainer: Dr. Rajkumar |

The protection and promotion of human rights is a core task of the UN. Over the past half century the UN has been active in drafting and adopting human rights standards and norms, and a considerable number of institutions, procedures and mechanisms have been (and continue to be) created in the field of human rights. This training program is an introduction to the United Nations (UN) human rights system and specifically on the use of international mechanisms.

This course will provide an overview and introduction to the UN human rights system. It will introduce the core UN human rights standards and discuss their universality. It will present the UN treaty bodies which monitor compliance with human rights treaties, the Human Rights Council and its mandate, and the subsidiary bodies. It will highlight the role of the High Commissioner for Human Rights and discuss the place of specific group's rights in the UN system, the mainstreaming of human rights in UN specialized agencies, programmes and the role of civil society in the UN Human rights framework.

The course is intended to provide participants with the necessary skills to understand the UN human rights system and the standards and institutions, procedures and mechanisms, the role of human rights in the wider UN system, and on the potential and limits of the United Nations in protecting and promoting human rights. Participants will learn how law, policy and diplomacy come together and have shaped the UN human rights system, and how the system can be explained in theory and the functions in practice. Most importantly the limitation for Indian NGO's will be considered.

Who should apply:

The course is aimed at university students of international relations, international law, politics and other areas, as well as NGO staff members, staff of national and international organizations and any others who want to gain an in-depth knowledge of the UN human rights systems. Participants should have a good command of English. The number of participants is limited to 30. SICHREM aims to ensure equal gender and geographical distribution among the participants and also reserves the right to invite some participants to the program.

Course content:

- Brief Historical Note on Origins
- Overview of International Human Rights Instruments - What are they? (Round-up)
- Promotion and Protection of Human Rights - International Mechanisms
 - The UN Human Rights Architecture
 - Focus on the Human Rights Council (HRC) and its mechanisms - Applications
 - Mechanisms derived from specific treaties
- Office of the High Commissioner for Human Rights
- Other International mechanisms - overview
- Specific groups and mechanisms
- Linkages to Domestic mechanisms

Methodology:

The trainer instructor will provide information in the form of presentations and with material and "mini-lectures" and will guide participants through the required skills. During the course the staff from SICHREM will be available to participants in Q&A sessions for sharing experiences. All participants will receive a Certificate of Participation.

Costs:

The course fee is **Rs. 3000/-** for resident participants and **Rs. 1600/-** for non-resident participants. Unfortunately, there are no scholarships available for this course. The accommodation is available only from 17th Morning to the Evening of 18th September 2011.

Venue:

Karnataka Regional Organisation For Social Service (KROSS),
No 58/6, 2nd Cross, Da Costa Layout, Wheeler Road Extension, Bangalore: 560 084.
Phone: 91 80 25496812 /13, Email:krossdir@gmail.com
Directions: (Map will be sent later)

How to apply:

Please complete the application form and send it to R.MANO HAR, Head of Programs, with a valid signature and a stamp from your organization, in support of your application and the Demand Draft / Cheque drawn in favour of "SICHREM" payable at Bangalore. Application deadline: 30 August 2011

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

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.


Working with the United Nations Human Rights Programme
A Handbook for Civil Society

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

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.

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.

The national institution
open it for external jurisdiction
India has not ratified the
optional protocols: ICCPR, ICERD, CEDAW
under
ATP
India has blocked the
system

ICESCR's optional protocol
India has not ratified.

As now it's imp to lobby to
ensure that India ratifies
the Treaty body.

HUMAN RIGHTS TREATY BODIES

Manual Scavenging under
labour LO (ILO)

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.

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.

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.

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 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 Vázquez, 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 Vázquez 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

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.

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.

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.

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.

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.

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: petitions@ohchr.org

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.

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

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.

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.

Membership

Eighteen independent experts elected for four-year renewable terms.

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.

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

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

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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.

UNITED NATIONS 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

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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.

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.

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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.

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-session 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

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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.

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.

HUMAN RIGHTS TREATY BODIES

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.

HUMAN RIGHTS TREATY BODIES

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

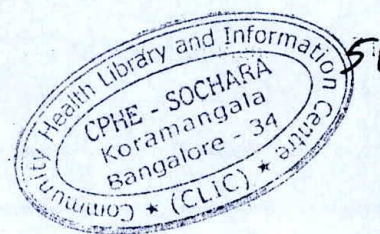
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

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: unhcr@ohchr.org

To learn more about the **Committee**, consult

For Sheet No. 24 (Rev. 1).

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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).

HUMAN RIGHTS TREATY BODIES

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).

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/ehsocio/en/handbook>

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

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: csu@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.ngoliason@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

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 17 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*.

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.

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*.

"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*.

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.

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.

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.

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.

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 2003/50. 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.

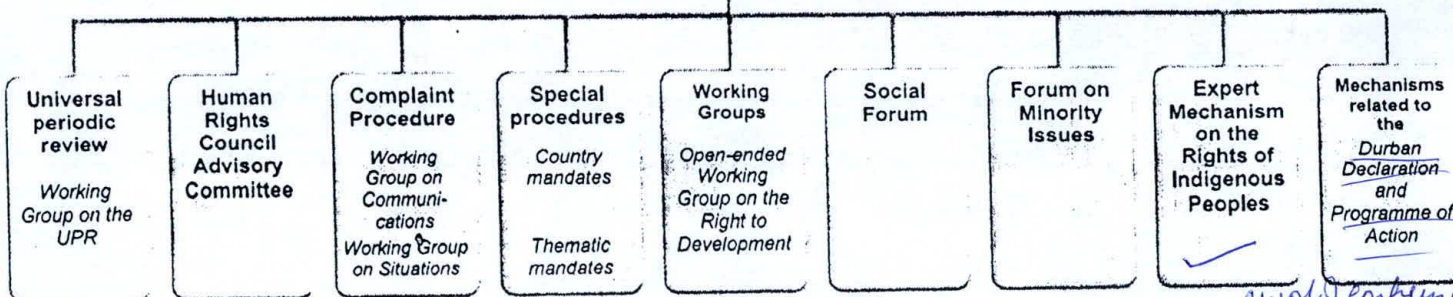
NGOs in consultative status with ECOSOC participating as observers in Human Rights Council sessions

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.

HUMAN RIGHTS COUNCIL



How do NAO's work with the Human Rights Council?
- work with consultation.

World conference
1968 = World
Conference, Tehran
1993 - Vienna
The world conference
→ gave new momentum
ESCR -

- human rights education
- human rights commission
and other.

World conf.
(2) conf. 2001
Against Racial Discrimination
World conference against racial discrimination

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 <u>consultative status with ECOSOC, once accredited</u>	<ul style="list-style-type: none"> • Submission of written statements • Oral statements • Hosting of parallel events 	Only NGOs in consultative status with ECOSOC can <u>submit written statements to regular/special sessions</u>	NGOs in consultative status with ECOSOC should consult the guidelines for written statements
Universal periodic review	NGOs in consultative status with ECOSOC, once accredited	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Submission of written statements • Oral statements 	Relevant CSAs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Submission of complaints under the complaint procedure

HUMAN RIGHTS COUNCIL



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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Providing feedback on the human rights work of international mechanisms at meetings• Exchanging best practices at meetings• Grass-roots presentations at meetings	Relevant CSAs	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none"> • Oral presentations/statements • Written statements 	Relevant CSAs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Oral presentations/statements • Written statements 	Relevant CSAs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Oral presentations • Written statements 	Only CSAs falling into the categories provided at left may contribute information to the Intergovernmental Working Group	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Exchange of views at the invitation of the Group 	Relevant CSAs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Oral presentations • Submissions of written statements 	Relevant CSAs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Oral presentations • Submission of written statements 	Relevant CSAs	<ul style="list-style-type: none"> • 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.

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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)

SPECIAL PROCEDURES

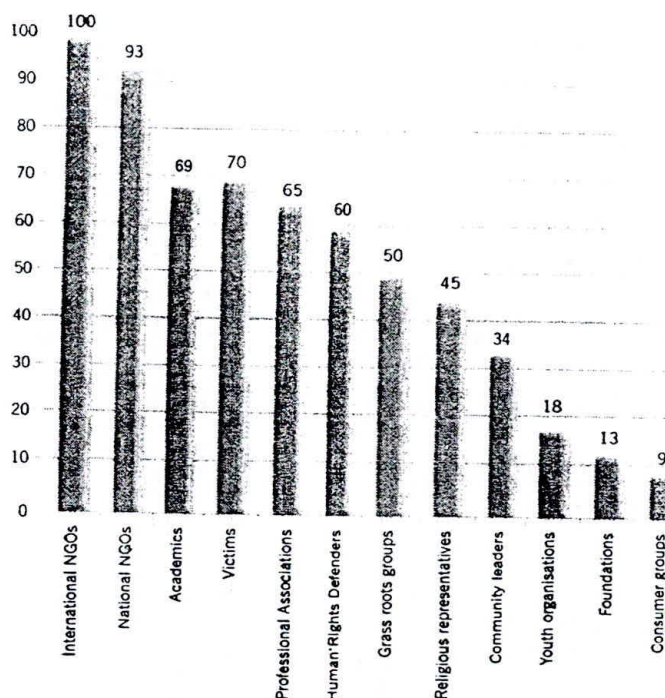
Over the years, the special procedures have established relationships and have cooperated with various civil society actors. Special procedures have helped them in providing protection to actual or potential victims and have contributed to their empowerment. Different mandates have developed different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

Office of the United Nations High Commissioner for Human Rights



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.

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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.

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B. Providing support for country visits

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

1. Proposing a country visit

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

2. When a country visit has been confirmed

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

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



National level coordination among Brazilian NGOs

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

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

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

3. During the country visit

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



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

4. After a country visit

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

- Disseminating recommendations to their local constituencies;

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



Developing networks to work on the implementation of special procedures recommendations

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

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

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

C. Providing information to special procedures mandate-holders

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



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

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

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

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

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

and to develop recommendations.

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



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

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

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

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

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

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

1. Implementing special procedures' recommendations at the national level

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

2. National or local standard-setting

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

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

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

3. Tools for the development of operational guidelines

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

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

E. Meeting with special procedures mandate-holders

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

B. Table of country mandates

Title / Mandate	Mandate established		Mandate extended	
	Year	By	Year	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)

SPECIAL PROCEDURES

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) ✓

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)

SPECIAL PROCEDURES

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)

Annex

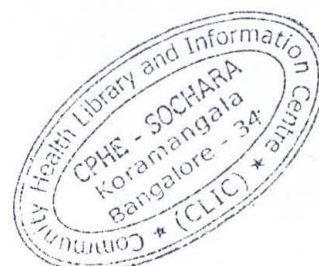
By September 2008 there were 38 special procedures mechanisms in operation (30 thematic mandates and 8 country mandates).



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)



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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.

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

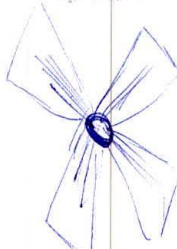
the periodicity and process. The UPR operates on a four-year cycle and consists of several stages, for instance:

- 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.

Office of the United Nations High Commissioner for Human Rights

- 
- 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**.

3 principle documents
- Report by the govt itself
- Two other reports - State
- NGO's another set of reports.

Review!

method of approach
- 192 states / 12
in 4 years
- India (April 2008)
method of work
- govt presents its report
- 50%
- 50%



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

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

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.

Office of the United Nations High Commissioner for Human Rights

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.

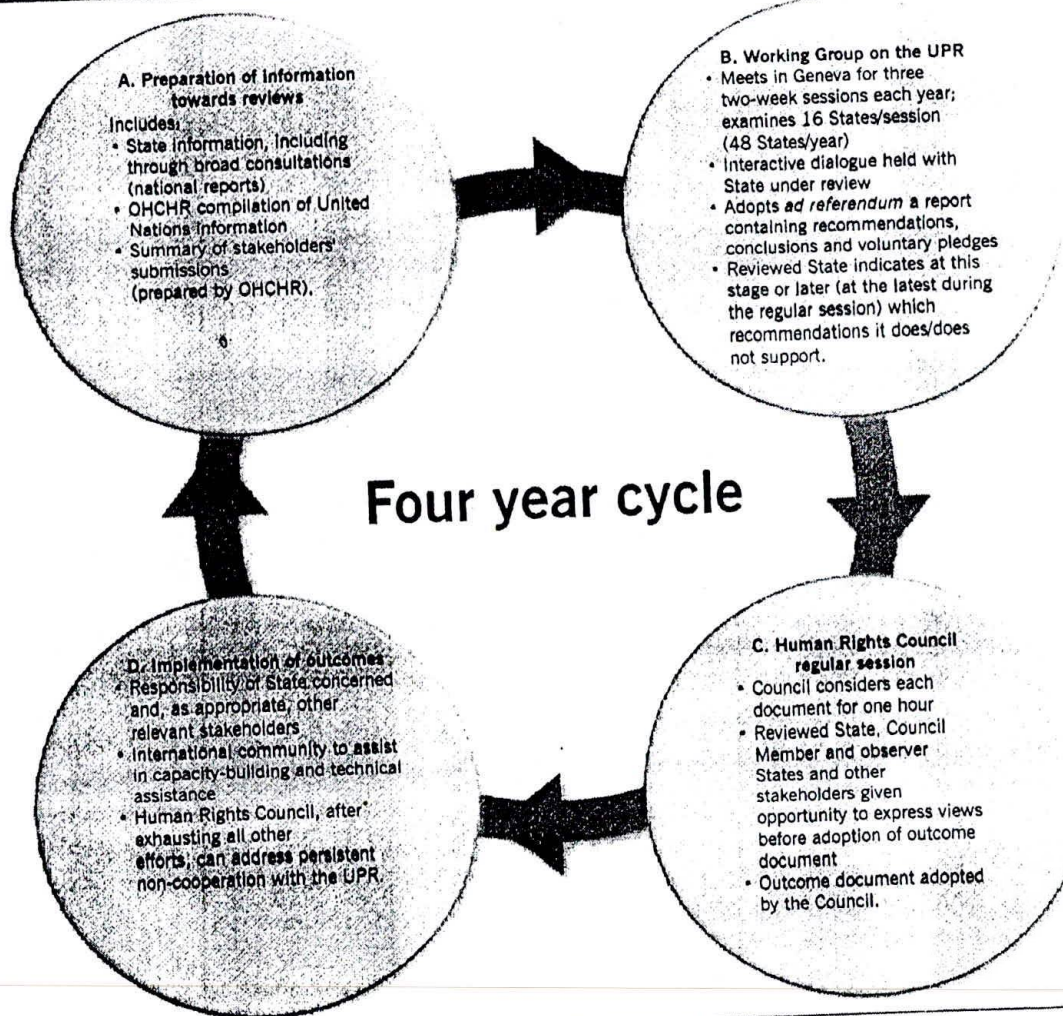
5. Follow-up to reviews

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.

VII

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.

Office of the United Nations High Commissioner for Human Rights

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

SUBMITTING A COMPLAINT ON AN ALLEGED HUMAN RIGHTS VIOLATION

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.

SUBMITTING A COMPLAINT ON AN ALLEGED HUMAN RIGHTS VIOLATION

- 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.

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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](#).

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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.

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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;

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- 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.

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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.

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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

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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.

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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)

Annex II SAMPLES OF META-DATA SHEETS ON IDENTIFIED INDICATORS *

Indicator 1 International human rights treaties, relevant to the right to life, ratified by the State (see structural indicators in the table on the right to life)

Definition Proportion of international and regional human rights treaties, with direct reference and/or relevance to the realisation of the right to life, that have been ratified by the State. 'International human rights treaties' is used as a generic term embracing all instruments binding under international human rights law, regardless of their formal designation (e.g. Covenant, Convention or Optional Protocol). The reference to the 'right to life' follows primarily the formulation used in article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights and its elaboration in General Comment No. 6 of the Human Rights Committee.

Rationale Ratification of an international human rights treaty reflects a certain acceptance of concerned human rights standards by a State and gives an indication, notably at international level, of a State's commitment to undertake steps that help in the realisation of those rights. When the State has ratified a treaty it assumes a legal obligation to respect, protect and fulfil the human rights standards reflected in that treaty. The indicator is a structural indicator that captures the 'commitment' of a State to implement its human rights obligations.

Method of computation The indicator is computed as a ratio of the actual number of treaties ratified by the State to the reference list of treaties. A reference list of core international human rights treaties, including optional protocols, adopted and opened for ratification by the General Assembly of the United Nations is available at <http://www2.ohchr.org/English/law/index.htm#instruments>. ✓

Data collection and source The main source of data on the indicator is administrative records at the depository authority, namely the United Nations Office of Legal Affairs (see <http://untreaty.un.org/ola/>). The OHCHR website also presents this information and updates it periodically.

Periodicity The indicator database is reviewed periodically and information can be accessed on a continuous basis.

Disaggregation Disaggregation of information is not applicable for this indicator.

Comments and limitations The right to life finds its most general recognition in article 3 of the Universal Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life". The right to life of persons under the age of 18 and the obligation of States to guarantee the enjoyment of this right to the maximum extent possible are both specifically recognized in article 6 of the Convention on the Rights of the Child. UDHR, article 3, ICESCR, article 12(2-a), CERD, article 5, ICRMW, article 9, CEDAW, article 12 and CRPD article 10 are other examples of provisions relevant to the right to life and this indicator.

The indicator provides information on acceptance by a State of international human rights standards and its intention or commitment to undertake steps to realise human rights in conformity with the provisions of the relevant instruments. It does not, however, capture the actual process of implementation or the results thereof.

Ratification constitutes an act whereby a State establishes its consent to be legally bound by the terms of a particular treaty. At the international level, it requires depositing a formal "instrument of ratification or accession" to the depository authority. At the national level, ratification may require a State to undertake certain steps, in accordance with its constitutional provisions, before it consents to be bound by the treaty provisions internationally. The process of ratifying a treaty is normally initiated with a State signing a treaty as a means of authentication and expression of its willingness to continue the treaty-ratification process. The signature qualifies the signatory State to proceed to ratification. It also creates an obligation to refrain, in good faith, from acts that

would defeat the object and the purpose of the treaty. Accession is the term used in situations where the State has not signed the treaty beforehand, but has directly expressed its consent to become a party to that treaty.

The indicator does not reflect possible "reservation" entered by a State on a treaty. A reservation is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. A reservation enables a State to accept a multilateral treaty as a whole by providing it with the possibility of not applying certain provisions with which it does not want to comply. Reservations can be made by a State when the treaty is signed, ratified or acceded to and in conformity with the objective and purpose of the treaty itself and the Vienna Convention of the Law of Treaties, 1969.

Indicator 2 Time frame and coverage of national policy on sexual and reproductive health (see structural indicators in the table on the right to health)

Definition The indicator refers to the date of adoption or the period for which the national policy statement on sexual and reproductive health has been put into effect at the country level. The indicator also captures the population coverage or the spatial administrative scope of the policy statement, such as in countries where there is division of responsibilities between the national government and the sub-national/local governments.

Rationale A national policy statement on a subject is an instrument that is expected to outline a government's objectives, policy framework, strategy and/or a concrete plan of action to address issues under that subject. While providing an indication on the commitment of the government to address the concerned subject, it may also provide relevant benchmarks for holding the government accountable for its acts of commission or omission concerning that subject. Moreover, a policy statement is a means to translate the human rights obligations of a State party into an implementable programme of action that helps in the realisation of the human rights. The indicator is a structural indicator that captures the 'commitment' of a State to implement its human rights obligations in respect of the 'sexual and reproductive health' attribute of the right to health.

Method of computation The indicator is computed separately for time frame or period of application and the coverage or administrative scope of the policy. Time frame is the date of adoption (e.g. 1/1/2006) of the policy statement by a country or the time period for which the policy should be implemented (e.g. 1/1/2006 - 1/1/2010). Coverage is computed as a proportion of sub-national administrative units or population covered under the ambit of national policy.

Data collection and source The main source of data is administrative records at the national and sub-national level.

Periodicity The indicator database can be normally reviewed and accessed on a continuing basis.

Disaggregation While disaggregation of information on the indicator is not conceptually feasible, a national policy may focus on specific areas, regions or population groups, in which case it may be desirable to highlight it.

Comments and limitations The indicator provides information on a State's commitment to undertake steps, outlining its policy framework and programme of action, to realise human rights in conformity with the provisions of relevant human rights standards on sexual and reproductive health. It does not, however, capture the actual process of implementation or the results thereof.

For many countries, national policy on sexual and reproductive health may not be a separate policy document; rather it may well be a part of general policy statement on health or a human rights action plan. Accordingly, a judgment may have to be exercised on the extent to which sexual and reproductive health issues and the relevant human rights standards on reproductive health are reflected in the national policy on health or the human rights action plan.

In its General Comment No. 14 (ICESCR Art. 12) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights elaborates on the need to develop comprehensive national public health strategy and plan of action to address the health concerns of the population, including reproductive

health. It underlines that such a strategy should inter alia be devised on the basis of a participatory and transparent process and include indicators and benchmarks relevant to monitor the right to health. The Committee points out that "Reproductive health means that women and men have the freedom to decide if and when to reproduce and the right to be informed and to have access to safe, effective, affordable, and acceptable methods of family planning of their choice as well as the right of access to appropriate health-care services that will, for example, enable women to go safely through pregnancy and childbirth." Similarly, CEDAW Committee General Recommendation 24 (1999) points out that access to health care, including reproductive health, is a basic right under the Convention on the Elimination of All Forms of Discrimination against Women.

UDHR, article 25, ICESCR, articles 10(2) and 12, ICERD, article 5(e-iv), ICRMW, articles 28 and 43(e), CEDAW, articles 12 and 14(2-b) and CRPD article 25 are examples of provisions relevant to the right to health.

Indicator 3 Date of entry into force and coverage of the right to education in the Constitution or other form of superior law (see structural indicators in the table on the right to education)

Definition The indicator refers to the date on which provisions of the Constitution or other superior laws relating to the right to education became enforceable. The indicator also captures the spatial or population coverage of the relevant provisions related to the right to education, such as in countries where there is division of legal competencies between the national government and the sub-national or local governments. 'Constitutional or other form of superior law' refers to the system of fundamental laws that prescribes the functions and limits of government action and against which other supportive legislation is assessed for its validity. The reference to the 'right to education' follows primarily the formulation used in article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and its elaboration in General Comment No. 13 of the Committee on Economic, Social and Cultural Rights. The right to education is also developed in other core international human rights treaties, such as in articles 23, 28 and 29 of the Convention on the Rights of the Child.

Rationale Inclusion of the right to education in the Constitution or other form of superior law reflects a certain acceptance of this right by a State and gives an indication, notably at the national level, of a State's commitment to protect and implement this right. When the State has enshrined a right in its Constitution or other form of superior law, it also assumes a legal obligation to ensure that other legislation (national and sub-national legislation) is in conformity with and not contradictory to the right. The indicator is a structural indicator that captures the 'commitment' of a State to implement its human rights obligations in respect of the right to education.

Method of computation The indicator is computed separately for the date of entry into force and the coverage or administrative scope of the law. The date of entry into force is the date on which the law or provision became enforceable. Coverage is computed as a proportion of sub-national administrative units or population covered under the law. Information on the date of entry into force should be provided with a direct and accurate link to the relevant provisions.

Data collection and source The main source of data on the indicator is the legal records of the State.

Periodicity The indicator data can be normally reviewed and accessed on a continuing basis.

Disaggregation Disaggregation of information is not applicable for this indicator, however provisions under the Constitution or other superior law may have particular reference to the protection of the right to education for certain groups (e.g. minorities or girl child), in which case it may be desirable to highlight it.

Comments and limitations This indicator provides information on the extent to which a State protects the right to education in its Constitution or superior laws, demonstrating its acceptance of international human rights standards and its intention or commitment to legally protect this right. It does not, however, capture the extent to which the legal protection of the right to education in the Constitution or superior laws is implemented and upheld at other levels of the legal system, nor how broadly or narrowly the right is applied, or the degree to

which the right can be enforced and by whom. This indicator does not capture the actual process of implementation or the results thereof.

This indicator could be difficult to assess if the right to education is not explicitly articulated in the Constitution or superior laws. Moreover, provision for the right to education in the Constitution does not necessarily mean that the right is being protected by law (for example, further judicial interpretations may have rendered the Constitutional protection meaningless). Likewise, a lack of Constitutional protection may lead one to believe that there is no recognition of the right when this may not be the case. For example, in some countries there are only a few rights written into the Constitution or superior laws, and it is left to the judiciary to interpret the rights as being implied. In this instance, a mere reading of provisions may yield an inaccurate conclusion on the enforcement and coverage of the concerned right. A correct reading, in such cases, requires a detailed analysis of relevant jurisprudence/case law or administrative decisions.

UDHR, article 26, ICESCR, articles 13 and 14, ICERD, article 5 (e-v), ICRMW, articles 30 and 43 (a-c), CRC, articles 23, 28 and 29, CEDAW, articles 10 and 14(2-d), and CRPD, article 24 are examples of provisions relevant to the right to education and this indicator.

Indicator 4 Proportion of births attended by skilled health personnel (see process indicators in the table on the right to health)

Definition The indicator refers to proportion of deliveries attended by persons trained to give necessary supervision, care and counsel to women during pregnancy, labour and the post-partum period; to conduct deliveries on their own; and to care for newborns.

Rationale Health and well-being of the woman and the child during and after delivery greatly depends on their access to birth delivery services, the quality of these services and the actual circumstances of delivery. All of these are influenced by the State health policies, public provisioning of health services and regulation of private health care. Indeed availability of professional and skilled health personnel to assist in child birth is essential for reducing mortality - maternal as well as of the child - during and after delivery. The indicator captures efforts being made by the State to promote and provide professional and skilled health personnel to attend to the medical needs of pregnancy and birth. It is a process indicator related to 'sexual and reproductive health' attribute of the right to health.

Method of computation The indicator is computed as a ratio of births attended by skilled health personnel (doctors, nurses or midwives) to the total number of deliveries.

Data collection and source The main sources of data are country level administrative records maintained by local authorities, registration system for population data, records of health ministries and household surveys, including Demographic and Health Surveys.

The World Health Organization (WHO) and the United Nations Population Fund (UNFPA) compile country data series based on these sources. The United Nations Children's Fund (UNICEF) also provides country data series through the implementation of its Multiple Indicator Cluster Surveys.

Periodicity In general, the indicator based on administrative records is available annually and the indicator based on household survey every three to five years.

Disaggregation Disaggregation of indicator by region or areas, for example between rural and urban areas, is useful in assessing disparities in the availability of health services. In addition, data should be disaggregated by the age of women (at least for women under the age of 18 years) and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, indigenous and migrants) and socio-economic status (income or consumption expenditure quintiles).

Comments and limitations Skilled health personnel include only those who are properly trained and who have appropriate equipment and drugs. Traditional birth attendants, even if they have received a short training course, are not included.

CEDAW, in its General Recommendation No. 24 (1999), requests States to inform about the “supply of free services where necessary to ensure safe pregnancies, childbirth and post-partum periods for women. Many women are at risk of death or disability from pregnancy-related causes because they lack the funds to obtain or access the necessary services, which include antenatal, maternity and post-natal services. The Committee notes that it is the duty of States parties to ensure women’s right to safe motherhood and emergency obstetric services and they should allocate to these services the maximum extent of available resources.” The CESCR, in its General Comment No. 5 (1994) on Persons with disabilities, states that “Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy.”

UDHR, article 25, ICESCR, articles 10(2) and 12, ICERD, article 5(e-iv), ICRMW, articles 28 and 43(e), CEDAW, articles 12 and 14(2-b) and CRPD article 25 are examples of provisions relevant to the right to health.

This is a Millennium Development Goal indicator.

Indicator 5 Proportion of received complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment investigated or adjudicated by the national human rights institution, human rights ombudsperson and other mechanisms, and the proportion responded to effectively by the government in the reporting period (see process indicators in the table on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

Definition The indicator refers to the proportion of received individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment that were investigated or adjudicated by made to the national human rights institution, human rights ombudsperson and/or other officially recognised independent mechanisms during the reporting period. Where the mechanism transmits complaints to the government, or communicates in respect of the complaints, the indicator includes the proportion of such transmissions or communications that have received an effective response from the government. Useful guidance on what ought to be included in a complaint can be found on the OHCHR website, notably in the model complaint form for communications to the Human Rights Committee, Committee Against Torture, Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women.

Rationale The indicator captures to an extent the effort required of States to respect, protect and fulfil the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in conformity with article 7 of the International Covenant on Civil and Political Rights, the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the provisions of other international laws. States parties must ensure that individuals have access to effective remedies to vindicate their right. States Parties should make appropriate reparation, take provisional or interim measures as necessary, as well as measures to prevent a recurrence of violations of the right, and ensure that those responsible are brought to justice (Human Rights Committee General Comment 31, CCPR/C//Rev.1/Add.13). It is a process indicator that reflects the willingness of States to take steps towards the realisation of the right.

Method of computation The number of complaints is calculated as the sum of individual complaints on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment received by all relevant independent bodies at national level. The proportion investigated or adjudicated is calculated as the ratio of the number of complaints received during the reporting period which were investigated or adjudicated to the total number of complaints received. The proportion effectively responded to by the government is calculated as the ratio of the number of complaints to which an effective response was made by the government to the total number of complaints communicated to the government during the reference period.

Data collection and source The main sources of data are administrative records maintained by the national human rights institution, human rights ombudsperson and other mechanisms.

Periodicity The information is normally compiled and published annually.

Disaggregation To enable detection of the pattern of abuse against particular groups or in particular areas, the indicator should be disaggregated by region and the characteristics of the alleged victim (sex, age, ethnic/racial/national/ religious/political affiliation, disability, sexual orientation, profession, whether or not detained at the time of the alleged abuse). Similarly, the indicator should be disaggregated according to whether the abuse is alleged to have been committed by a State agent, with the complicity/tolerance/ acquiescence of a State agent, or by a private individual or individuals.

To have an overall assessment of the effectiveness of investigation and adjudication procedures, data related to this indicator should be disaggregated by the end result of the procedure.

Comments and limitations Where there is a communication with a government, the indicator will require a judgment to be made on what constitutes an "effective" response. While an official denial without supporting evidence or investigation of the alleged facts will not meet the criterion of effectiveness, the precise application of the criterion may vary from case to case. An assessment of the effectiveness of the response is best carried out by the national human rights institution, human rights ombudsperson or other mechanism in a transparent manner and may involve considerations like timeliness and completeness of the response, its adequacy in responding to specific questions posed or suggestions for action, as well as the effectiveness of action initiated by the government, which may include investigation, release or changes in the treatment of a detained or imprisoned person, payment of compensation, amendment of legislation, etc.

The basic source of information for this indicator comes from events-based data on human rights violations. Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of torture or cruel, inhuman or degrading treatment or punishment, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported to independent bodies depends on the awareness, access to information, motivation and perseverance of the alleged or potential victim, his or her family and friends, or civil society organisations in the country concerned.

The Human Rights Committee, in its General Comment No. 20 (1992) states, in its paragraph 14, that "the right to lodge complaints against maltreatment prohibited by article 7 must be recognized in the domestic law. Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective. The reports of States parties should provide specific information on the remedies available to victims of maltreatment and the procedure that complainants must follow, and statistics on the number of complaints and how they have been dealt with."

UDHR, article 5, CAT, articles 1-16, ICERD, article 5(b), ICRMW, articles 10 and 11, CEDAW, articles 2 and 16, CRPD article 15 and CRC articles 37 and 39, are examples of provisions relevant to the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Model questionnaires for complaints are available on the OHCHR website at <http://www2.ohchr.org/english/bodies/question.htm>.

Indicator 6 Ratio of students to teaching staff in primary and secondary, public and private, education institutions (see process indicators in the table on the right to education)

Definition The ratio of students to teaching staff or the pupil-teacher ratio is the average number of pupils per teacher at the level of education specified in a given school- year, based on headcounts for both pupils and teachers. Teachers or teaching staff include the number of persons employed full time or part time in an official capacity to guide and direct the learning experience of students, irrespective of their qualifications or the delivery mechanism,

i.e. face-to-face and/or at a distance. This excludes educational personnel who have no active teaching duties (e.g. headmasters, headmistresses or principals who do not teach) and persons who work occasionally or in a voluntary capacity.

Rationale The ratio of students to teaching staff is an important indicator of the resources that a country devotes to education. To a limited extent, the indicator can also be interpreted as reflecting a qualitative aspect of education infrastructure in a country. Teachers are the most important resource in an educational environment, particularly at the primary and secondary levels. The student-teacher ratio provides a measure of students' access to teachers, and thus reflects an important element of the provisioning that the State may have to make for meeting its obligations on the realisation of the right to education. This indicator is a process indicator related to the 'curricula and educational resources' attribute of the right to education.

Method of computation The indicator is computed by dividing the number of full-time equivalent students at a given level of education by the number of full-time equivalent "teachers" at that level and in similar types of institutions, in a given school year. Some data collection methods include counts of all teaching staff, and since all teaching staff includes staff with administrative duties and both full- and part-time teachers, comparability of these ratios may be affected as the proportion of part-time teachers may vary from one country to another.

Data collection and source The main source of data at the country level is administrative records on school enrolments and staff strengths maintained by the relevant public agencies.

The UNESCO Institute for Statistics (UIS) compiles and provides national level information on the pupil-teacher ratio for both primary and secondary education, based on data reported by national education ministries or national statistical agencies. The information is gathered through questionnaires sent annually to countries and is made available by UIS with a two years lag with respect to the reference year.

While information on this indicator is not currently collated on a disaggregated basis for public and private schools at the international level, it should generally be available at the national level and could be useful to report in instances where there may be significant differences in the quality of public and private education at the primary and secondary levels.

Periodicity For most countries the pupil-teacher ratio is available annually.

Disaggregation Beyond the disaggregation referred to in the indicator itself (primary/secondary, public/private) further disaggregation may be necessary for this indicator, for instance, by region or areas. A break-up for rural and urban areas, is useful in assessing possible disparities across different regions. In addition, it may be useful to disaggregate the data for teaching staff and students by sex and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, indigenous, migrant children, children with disabilities).

Comments and limitations Teachers are the most important resource in an educational environment, particularly at the primary and secondary levels. The student-teacher ratio provides a measure of students' access to teachers, and thus reflects an important element of the provisioning that the State may have to make for meeting its obligations on the realisation of the right to education.

Because of the difficulty of constructing direct measures of quality of education being imparted, this indicator is also used as a proxy for assessing the education quality, on the assumption that a smaller ratio of students to teaching staff means better access by students to teaching resources. A lower ratio would generally imply that a teacher can potentially pay more attention to individual students, which may, in the long run, result in a better performance of students. There may be situations where such a conclusion may not be true due to accountability issues and ineffective use of teaching resources. However, a very high ratio of students to teaching staff certainly suggests insufficient professional support for learning, particularly for students from disadvantaged home backgrounds.

"Teaching staff" refers to professional personnel directly involved in teaching students. The classification includes classroom teachers; special education teachers; and other teachers who work with students as a whole class in a classroom, in small groups in a resource room, or in one-to-one teaching inside or outside a regular classroom. Teaching staff also includes chairpersons of departments whose duties include some amount of teaching, but it

does not include non-professional personnel who support teachers in providing instruction to students, such as teachers' aides and other para-professional personnel.

The concept of a ratio of students to teaching staff is different from that of class size. Although one country may have a lower ratio of students to teaching staff than another, this does not necessarily mean that classes are smaller in the first country or that students in the first country receive more teaching inputs. The relationship between the ratio of students to teaching staff and average class size is influenced by factors like differences between countries in the length of the school year, the annual number of hours for which a student attends class, the annual time teachers are expected to spend teaching, the grouping of students within classes, and the practices related to team learning.

This indicator does not take into account differences in teachers' qualifications, pedagogical training, experiences and status, teaching materials and variations in classroom conditions, factors which could affect the quality of teaching/learning.

UDHR, article 26, ICESCR, articles 13 and 14, ICERD, article 5 (e-v), ICRMW, articles 30 and 43 (a-c), CRC, articles 23, 28 and 29, and CEDAW, articles 10 and 14(2-d) are examples of provisions relevant to the right to education and this indicator.

Indicator 7 Reported cases of forced evictions in the reporting period (see outcome indicators in the table on the right to adequate housing)

Definition This indicator refers to the number of reported individual cases of forced eviction during the reference period. "Forced eviction" is defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection" (General Comment No. 7, ICESCR).

Rationale The Committee on Economic, Social and Cultural Rights has observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It has argued that forced evictions are *prima facie* incompatible with the requirements of the ICESCR (General Comment No. 7). Moreover, given the interdependence of all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the ICESCR, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. It is an outcome indicator intended to analyze the degree to which States protect the security of tenure.

Method of computation The indicator is computed as a head count of all reported cases of forced eviction in a specific period of time.

Data collection and source The main data source for this indicator is records maintained by national human rights institutions, non-governmental organisations and in certain instances records of administrative agencies responsible for or monitoring rehabilitation.

Periodicity Information on the indicator should be available on a periodic basis. It is often reported annually by organisations monitoring security of tenure.

Disaggregation In order to be meaningful, the information on this indicator should be disaggregated by sex and age (at least for children or young people under the age of 18 years) and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities and migrants) and socio-economic status (income or consumption expenditure quintiles).

Comments and limitations The indicator can be one good summary measure of the realisation of the right to adequate housing. Yet like all indicators that are based on event-based data on human rights violations and depend on multiple information sources, the indicator may suffer from reliability issues. It may underestimate (or

sometimes, though rarely, even overestimate) the incidence of forced evictions, if used in a casual manner to draw generalised conclusions for the country as a whole. Moreover, in most instances, the number of cases reported would depend on the awareness, access to information, motivation and perseverance of the civil society organisations agencies and the media in following the relevant events.

The term “forced evictions” is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. For many observers, the reference to “forced evictions” is a tautology, while others have criticized the expression “illegal evictions” on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means always the case. Similarly, it has been suggested that the term “unfair evictions” is even more subjective by virtue of its failure to refer to any legal framework at all. The international human rights community, especially in the context of the UN human rights system, has opted to use “forced evictions”, primarily because all suggested alternatives also suffer from certain ambiguities. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of ICESCR impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

UDHR article 25, ICESCR article 11, CERD article 5, CEDAW article 14, CRC article 27, CMW article 43 and CRPD article 28 have references of relevance to the indicator. The CESCR also recognizes legal security of tenure under its General Comment No. 4 (1991) on the right to adequate housing: “Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats”.

Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects.

Indicator 8 Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyers of their own choice (see outcome indicators in the table on the right to fair trial)

Definition The indicator measures the ratio of conviction rate of defendants who were provided with free legal representation to that of defendants who had legal counsel of their own choice, in the reporting period. Though the indicator could be used separately for the two conviction rates, it is more useful when used as a ratio of the two.

Rationale Article 14(3)(d) ICCPR provides that defendants should have legal assistance assigned to them, in any case where the interests of justice so requires, and without payment if they do not have sufficient means to pay for it. The Human Rights Committee, in its General Comment 32, states that “Counsel provided by the competent authorities on the basis of this provision must be effective in the representation of the accused”. Furthermore, blatant incompetence by assigned counsel may entail the responsibility of the State. The indicator is an outcome indicator that relates to the access to and equality before the courts attribute of the right to a fair trial. As such, it measures the extent to which equality is achieved in practice.

Method of computation The indicator is computed separately for defendants provided with legal representation and for defendants with a lawyer of their own choice before taking the ratio of the two. For each group, the indicator is calculated as the ratio of the number of defendants in that group who were convicted to the total number of defendants in that group who stood trial during the reporting period.

Data collection and source The main sources of data are court records and reports of the office of the prosecutor at the national or sub-national level.

Periodicity The data, if compiled, should be available on an annual basis.

Disaggregation The indicator should be disaggregated by type of crimes (e.g. homicide, rape, assault, robbery, etc.), stage of proceedings (first hearing or appeal), and by region or administrative unit. It should also be disaggregated by characteristics of the defendant, in particular by sex, age (at least for children or young people under the age of 18 years), and, as applicable, by relevant demographic groups (e.g. ethnic groups, minorities, migrants, persons with disabilities, sexual orientation).

Comments and limitations The indicator is a good measure of the relative level of competence of assigned lawyers, and thus of the effective implementation of the right to a fair trial regardless of economic status of the defendant. However, particularly in regions or States with a small number of cases, the indicator should not be over-analysed; each case must be assessed on its own merits. It may also be useful to use this indicator jointly with an indicator on the nature and average length of sentences for indigent defendants and defendants with lawyers of their own choice.

UDHR articles 10-11, ICCPR articles 14-15, ICERD article 5(a), CEDAW article 2, CRC articles 12(2), 37(d) and 40, ICRMW articles 16(5-9) and 18, and CRPD article 13, are examples of references of relevance to the right to a fair trial.

Indicator 9 Infant mortality rate (see outcome indicators in the tables on the right to life, the right to adequate food and the right to health)

Definition The indicator refers to infants dying before reaching the age of one year per 1000 live births during the specified period.

Rationale As a measure of child survival, the infant mortality rate is a key socio-economic statistic for many human rights, including the right to life, the right to health and the right to adequate food. The level of this indicator can be potentially influenced by a wide range of economic, social, political and environmental determinants. As a consequence, the indicator will be particularly important in the monitoring of the results of State parties' actions in fulfilling their obligations in creating favourable and necessary conditions in which infant mortality rates are minimised. In the tables of indicators, it has been identified as an outcome indicator for the right to life, the right to health and the right to adequate food.

Method of computation The indicator is computed as number of deaths of infants under one-year of age per 1000 live births in that year. The number of deaths is divided by the number of births and the result is multiplied by 1000.

Data collection The main sources of data at the country level are national administrative and source records, including the vital statistic registration system and records of statistical agency, sample surveys, population censuses and household surveys, including Demographic and Health Surveys.

The World Health Organisation (WHO) compiles aggregate country data series based on administrative and survey data. The United Nations Children Fund (UNICEF) also provides country data series in its Multiple Indicator Cluster Surveys.

Periodicity In general, the indicator based on administrative records is available annually, and the indicator based on household surveys every 3 to 5 years.

Disaggregation Disaggregation of indicator by geographic or administrative regions, for example between rural and urban areas, is essential in assessing disparities in the infant mortality pattern across different regions. In addition, the indicator should be disaggregated by cause of death, by sex and, as applicable, by relevant demographic groups (e.g. ethnic groups, indigenous, minorities, migrants) and socio-economic status (income or consumption expenditure quintiles).

Comments and limitations The indicator is widely used and can be a good summary measure of the realisation of the right to life, the right to highest attainable standard of physical and mental health and the right to adequate food. The infant mortality rate is considered to be a more robust estimate than the under-five mortality rate if the information is drawn from vital statistics registration covering at least 90 per cent of vital events in the population. For household surveys, infant mortality estimates are obtained directly (Demographic and Health Surveys) or indirectly (Multiple Indicator Cluster Surveys). When estimated indirectly, the under-one mortality estimates must be consistent with the under-five mortality estimates.

Girls have a survival advantage over boys during the first year of life, largely based on biological differences. This is especially so during the first month of life when perinatal conditions are most likely to be the cause or a contributing cause of death. While infant mortality is generally higher for boys than for girls, in some countries girls' biological advantage is outweighed by gender-based discrimination. However, under-five mortality better captures the effect of gender discrimination than infant mortality, as nutrition and medical interventions are more important after age one.

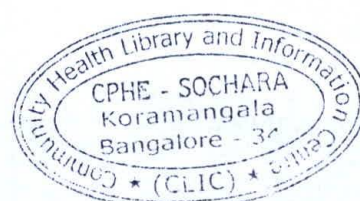
In its General Comment No. 14 (ICESCR Art. 12) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights interprets that "the provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child" (Art. 12.2(a)) may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information.

In its General Comment No. 6 (ICCPR Art. 6) on the right to life, the Human Rights Committee noted that the right to life has been too often narrowly interpreted. The expression "inherent right to life" cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics.

Administrative and household survey data may underestimate infant mortality. It is also important that the main causes of mortality be carefully investigated to ascertain the extent to which it is caused by poor healthcare services, poor health conditions of infants and health problems of their mothers and/or due to some other extraneous reasons that are difficult to anticipate so that policy measures may be suitably formulated to address the problem.

UDHR articles 3 and 25, ICESCR articles 10-12, ICCPR articles 6, ICERD article 5, CEDAW article 2, 12 and 14, CRC articles 6, 27 and 24, ICRMW article 9, 28 and 43, and CRPD article 10, 28 and 25 are examples of references of relevance to the indicator.

This is a Millennium Development Goal indicator.



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**Statement of the Special Rapporteur on the situation of human rights defenders,
Margaret Sekaggya, as she concludes her visit to India**

NEW DELHI, 21 January 2011 – From 10 to 21 January 2011, I carried out a fact-finding mission to assess the situation of human rights defenders in India, and traveled to New Delhi, Bhubaneswar (Orissa), Kolkata (West Bengal), Guwahati (Assam), Ahmedabad (Gujarat), Jammu and Srinagar (Jammu and Kashmir).

I met with the Foreign Secretary; the Union Home Secretary; the Additional Secretary (International Organisations and Environment Diplomacy); the Joint Secretary (Human Rights), Ministry for Home Affairs; the State Chief Secretary, State Home Secretary and Director-General of Police in states visited; the Chairperson of the National Human Rights Commission; Members of the Statutory Full Commission; Chairpersons and Members of State Human Rights Commissions; and Judges from the High Court in Delhi. However, I regret I was unable to meet the Prime Minister, nor with members of the Parliament.

I met as well with members of the diplomatic community and United Nations agencies in the capital. Finally, throughout my mission, I met a very wide and diverse segment of the civil society through national and regional consultations.

I thank very much the Government of India for extending an invitation to me and for its exemplary cooperation throughout the mission. I further want to thank all human rights defenders with whom I had meetings, some of whom had to travel long distances to meet me. Finally, I want to express my appreciation to the Office of the United Nations Resident Coordinator in India for its invaluable support in preparation of and during the mission.

While I must now take some time to review and analyse the considerable amount of information I have received, and to follow up on further exchanges of information with the Government, human rights defenders and other stakeholders, I would like to provide a few preliminary observations and recommendations.

I first want to commend the Government for opening its doors to my mandate. Previous requests to visit India were made by my predecessor in 2002, 2003 and 2004. This is an important development, and I hope that the invitation requests of other Special Procedures mandate-holders will be similarly honoured in the near future.

I further commend the Government for enabling me to visit five states, which assisted me in gaining a clear understanding of the local specificities in which human rights defenders work. Given the duration of the mission and the size of the country, I regret I could not access all parts of the country, but I invite those who wish to do so to provide me with information now or in the near future.

I note with satisfaction that India has a comprehensive and progressive legal framework which guarantees human rights and fundamental freedoms, as enshrined, inter alia, in the Constitution, the Protection of Human Rights Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and the Right to Information Act. I welcome the commitment expressed by Indian authorities to uphold human rights.

I further welcome the draft Bill on the Prevention of Torture with a view to ratifying the Convention Against Torture in the near future.

Besides the National Human Rights Commission and existing State-level Human Rights Commissions, I note the existence of a wide range of Statutory Commissions mandated to promote and protect the rights of, inter alia, women, children, scheduled castes and scheduled tribes.

However, despite the aforementioned laws aimed at promoting and protecting human rights, I note widespread deficiencies in their full implementation at both central and state levels, adversely affecting the work and safety of human rights defenders. Similarly, I have observed the need for the National and existing State Human Rights Commissions to do much more to ensure a safe and conducive environment for human rights defenders throughout the country.

Throughout my mission, I heard numerous testimonies about male and female human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, under surveillance, forcibly displaced, or their offices raided and files stolen, because of their legitimate work in upholding human rights and fundamental freedoms.

These violations are commonly attributed to law enforcement authorities; however, they have reportedly also shown collusion and/or complaisance with abuses committed by private actors against defenders. Armed groups have also harassed human rights defenders in some instances.

In the context of India's economic policies, defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and livelihood of their community or of other communities, have been targeted by State agents and private actors, and are particularly vulnerable.

I am particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adavasis (tribals) religious minorities and sexual minorities, who face particular risks and ostracism because of their activities. Collectivities striving for their rights have in fact been victimized.

Women human rights defenders, who are often at the forefront of the promotion and protection of human rights, are also at particular risk of persecution.

Right To Information (RTI) activists, who may be ordinary citizens, have increasingly been targeted for, among others, exposing human rights violations and poor governance, including corruption of officials.

Other defenders targeted include those defending women's and child rights, fighting impunity for past human rights violations, seeking accountability for communal pogroms, upholding the rights of political prisoners, journalists, lawyers, labour activists, humanitarian workers, and church workers. Defenders operating in rural areas are often more vulnerable.

While I acknowledge the security challenges faced by the country, I am deeply concerned about the arbitrary application of security laws at the national and state levels (in Jammu and Kashmir and in the North-East of India), most notably the Public Safety Act and the Armed Forces Special Powers Act, the Jammu and Kashmir Public Safety Act and the Unlawful Activities Prevention Act, which directly affects the work of human rights defenders.

I am troubled by the branding and stigmatization of human rights defenders, who are labeled as "naxalites (Maoists)", "terrorists", "militants", "insurgents", "anti-nationalists", "members of underground". Defenders on the ground, including journalists, who report on violations by State and non-State actors in areas affected by insurgency, are targeted by both sides.

Freedom of movement of defenders has also been restricted under these security laws; for instance, applications of passport or renewal have been denied, as well as access for defenders to victims in some areas.

Illegitimate restrictions to freedom of peaceful assembly were also brought to my attention: for example, I was informed of instances of protests in support of a human rights defender in detention which were not allowed to take place.

Finally, I am concerned about the amendment to the Foreign Contribution Regulations Act which provides that non-governmental organisations must reapply every five years for the review of their status by the Ministry of Home Affairs in order to receive foreign funding. Such a provision may be used to censor non-governmental organisations which are critical of Government's policies.

In view of the above, the space for civil society is contracted.

Although the judiciary is the primary avenue for legal redress, I have observed that its functioning is hampered by backlog and significant delays in administering cases of human rights violations.

The National Human Rights Commission and the existing State Human Rights Commissions is an important additional avenue where human rights defenders can seek redress. However, all the defenders I met during the mission voiced their disappointment and mistrust in the current functioning of these institutions. They have submitted complaints related to human rights violations to the Commissions, but reportedly their cases were either hardly taken up, or the investigation, often after a significant period of delay, concluded that no violations occurred. Their main concern lies in the fact that the investigations into their cases are conducted by the police, which in many cases are the perpetrators of the alleged violations. While I welcome the establishment of a human rights defenders focal point within the National Human Rights Commission, I regret that it was not given sufficient prominence within the Commission.

Based on the above, I wish to make the following preliminary recommendations:

To the Central and State Governments:

*The Prime Minister and the Chief Secretaries should publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who "individually and in association with others, [...] promote[s] and [...] strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels " (article 1 of the Declaration on Human Rights Defenders, A/RES/53/144). Specific attention must be given to human rights defenders who face particular risks (as identified above).

*Security forces should be clearly instructed to respect the work and the rights and fundamental freedoms of human rights defenders, especially human rights defenders who face particular risks (as identified above).

*Sensitization training to security forces on the role and activities of human rights defenders should be delivered, with technical advice and assistance from relevant UN entities, non-governmental organizations and other partners.

*Prompt and impartial investigations on violations committed against human rights defenders should be conducted, and perpetrators should be prosecuted.

*The Supreme Court judgment on police reform should be fully implemented in line with international standards, in particular at the State level.

*Full implementation of laws and policies which guarantee human rights and fundamental freedoms of human rights defenders should be ensured.

*A law on the protection of human rights defenders developed in full and meaningful consultation with civil society and on the basis of technical advice from relevant UN entities should be enacted.

*The Foreign Contribution Regulation Act should be critically reviewed.

*The Draft Bill on Prevention Against Torture should be adopted without further delay.

*The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women should be ratified. The ratification of the complaints procedure will provide women human rights defenders an opportunity to access another procedure to address any violations of rights under the Convention.

*The Armed Forces Special Powers Act and the Public Safety Act should be repealed and application of other security laws which adversely affect the work and safety of human rights defenders should be reviewed.

*The functioning of the National Human Rights Commission should be reviewed with a view to strengthening the Commission by, inter alia: broadening the selection criteria for the appointment of the Chairperson; diversifying the composition of the Commission; extending the one-year limitation clause; establishing an independent committee in charge of investigating complaints filed; elevating the status of the human rights defenders focal point by appointing a Commissioner. The Protection of Human Rights Act should be amended as necessary in full and meaningful consultation with civil society.

*State Human Rights Commissions should be established in states where such commissions are not yet in existence without further delay.

*Central and State Governments should continue collaborating with Special Procedures of the Human Rights Council, including by extending invitations for country visits.

To National and existing State Human Rights Commissions:

*The supportive role of the commissions for human rights defenders should be strengthened by inter alia, conducting regular regional visits; meeting human rights defenders in difficulty or at risk; and undertaking trial observations of cases of human rights defenders wherever appropriate.

*The visibility of the commissions should be ensured through regular and proactive engagement with civil society and the media.

*A toll-free 24-hour emergency hotline for human rights defenders should be established.

*The commissions should monitor the full implementation of recommendations made by UN human rights mechanisms, including Special Procedures mandate-holders, Treaty Bodies, and the Universal Periodic Review.

To the judiciary:

*In the absence of a witnesses and victims protection Act, the judiciary should take measures to ensure the protection of human rights defenders at risk, witnesses and victims.

*The judiciary should ensure better utilization of *suo motu* whenever cases of violation against human rights defenders arise.

*The importance of the role of human rights defenders in the vibrant and active functioning of the judiciary should be recognised.

To human rights defenders

*Platforms or networks aimed at protecting defenders and facilitating dialogue should be devised or strengthened.

*Defenders should better acquaint themselves with the Declaration on Human Rights Defenders.

*Efforts should be made to continue making full use of United Nations Special Procedures and other international human rights mechanisms when reporting on human rights violations.

To the international community and donors

*The European Union Guidelines on Human Rights Defenders and local strategies on India should be implemented on a systematic basis.

*The situation of human rights defenders, in particular the most targeted and vulnerable ones, should be continually monitored, and support for their work should be expressed through, inter alia, interventions before central and state institutions.

*Efforts should be intensified in empowering civil society.

To all stakeholders:

*The Declaration on Human Rights Defenders should be translated in main local languages, and disseminated widely.

*Efforts should be continued to raise civic awareness among the general public, and the spirit of dialogue and cooperation in society fostered.

I will present my full report with final conclusions and recommendations to the UN Human Rights Council in March 2012.

Margaret Sekaggya, a lawyer from Uganda, was appointed Special Rapporteur in March 2008 by the UN Human Rights Council. She is independent from any Government and serves in her individual capacity.

Website of the Special Rapporteur on the situation of human rights defenders:
<http://www2.ohchr.org/english/issues/defenders/index.htm>

OHCHR Country Page – India :
<http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/INIndex.aspx>

For further information and media enquiries, please contact:
In Geneva: Ms. Dolores Infante-Canibano (Tel: + 41 22 917 9730 / Email: dinfante@ohchr.org).

Statement of the Special Rapporteur on Toxic waste concludes his visit to India

The Special Rapporteur of the United Nations Human Rights Council on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr. Okechukwu Ibeanu, today concluded his visit to India. During his 10-day mission, from 11 to 21 January 2010, the Special Rapporteur assessed the progress made by the country in minimising the adverse effects that hazardous activities, such as shipbreaking and the recycling of electronic waste (e-waste), have on the human rights of countless individuals working in these sectors or living close to the places where these activities take place. Apart from the capital, Delhi, the Special Rapporteur visited an e-waste recycling facility in Roorkee, informal small-scale laboratories for the dismantling and recycling of electronic products in the suburb of the capital, a facility for the treatment, storage and disposal of hazardous wastes in Ankleshwar, and a number of ship breaking yards in Alang and Mumbai.

"I welcome the significant progress India has made in improving health and safety conditions in the ship breaking yards, as witnessed by the considerable decrease in the number of work-related injuries resulting in death or permanent or temporary disabilities, but a number of serious concerns remain to be properly addressed", Mr. Ibeanu said.

"First and foremost, I urge the owners of the yards to comply with the existing labour and social security legislation, and on the Government to monitor its effective implementation", he added. Training opportunities need to be improved, and personal protective equipments (PPEs) should be provided to, and used by, all workers in the yards. Medical facilities do not possess sufficient human, technical and financial resources to provide any treatment other than first aid for minor injuries, and there are no schools or formal education facilities for the children of those employed in the yards, 20 per cent of whom are accompanied by their families.

In India, ships are currently dismantled on the beach, a method commonly referred to as "beaching", and its actual impact on the surrounding environment and the livelihood of local communities relying on agriculture and fishing for their subsistence continues to be debated. "In order to ascertain the environmental impact of the ship breaking industry, I recommend that an independent study be carried out to assess the actual and potential adverse effects that may be caused by the discharge of hazardous material into the natural environment, as well as the level of risk", Mr. Ibeanu said.

The Special Rapporteur finally noted that he was "shocked by the extremely poor conditions in which most workers live in Alang and Mumbai". Semi-skilled and unskilled workers live in makeshift facilities lacking basic sanitation facilities, electricity and even safe drinking water. "I call on Governmental authorities to provide appropriate plots of lands, and facilitate the construction of adequate housing facilities for those who work in the yards. Adequate sanitation and drinking water facilities should also be put in place".

With regard to e-waste, the Special Rapporteur noted that 97 per cent of the 400,000 metric tonnes of e-waste generated in India is dismantled and recycled in small-scale, informal laboratories where individuals are constantly exposed to over 50 hazardous chemicals or heavy metals that can cause serious health and environmental risks if not disposed in an environmentally safe manner. "The main challenge ahead is that of creating appropriate incentives to ensure that obsolete electronic equipment are recycled in certified facilities that can dismantle and recycle them in an environmentally sound way that prevents the risk of health consequences for the workers involved or others and to ensure appropriate information is available on the hazards associated with e-waste, both for recycling workers and to the broader population", Mr. Ibeanu said.

Based on the information collected during the visit, the Rapporteur will prepare a report and make recommendations on how to protect the human rights against the threats posed by the unsound management and disposal of toxic and dangerous products and wastes. His report will be presented to the UN Human Rights Council in 2010.

Okechukwu Ibeanu, Professor of Political Science at the University of Nigeria, was appointed Special Rapporteur in 2004 by the Human Rights Council. As Special Rapporteur, he is independent from any government or organization and serves in his individual capacity.

For further information on the mandate of the Special Rapporteur, please visit the website:

<http://www2.ohchr.org/english/issues/environment/waste/index.htm>

PRESS RELEASE

WGHR reaffirms UN's call for urgent attention to the state of human rights defenders in India

New Delhi, 25 January 2011 – The Working Group on Human Rights in India and the UN (WGHR) commends the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, for the successful completion of her fact-finding mission to India, which took place from 10 to 21 January 2011. WGHR welcomes the Special Rapporteur's recently released statement which summarises her main interim findings concerning the alarming situation of human rights defenders in India, and gives preliminary recommendations to relevant stakeholders.

WGHR echoes the Special Rapporteur's statement and commends the Government of India for inviting the Special Rapporteur to India, and allowing her to travel and hold regional consultations with a broad range of civil society representatives in five states (Orissa, West Bengal, Assam, Gujarat and Jammu & Kashmir) and in the capital, New Delhi. These consultations were very significant for human rights defenders, as expressed by Babloo Loitongbam, Director, Human Rights Alert: *"This is the first ever visit of a UN Special Rapporteur to the North East. Ms. Sekaggya's empathetic listening to the struggles of the human rights defenders of this isolated region has generated a lot of hope"*.

The Special Rapporteur's statement brings to light the severe assault on human rights defenders, by both state and private actors, in India today. During her 12-day mission in India, Ms. Sekaggya heard testimonies from defenders of killings, torture, ill-treatment, enforced disappearances, threats, arbitrary arrests and detention, filing of false charges against defenders, surveillance, forcible displacement, raiding of defenders' offices and stealing of documents and files, and illegitimate restrictions on freedom of peaceful assembly.

While Ms. Sekaggya notes that India is home to a comprehensive and progressive rights-based legal framework, and welcomes the existence of numerous human rights institutions, she points to "widespread deficiencies" in implementation of laws and failings in institutional responses with serious adverse impact on the safety and security of human rights defenders.

The Special Rapporteur expresses serious concern over the plight of defenders working on a range of issues, including:

- Defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and livelihoods of communities
- Defenders working for the rights of marginalized people (Dalits, adivasis), religious minorities and sexual minorities
- Right to Information activists
- Defenders working on women's and child rights, particularly women human rights defenders
- Defenders fighting impunity for human rights violations
- Defenders seeking accountability for communal pogroms
- Defenders upholding the rights of political prisoners, journalists, lawyers, labour activists, humanitarian workers, and church workers
- Defenders working in insurgency and conflict affected areas
- Defenders working in rural India (who according to the Special Rapporteur are "often more vulnerable")

Henri Tiphagne, Convenor of Human Rights Defenders Alert – India, observes: *"Pervasive human rights violations, compounded by the non-accountability of state actors and institutions, have also triggered the emergence of new groups of defenders, made up of ordinary citizens and grassroots communities, fighting for their rights"*.

Ms. Sekaggya points to the "arbitrary application" of security laws, particularly in conflict affected areas of the country such as Jammu & Kashmir and the North East states. These laws are used to target and brand human rights defenders (including journalists) as anti-national, terrorists, Naxalites, and other perceived enemies of the state. The Special Rapporteur recommends the repeal of the Armed Forces Special Powers Act and the Jammu & Kashmir Public Safety Act, and also calls for a review of other security laws in force. Based on her observations at the Special Rapporteur's consultation with civil society in Kashmir, Advocate Vrinda Grover states: *"Parents of victims, human rights activists, the Srinagar Bar Association and journalists all underscored the rampant violations of human rights and the impunity enjoyed by the security forces in Kashmir. Moved by the accounts of young persons killed and detained under draconian laws, the Special Rapporteur observed that Kashmir should be understood through the human rights violations suffered by the people"*.

WGHR expresses deep concern for the safety and security of human rights defenders under severe assault across the country, and calls on the Central and state governments to consider and implement the Special Rapporteur's preliminary recommendations without delay.

WGHR also calls attention to what the Special Rapporteur's findings reveal about the larger situation of human rights protection in India, which is seriously and alarmingly lacking. The deliberate and often violent targeting of human rights defenders is facilitated by failing institutional responses, particularly of the National and state human rights commissions. The Special Rapporteur clearly identified the systemic problems in the performance of human rights commissions, which have led defenders to lose all faith in these institutions. This was reaffirmed at a roundtable meeting hosted by the National Human Rights Commission for civil society representatives and the Special Rapporteur, at which speaker after speaker identified the need for a strong, independent, effective and transparent Commission. WGHR urges central and state governments, and the commissions themselves, to urgently take steps to rectify these failings.

"We hope this mission signifies that the Government of India will now regularly invite Special Procedures mandate holders to the country. We trust this step indicates a new era of collaboration with the UN human rights programme and demonstrates India's firm resolve to respect its international human rights commitments, including timely implementation of Special Rapporteur and UN treaty body recommendations", says Miloon Kothari, Convenor of WGHR. ■

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- **The Statement of the UN Special Rapporteur on the situation of human rights defenders is available at:** www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10660&LangID=E

The Working Group on Human Rights in India and the UN – a national coalition of fourteen human rights organisations and independent experts – works towards the realisation of all civil, cultural, economic, political and social human rights in India and towards holding the Indian government accountable to its national and international human rights obligations. For information on WGHR, please visit: www.wghr.org

Consultative Workshop on the UPR Process

4th and 5th April 2011 – New Delhi

REPORT

Introduction

The Consultative Workshop on the Universal Periodic Review Process (UPR) took place in New Delhi on 4th and 5th April 2011. It brought together 55 participants, including representatives from the Ministry of External Affairs (MEA), the National Human Rights Commission (NHRC), various UN agencies, diplomats and civil society.

The workshop was organised by the Working Group on Human Rights in India and the UN (WGHR), a coalition of fourteen NGOs and independent experts. WGHR is a coalition focused on ensuring better engagement of Indian civil society and government with all UN mechanisms for the promotion and protection of human rights. It is in this capacity that WGHR has organised the UPR workshop and taken the lead in working towards India's next review. WGHR will ensure that it brings in the process as many other civil society actors as possible to make the process far ranging and inclusive.

The MEA was represented by:

- Mr. Dilip Sinha – *Additional Secretary (International Organisations & Environment Diplomacy), MEA*
- Mr. Harsh Vardhan – *Joint Secretary (UN Political Division), MEA*
- Ms. Rohita Mishra – *Under Secretary (UN Economic and Social Division), MEA*
- Ms. Thelma John David – *IFS (Probationer), MEA*

The United Nations Economic and Social Division (UNES) is the division of the MEA in charge of UPR reporting¹.

The NHRC was represented by Mr. J. P. Meena, Joint Secretary at the NHRC, in charge of Administration, Coordination, Research and Projects.

The workshop fulfilled three main objectives, namely: (1) providing training and capacity building opportunity on how best to engage with the UPR process, (2) examining critical human rights issues in India today and (3) providing a forum for dialogue between various stakeholders (government, national human rights commission and civil society) on the UPR process both in terms of implementation of the recommendations made to India by the UPR in 2008 and preparation for the next UPR in 2012.

The workshop was a rare opportunity for open, constructive and in-depth dialogue and will hopefully represent a milestone towards better engagement of all stakeholders with the UPR process. This report reflects some of the main discussion points and outcomes.

I. The UPR Process

The Universal Periodic Review (UPR) is a unique human rights mechanism of the United Nations (UN) Human Rights Council aiming at improving the human rights situation on the ground of each of the 192 UN Member States. Under this mechanism, the human rights situation of all UN Member States is reviewed every four year (48 States are reviewed each year during three UPR sessions dedicated to 16 States each).

The result of each review is reflected in an "outcome report" listing the recommendations made to the State under review (SuR) including those that it accepted and which it will have to implement before the next review. The UPR is a full-circle process comprising three key stages:

¹ The UNES division was headed, at the time of the UPR Workshop by Mr. A.R. Ghanashyam (Joint Secretary) and is composed of one Deputy Secretary and two Under-Secretaries. The current Joint Secretary (UNES) is: Mr. T. S. Tirumurti.

- Review of the human rights situation of the SuR
- Implementation between two reviews (four years) of the recommendations accepted and voluntary pledges and commitments by the SuR
- Reporting at the next review on the implementation of those recommendations and pledges and on the human rights situation in the country since the previous review

India was part of the first series of States to be reviewed by the Human Rights Council in April 2008. It will be reviewed again in June 2012. As with all states under review, the Government of India submitted its national report to the Human Rights Council in March 2008. Civil society organisations also submitted a parallel report. Following India's review, the Government of India accepted 18 recommendations made to it by other states².

II. Lack of consultation and inadequate reporting by the GOI during the first UPR

In the preparation of the content of the State report, according to Human Rights Council resolution 5/1, *"States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders"*. This clearly puts the onus on the State to initiate and carry out truly broad-based consultation. Civil society speakers at the workshop stated that there was no broad consultation process to prepare India's first report to the UPR. They reported that the 2008 UPR process was hurriedly organised leading to poor participation on both sides. The meeting was held with very short notice, the government prepared no documentation in advance and there was no fixed agenda to guide the content. This minimal consultation took place only in D  hi, the national capital. The government made no attempt to take the process to the rest of the country.

From a civil society perspective, India's State report suffered in its substance and relevance due to the lack of substantive consultation. The 2008 State report does not go beyond a listing of the constitutional, legal and institutional instruments, which have been established to protect and promote human rights. While this is needed, one of the objectives of the UPR is to assess the challenges faced by states in implementation of their human rights obligations. In India's first state report, there was no mention or analysis of the problems, gaps, and challenges in state response and implementation, which is the ultimate test of how far the Indian state is realising its human rights obligations and commitments.

Consulting civil society will provide the government with first-hand information of gaps in implementation at the ground level. It was pointed out by one speaker that other states (the United Kingdom as one example) have used the UPR process to openly and honestly recognize the gaps in human rights protection and seek advice on how to address these gaps. This is particularly important for India, as there are many serious gaps in human rights protection in the country.

III. Overview of the human rights situation in India

The presentations by expert speakers on the situation of human rights in India provided broad overviews of key human rights concerns in the country today. Many of these are linked to the recommendations made to the government during India's first review. One speaker spoke at length of the exclusion of the most vulnerable – Dalits, adivasi communities, the rural poor – being perpetuated by the current economic growth model. Participants were reminded that the vast majority of India's working population are employed in the informal sector as "flexible labour". As a result of this, the vast majority of India's working population has been reduced to further poverty – about 77% (850 million) of the working people of India subsist on Rs. 20 per day. With no social protection, their rights are totally denied to them. The "social cost" of India's growth was also discussed, particularly the mass displacement of millions of families due to purported "development" projects. With the displacement, traditional livelihoods are being destroyed on an unprecedented scale.

It was mentioned that there is an urgent need for the State to acknowledge and address current human rights violations, including: large-scale displacements resulting from development projects and communal violence; enforced disappearances in conflict areas; deaths through encounters; the

² Documents pertaining to India's first review, including a chart prepared by WGHHR on the status of implementation of the 18 recommendations can be found at: www.wghr.org/universalperiodicreview.html

widespread use of torture and increasing attacks against human rights defenders. The curtailing of human rights in the state's response to terrorism, and the need to interrogate this response and its impact on human rights, was also discussed.

IV. Main topics addressed by stakeholders

All the stakeholders – MEA, NHRC, and civil society – were united in their commitment to a more inclusive and participatory UPR process, beginning with a planned and effective process of consultation. There was also discussion on reviving the drafting of a national action plan on human rights; and strong appeals to the Government of India to issue a standing invitation to UN Special Procedures to conduct country visits to India.

Wide-ranging views and commitments were expressed by the main stakeholders on these topics in the course of the workshop. These are summarised below.

A. On effective and inclusive consultation as part of the UPR process

The MEA welcomed the opportunity to interact with civil society and to have a constructive and meaningful exchange during the workshop. The Ministry encouraged holding more such interactions amongst all stakeholders, stating that: *"they can go a long way in making the process wide ranging and genuinely inclusive"*. The MEA representatives at the workshop clearly stated the genuine and serious commitment of the Government of India (GOI) to the UPR process. There is a strong willingness from the MEA to engage with civil society in the run up to the June 2012 review, including in the preparation of the national report for the second cycle of the UPR. To note, MEA representatives did request all participants to bear in mind the shortage of staff in the Ministry and the challenges this poses in drafting the state report for the UPR and inviting Special Procedures for country visits.

The NHRC echoed the inclusive spirit of the MEA. Mr. Meena, the NHRC representative, shared his expectation that from now on, the entire UPR process should be *"much more open, transparent, and inclusive"* and that all the stakeholders will find ways to contribute to the process. Mr. Meena reiterated that one way to achieve this goal is to hold consultations well in advance to avoid the same pitfalls as during UPR I.

After pointing to the numerous gaps in the first UPR, **civil society representatives** called for a new era of genuine collaboration and dialogue with the government towards implementation of the recommendations of the first UPR and preparation for the second UPR.

Following on from this collaborative and action-oriented spirit, **all the stakeholders** stated firm commitments in preparation for effective consultation and a more collaborative UPR process.

COMMITMENTS MADE BY STAKEHOLDERS

The Ministry of External Affairs will:

- Consider posting the draft national report for India's second UPR on the MEA website to receive comments from all relevant stakeholders.

The National Human Rights Commission will:

- Track the implementation of the 2008 UPR recommendations with both the MEA and the Ministry of Home Affairs to ensure that follow-up actions are taken on all the recommendations.³
- Organise a national consultation and two regional consultations with civil society to help the NHRC draft its strategy on the follow-up of UPR I and in preparation of its report for UPR II.
- Help to ensure that the outcome of the first UPR becomes a public document; with a request to involve civil society in the process of dissemination particularly at the grassroots level.

³ The NHRC has already been informed that the UPR recommendations have been circulated to each concerned Ministry. Status papers are being collected on the actions taken and the NHRC will very soon be apprised of what progress has been made.



As the main representative of civil society at the workshop, WGHR will:

- Present an interim report to the Human Rights Council in June 2011 on the status of implementation of the 18 recommendations.
- Facilitate and participate in a broad participatory process to draft a civil society parallel report for UPR II.
- Organise five regional consultations (North-East, East, West, South and North) in the run-up to UPR II, with a final national consultation to take place in Delhi in December 2011 in which civil society's parallel report will be finalised. These consultations will be for civil society, but government representatives will also be invited. Civil society will also consider drafting subject specific reports on some of the main human rights issues.
- Work towards translation of the outcome of the first UPR, particularly the 18 recommendations, into as many regional languages as possible. WGHR will seek the help of the MEA for translation.

B. On country visits by UN Special Procedures

Civil society representatives repeatedly highlighted the importance of allowing UN Special Procedures to make country visits to India. Recommendation n° 14 of the 2008 UPR asks the Indian Government to "extend standing invitation to special procedures" and recommendation 15 specifically calls the GOI to "Receive as soon as possible the Special Rapporteur on the question of torture".

While civil society very much welcomed the openness and collaboration demonstrated by the GOI during the visit of the UN Special Rapporteur on human rights defenders in January 2011, it also noted that some crucial mandate holders (for ex. SR on Torture, SR on Extrajudicial, Summary or Arbitrary Executions, SR on Sale of Children, SR on Racism and WG on Arbitrary Detention) have made numerous requests for country visits and have not yet received any response for the GOI. A chart with all the pending requests for country visits to India is attached (Annexe 1). WGHR called the GOI to extend a standing invitation to special procedures or, at the very least, respond positively to the nine Special Procedures who have made requests for country visits.

When asked why the GOI has not yet issued a standing invitation to special procedures, the MEA representatives pointed out that the UNES division of the MEA has a very small team and that possible "procedural" issues due to shortage of staff could be holding back the extension of a standing invitation.

The NHRC was unequivocal in its position on visits of special procedures in stating that "the government should not hold back and should invite Special Rapporteurs to the country and let them make their reports on which government can take follow-up actions". The NHRC appealed to civil society to help raise awareness on the positive aspects of country visits by special procedures. While there might still be some hesitations by some bureaucrats to invite special procedures, civil society should help clear these doubts by creating an atmosphere where it will become clear that such visits are meant to be constructive and are helpful towards creating a better human rights situation in the country.

C. On the national action plan on human rights

The NHRC has been tasked with drafting a national action plan for human rights (NAP). In 2008, the NHRC stated that the NAP was under preparation and that a draft would be circulated to members of the NHRC core group of NGOs for comments. However, the process seems to have been abandoned, with no visible outputs. It is strongly suggested that the GOI and the NHRC prioritise the drafting of a NAP.

During the workshop, WGHR committed to contributing to reviving the process by drafting its own suggested NAP, which will then be submitted to the NHRC and other relevant agencies for their perusal. ■

Pending requests by UN Special Procedures to make country visits to India*

Mandate Holders	1st request	2nd request	3rd request	4th request	5th request
SR on Torture	1993	2007			
SR on Extrajudicial, Summary or Arbitrary Executions	2000	2005	2006	2008	
SR on Sale of Children	2004	2008	2009		
WG on Arbitrary Detention	2004	2005	2006	2007	2009
WG on Enforced or Involuntary disappearances	2005				
SR on Racism	2006	2008			
SR on Adequate Housing	2008				
SR on Indigenous People	2008				
IE on Water	2009				

* Source: OHCHR website, <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm#india>
Update: February 2011

This chart reflects that more than twenty requests by ten Special Procedures Mandate Holders for a country visit to India have been left unanswered by the Indian government.

PRELIMINARY ASSESSMENT OF THE IMPLEMENTATION OF THE RECOMMENDATIONS MADE TO THE GOVERNMENT OF INDIA IN ITS FIRST UNIVERSAL PERIODIC REVIEW



This chart presents a brief assessment of the government's implementation of the recommendations that came out of India's first Universal Periodic Review in 2008. The recommendations and the responses of the Government of India have been lifted verbatim from the Report of the Working Group on India (UN document: A/HRC/8/26/Add.1, dated 25 August 2008). The current status of implementation and further measures required have been compiled by the Working Group on Human Rights in India and the UN (WGHR). This is not an exhaustive account of implementation, but provides a preliminary assessment and identifies gaps to the extent possible based on public information available from civil society and government sources. To note, several recommendations are very broad, and require extensive and long-term measures for implementation which are too lengthy for a chart. These have been commented on very briefly. This assessment has been prepared as a background document to assist discussions at the national workshop on India and the UPR to be held in Delhi on 4 and 5 April 2011.

S. No.	Recommendation	Response of India	Current status:	Further measures required:
1.	Expedite ratification of the Convention against Torture (United Kingdom, France, Mexico, Nigeria, Italy, Switzerland, Sweden) and its Optional Protocol (United Kingdom);	The ratification of the Convention against Torture is being processed by Government of India.	Domestic legislation, (The Prevention of Torture Bill 2010) has been drafted by the government. The Bill was passed by the Lok Sabha (Lower House) in May 2010. Once the Bill came to the Rajya Sabha (Upper House) in August 2010, it was referred to a Parliamentary Select Committee in August 2010 for further scrutiny, following civil society campaigning that the Bill did not conform to the UN Convention against Torture (CAT). The Select Committee submitted its report in December 2010 in which it pointed out several gaps in the Bill, and has also drafted an alternate Bill based on consultation and input received from civil society and human rights groups. The Committee's alternate Bill more closely aligns to CAT than the original Bill drafted by the government.	The Select Committee has to present its re-drafted Bill to the Rajya Sabha. As the Bill has been totally altered, it has to be placed before and passed by both Houses of Parliament. It is crucial that there is no dilution of the Bill as amended by the Select Committee. Any dilution will compromise India's obligations under CAT and undermine meaningful ratification.
2.	Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation (United Kingdom);	Government of India accepts this recommendation	There have been no follow-up consultations after the first review in 2008. The government has not announced the holding of follow-up consultations with civil society on the implementation of the recommendations adopted in 2008 or on preparations for the next UPR cycle. The government can also take proactive steps to help increase awareness and knowledge of the UPR process with civil society.	Public efforts by the government to initiate and hold broad-based consultations on the UPR with civil society beginning this year, well in advance of India's next review. It is recommended that these consultations are held in all the regions and are not limited only to Delhi.
3.	Continue energizing existing mechanisms to enhance the addressing of human rights challenges (Ghana);	Government of India accepts this recommendation	This is a broad recommendation which requires a sustained approach on many levels.	In brief, WGHR suggests that any further action to "energize" existing mechanisms is geared towards strengthening institutional responses.
4.	Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals (Ghana);	Government of India is committed to continue its constructive engagement with international human rights bodies and relevant stakeholders in its pursuit of realization of all human rights for all.	This is a broad recommendation which requires a sustained approach.	In brief, WGHR recommends that the government strengthens the level and quality of engagement with both domestic and international human rights bodies, and increases consultation on human rights issues with all relevant stakeholders.
5.	Maintain disaggregated data on caste and related discrimination (Canada, Belgium, Luxembourg);	Extensive disaggregated data, including on caste, are available in the public domain.	General population data is reported in the public domain, but this is not disaggregated on the basis of castes and tribes, nor does it go into issues of discrimination. There is reporting on the extent of crimes committed against Scheduled Castes (SC) and Scheduled Tribes (ST), but this does not include crimes against SC and ST women. There is no proper analysis of this reporting, and no mention of the extent of crime complaints which are not registered by the police. There is superficial reporting on the implementation of special protective legislation in place for these communities. There is absolutely no disaggregated data on the basis of caste regarding education, health, civic amenities, employment, entrepreneurship, and other important social indicators.	The government can consider conducting periodic surveys to identify the extent of caste-based discrimination, to collect disaggregated information on the geographical distribution, and economic and social conditions in full of communities affected by caste-based discrimination, including a gender perspective. The government can also consider providing disaggregated data for the situation of women affected by caste-based discrimination.
6.	Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);	The Constitution of India provides for direct access to the Supreme Court and High Courts for redressal of violations of any fundamental right, for any individual or group of individuals. In addition, we have several other statutory mechanisms to address such violations including the National Human Rights Commissions and the State Human Rights Commissions. There is also a separate National Commission and State Commissions for Women which inter alia have a mandate to address cases of violations of women rights. There exists, therefore, effective legal and constitutional framework to address individual cases of violations within India.	There is still no move from the government to sign and ratify the CEDAW Optional Protocol (OP).	WGHR fully supports signature and ratification of the CEDAW Optional Protocol (OP). The OP provides mechanisms to enhance state compliance to CEDAW. It is a remedy available where justice remains wanting despite exhaustion of all domestic remedies, and not prematurely or in substitution of domestic remedies. The recommendations of CEDAW under the OP typically provide structural solutions, and cannot be viewed as being parallel to or substituting the domestic mechanisms available for addressing discrimination against women.

S. No.	Recommendation	Response of India	Current status	Further measures required
7.	Consider signature and ratification of ILO Conventions No. 138 and 182 (Brazil, Netherlands, Sweden);	Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child (to which India is a party) as well as the ILO Conventions No. 138 and 182 (which India is yet to ratify). India fully recognizes that the child has to be protected from exploitation of all forms including economic exploitation. Towards this end, Government of India has taken a wide range of measures including prescribing minimum age of 14 years for employment in hazardous occupations, as domestic helps, at eateries as well as in certain other areas. Regulatory provisions regarding hours and conditions of employment have also been made. Recently, a National Commission for the Protection of Child's Rights has been set up for speedy trial of offences against children or of violation of child's rights. The present socio-economic conditions in India do not allow prescription of minimum age for admission to each and every area of employment or to raise the age bar to 18 years, as provided in the ILO Conventions. Government of India remains committed to progressively implement the provisions of Article 32 of the Convention on the Rights of the Child, particularly paragraph 2 (a), in accordance with its national legislation and international obligations.	The government has yet to ratify ILO Conventions No. 138 and 182. Not only is there is very poor implementation of the law in the newly prescribed 'hazardous' sectors, but the current child labour law itself stands in direct violation of the Constitution and a child's fundamental right to education. The National Commission for the Protection of Child Rights is a Commission, not a court; and hence does not have the power to conduct speedy trials.	Current inconsistencies within all child-related laws need to be addressed immediately. The government needs to invest in child labour elimination programs, better child tracking systems, inter-departmental coordination and convergence of services, legislative provisions to regulate placement agencies and other such measures. There needs to be better functioning of Child Welfare Committees, proper rehabilitation of rescued children, and prosecution of the accused employers.
8.	Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural and multi-ethnic nature of Indian society (Mauritius);	Government of India accepts this recommendation	WGHR has no information on this.	WGHR has no information on this.
9.	Review the reservation to article 32 of the Convention on the Rights of the Child (the Netherlands);	Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child. India fully recognizes that the child has to be protected from exploitation of all forms including economic exploitation. Towards this end, Government of India has taken a wide range of measures including prescribing minimum age of 14 years for employment in hazardous occupations, as domestic helps, at eateries as well as in certain other areas. Regulatory provisions regarding hours and conditions of employment have also been made. Recently, a National Commission for the Protection of Child's Rights has been set up for speedy trial of offences against children or of violation of child's rights. The present socio-economic conditions in India do not allow prescription of minimum age for admission to each and every area of employment. Government of India remains committed to progressively implement the provisions of Article 32 of Convention on the Rights of the Child, particularly paragraph 2 (a), in accordance with its national legislation and international obligations.	The government has not indicated willingness to review the reservation to Article 32.	In recent years, India has adopted economic policies geared to move the country towards becoming an economic 'super power'. The statement of the government that it remains committed to "progressively implement" Article 32 of the CRC is welcome. There is, however, no indication on the part of the government that it will review its reservation to Article 32.
10.	Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/results of best practices in addressing poverty (Algeria);	India is committed to the realization of the right to development of all its people and is pursuing this by providing an environment for inclusive and accelerated growth and social progress within the framework of a secular and liberal democracy.	While it is true that the government is aware of the urgent need for inclusive development, the government has not addressed the root causes that are responsible for exclusion. This is leading to deepening growing economic and social inequities even while a strong economic growth rate is sustained.	The root causes of exclusion are embedded in the current economic growth model. The government must consider revisiting the current model. The alternative is to achieve growth through social justice which has never been given any serious consideration.
11.	Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation (Mexico);	Government of India accepts this recommendation	The National Human Rights Commission (NHRC) is tasked with drafting the national action plan for human rights. To date, the NHRC has not circulated a draft of an action plan. The development of national action plan for human rights has been pending since the NHRC's inception in 1993.	WGHR strongly recommends that the NHRC monitors the implementation of recommendations made by UN treaty bodies and special procedures. The NHRC also needs to expedite the development of a national action plan for human rights. The finalisation of this plan, however, has to be based on broad-based consultations with civil society across India.
12.	Ratify the Convention on Enforced Disappearances (Nigeria);	India signed the Convention for Protection of All Persons from Enforced Disappearance on the day it opened for signature last year. The process of its ratification is underway.	There are no signs of a process of ratification. Since India signed the Convention, there have been no efforts to codify enforced disappearance as a domestic criminal offence, although the occurrence of enforced disappearances is widely known in Kashmir and other conflict areas. The present law is not being used to penalize those implicated in enforced disappearances, even when the perpetrators are named. In cases which progress through the legal system after herculean efforts, the government does not grant sanction to prosecute security forces personnel.	The Government of India has not taken any measures so far that demonstrate it is honouring its commitments under the Convention.

S.No.	Recommendation	Response of India	Current status	Further measures required
13.	Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (Italy);	Government of India recognizes the role of human rights education in combating discrimination. India has adopted a National Action Plan for Human Rights Education to promote awareness about human rights among all sections of the society. Specific target groups, such as schools, colleges and universities, have been identified and human rights education has been made part of curricula. Government officials, armed forces, prison officials and law officers are also being sensitised to the protection of human rights. Regular training programmes are organized by the National Human Rights Commission as well as State Human Rights Commissions. Awareness campaigns are also run by NGOs.	There is no official proof of a national action plan of action for human rights education being in place. The government did not respond to the evaluations after the UN decade for human rights education, as well as after the implementation of the first phase of the UN World Programme on human rights education in 2010.	The development of a national policy and action plan for human rights education in schools and universities is urgently required. The Ministry of Social Justice and Empowerment needs to incorporate human rights education as a component in all its special schools and hostels.
14.	Extend standing invitation to special procedures (Latvia, Switzerland);	India has been regularly receiving and will continue to receive Special Rapporteurs and other Special Procedures mechanisms of Human Rights Council taking into account its capacity, the priority areas for the country as well as the need for adequate preparations for such visits.	A standing invitation has not been issued as yet. Over the years, more than twenty requests by Special Procedures mandate holders for a country visit to India have been left unanswered by the government.	WGHR strongly recommends that the government extend a standing invitation to special procedures at the earliest. The government has been widely commended for allowing the UN Special Rapporteur on Human Rights Defenders to visit India in January 2011. This new and welcome spirit of openness will be amply reinforced through the granting of a standing invitation.
15.	Receive as soon as possible the Special Rapporteur on the question of torture (Switzerland);	India has been regularly receiving and will continue to receive Special Rapporteurs and other Special Procedures mechanisms of Human Rights Council taking into account its capacity, the priority areas for the country as well as the need for adequate preparations for such visits.	To date, as far as we are aware, the Special Rapporteur on torture has made two requests for a country visit to India, in 1995 and 2007. There has been no response as yet from the government.	WGHR strongly recommends that the Special Rapporteur on torture is invited to visit India at the earliest. Custodial torture remains endemic in India.
16.	Fully integrate a gender perspective in the follow-up process to the UPR (Slovenia);	Government of India accepts this recommendation	Although the government has accepted this recommendation, no consultations or reviews with civil society organisations to discuss the process of integrating a gender perspective have been organised following India's first review.	It is crucial to integrate a gender perspective in the UPR process, so that women's concerns are well represented, and thereby addressed. WGHR strongly recommends that the government prioritises the holding of consultations with civil society organizations, and women's groups in particular, at the earliest.
17.	Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage (Slovenia);	With regard to Article 16(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Government of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent. With regard to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination Against Women, Government of India declares that it agrees to the principle of compulsory registration of marriages. However, failure to get the marriage registered will not invalidate the marriage particularly in India with its variety of customs, religions and level of literacy.	It must be noted that this recommendation is tied to India's reservations to articles 5 (a) and 16 (1) of CEDAW. There has been no follow-up on these recommendations to date.	As stated by the CEDAW Committee in 2007, the GOI is strongly recommended to withdraw its reservations to articles 5 (a) and 16 (1) of CEDAW, and also review its policy of non-interference in personal laws. It is clarified here that the Special Marriage Act 1954 is a secular law, not a personal law. Thereby, the policy of non-interference does not apply to the Act. On compulsory registration of marriages, it is agreed that it is undesirable, because it would exclude women whose marital status is not clear such as live-in and common law partners. We express concern and call the government's attention to the spate of state level regulations pursuing compulsory registration of marriages that has been underway (in accordance with the Supreme Court judgment, Seema vs. Ashwani Kumar (2006) 2 SCC 578).
18.	Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated (Tunisia);	The Constitution of India seeks to secure to all its citizens "justice (social, economic and political); liberty (of thought, expression, belief, faith and worship); equality (of status and of opportunity); and to promote among them fraternity assuring the dignity of the individual and the unity and integrity of the Nation". Legislative and administrative measures of the Government of India are guided by this objective. In this context, the Government of India accepts the recommendation made.	This is a broad recommendation which requires a sustained approach on many levels.	The extensive range of measures needed to fulfill this recommendation require a comprehensive "indivisibility of human rights approach" at all levels of government. Given India's disturbing socio-economic realities, a sustained effort to implement economic, social and cultural rights, including the right to food, housing, education and health, is required. Details of measures needed to achieve this enormous task are too extensive to be summarized here.

- Document updated as of 1st April 2011

General Assembly Human Rights Council Seventeenth session Agenda item 6 Universal Periodic Review

Joint written statement* submitted by the Habitat International Coalition, the Asian Centre for Human Rights, the Commonwealth Human Rights Initiative, nongovernmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31. [16 May 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

India: Hope of a more inclusive second UPR**

The "Working Group on Human Rights in India and the UN" (WGHR) – a national coalition of 14 NGOs and independent experts from India – would like to commend the Government of India for its commitment towards an inclusive second Universal Periodic Review (UPR) process.

1. National workshop on the UPR

During a high-level national workshop on the UPR held in New Delhi in April 2011, the Indian Ministry of External Affairs (MEA) committed to:

- Making the UPR process wide ranging and genuinely inclusive;
- Engaging constructively with civil society and all other relevant stakeholders in the run-up to India's second review (June 2012), including in the preparation of its national report;
- Considering to post on its website its draft national report and invite comments from all stakeholders.

This national workshop was the first time various stakeholders (Government of India [GOI], National Human Rights Commission, NGOs and civil society) came together to openly discuss the UPR process, both in terms of implementation of the 18 recommendations made to India through its first UPR, and preparation for its second review.

2. India's first UPR

India's first UPR in 2008 lacked any serious form of consultation with NGOs and civil society. The government held only minimal consultation, hurriedly organised and barely advertised, leading to weak participation. As a consequence, India's national report suffered in its substance and relevance.

WGHR welcomes the commitment of the MEA to make significant changes in the run-up to India's second UPR.

3. Status of implementation of recommendations made to India during first UPR

WGHR's mid-term assessment (see chart on WGHR's website¹) points out that, while some progress has been made in a few areas, much more needs to be done at the national policy and legislative levels – if India is to comply with the 18 recommendations prior to its second cycle. The GOI must note and address the factors of identity, which block people's fair and equal access to rights.

Below is a short list of further measures required from the GOI on some select recommendations, for which implementation is possible through specific action, achievable in the shorter term.

Ratifications

On Recommendation n° 1: Expedite Ratification of the Convention against Torture (CAT)

– Domestic legislation (The Prevention of Torture Bill, 2010) was drafted by the government and passed by the Lower House of Parliament in May 2010 without any open consultation. Human rights groups held that the Bill did not conform to CAT and launched a campaign aimed at rectifying this. Consequently, in August 2010, the Upper House referred the Bill to a Parliamentary Select Committee. The Committee took into consideration submissions by human rights experts and drafted an alternate Bill that more closely aligns with the Convention. The re-drafted Bill is yet to be passed by both Houses. It is crucial that there is no dilution of the Bill as amended by the Select Committee. Any dilution would undermine meaningful ratification of CAT.

On Recommendation n° 6: Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – Since 2008, there has been no move from the government to sign and ratify the CEDAW Optional Protocol (OP). WGHR stresses that recommendations of CEDAW under the OP provide structural solutions, and cannot be viewed as being parallel to or substituting domestic mechanisms. Therefore, the GOI should seriously consider signing and ratifying the CEDAW OP, which will provide mechanisms to enhance state compliance to CEDAW.

On Recommendation n° 12: Ratify the Convention on Enforced Disappearances – Although the GOI stated that the process of ratification was “underway”, there are no signs of a process of ratification, despite large-scale enforced disappearances in the country. The government is also yet to undertake an attempt to codify enforced disappearance as a criminal offence in domestic law. Existing provisions are not being used to penalize those implicated in enforced disappearances. In cases where initial progress is made, the government does not grant the required sanction to prosecute security forces personnel. Echoing recommendations by UN treaty bodies and national commissions, WGHR joins the demand of civil society for the repeal of the Armed Forces Special Powers Act.

Invitations to special procedures

On Recommendation n° 14: Extend standing invitation to special procedure – Shortage of staff within the MEA was put forth as one of the reasons making it difficult for India to extend a standing invitation to special procedures. In the minimum, the government should receive an average of two special procedures per year, which would be manageable even for a small team. The GOI demonstrated commendable openness and support during the recent visit of the UN Special Rapporteur (SR) on the situation of human rights defenders to India. However, as many as nine other Special Procedures remain waiting for a positive response from India for country visits. Among them, some have already made numerous requests: Working Group on Arbitrary Detention (5 requests); SR on Extrajudicial, Summary or Arbitrary Executions (4); SR on Sale of Children (3); and SR on Racism (2).

On Recommendation n° 15: Receive as soon as possible the Special Rapporteur (SR) on the question of torture – The SR on torture made a request in 1993, followed by a reminder in 2007. Given the fact that custodial torture remains endemic in India, it is crucial for the GOI to allow the SR to visit India and demonstrate the same openness that was shown to the SR on human rights defenders.

Follow-up process to the UPR

On Recommendation n° 2: Fully involve civil society in the follow-up to the UPR – During the national workshop on the UPR, the GOI expressed its willingness to engage with all stakeholders. WGHR will prepare a suggested “roadmap” to aid the government demonstrate this willingness by planning and executing its preparation for the second UPR in widest possible consultation with all stakeholders.

On Recommendation n° 16: Fully integrate a gender perspective in the follow-up process to the UPR – It is crucial to integrate a gender perspective in the UPR process so that women's concerns are well represented and thereby addressed. There have been no government attempts so far to integrate a holistic gender perspective. This will be addressed in the roadmap that WGHR will prepare.

Declaration on article 32 of the CRC

On Recommendation n° 9: Review the declaration to Article 32 of the Convention on the Rights of the Child (CRC) – The GOI admits child labour is undesirable, but claims poverty and ignorance perpetuate it. It also admits child labour-related laws are poorly enforced. Current official thinking holds it is “not realistic” to ban all child labour. However, the legal scenario has changed as being at school and not at work is now a Fundamental Right for all children (Art. 21A) backed by a powerful “Right to Free and Compulsory Education Act, 2009”. The logical corollary to this far-reaching change in the legal regime is for the GOI to revisit its earlier declaration and follow it up by amending “The Child Labour (Prohibition and Regulation) Act, 1986” in order to make it fully compliant with the new Fundamental Right.

Nation action plan for human rights

On Recommendation n° 11: Take into account recommendations made by treaty bodies and special procedures in developing a national action plan for human rights – The National Human Rights Commission (NHRC) has been tasked with drafting a national action plan for human rights (NAP). In 2008, the NHRC stated that the NAP was under preparation and that a draft would be circulated to members of the NHRC core group of NGOs for comments. However, the process seems to have been abandoned, with no visible outputs. It is strongly suggested that the government requests the NHRC to prioritise the drafting of a NAP.

Disaggregated data on caste

On Recommendation n° 5: Maintain disaggregated data on caste and related discrimination

– Some of the key areas where disaggregated data on caste is missing are: (i) Crimes committed against Scheduled Castes and Scheduled Tribes women; (ii) Employment in the private sector and entrepreneurship; and (iii) access to health and civic amenities. It is strongly recommended that the GOI monitors through its surveys the current practices of caste-based discrimination (CBD) as well as economic and social conditions of communities affected by CBD, disaggregated gender wise.

4. Role of civil society in the run-up to the second UPR

WGHR, along with other major human rights organizations, is committed to assisting the government in the run-up to the second UPR. It will also organise civil society consultations across the country, leading to a joint stakeholder submission in December 2011.

Conclusion

Signatory organizations to this statement and WGHR request India to:

- Take concrete measures to implement the recommendations of the first UPR before the next review;
- Address and not repeat the gaps and shortcomings of the previous UPR process, with the aim of enabling a comprehensive view of the human rights situation in India.

*** Working Group on Human Rights in India and the UN (WGHR), an NGO without consultative status, also shares the views expressed in this statement.*

1 Available at: www.wghr.org/universalperiodicreview.html

PROGRAMME OF WORK FOR THE 18TH SESSION OF THE HUMAN RIGHTS COUNCIL (12-30 SEPT 2011) - version as of 12 September (subject to change)

		WEEK 1	WEEK 2	WEEK 3
M O N D A Y		12 September	19 September	26 September
	10.00	Item 1 and Item 2 Opening of the session	Item 2 <u>starts at 09.00 a.m.</u> - ID by HC on Yemen (dec/17/117)	
	13.00	Item 2 Update by the HC General debate	Item 4 - ID with COI on Libya	09.00-12.00 Annual discussion on integration of gender perspective (res 6/30)
	15.00	Break	Item 4 (cont'd) - ID by HC on Syria- follow-up to the 16 th SS	Item 7 - 12.00- 15.00 - Report of SG on Gaza FFM - HC Report General debate
	15.00	Item 2 (cont'd) - General Debate (cont'd)		
	18.00	Item 3 ID with SRS on Children and Armed Conflict	Item 4 (cont'd) ID with IE on Sudan	Item 7 (cont'd -15.00-18.00)
T U E S D A Y		13 September	20 September	27 September
	10.00	Item 3 (cont'd) starts at 9 a.m.	Item 4 (cont'd) <u>starts at 09.00 a.m.</u>	Item 8 General debate
	13.00	Clustered ID with: - IE on international solidarity - WG on mercenaries	- ID on the HC oral report on Belarus General debate	Item 5 (cont'd) Complaint Procedure
	15.00	Item 3 (cont'd)	Item 3 and 5 Clustered ID with: ID with SR on indigenous peoples ID with Exp. Mechanism on indigenous peoples	Item 9 Clustered ID with: - SR on racism - WG on African descent
	15.00	Panel on promotion and protection of human rights in the context of peaceful protests (dec/17/120)	Half-day Panel on the role of languages and culture in the protection of well-being and identity of indigenous peoples (res15/7)	Item 9 (cont'd) Report of the Ad Hoc Committee on Complementary Standards General debate
	18.00			
W E D N E S D A Y		14 September	21 September	28 September
	10.00	Item 3 (cont'd)	Item 6 <u>starts at 09.00 a.m.</u> Consideration of UPR reports - Belgium - Denmark - Palau	Item 9 (cont'd) <u>starts at 09.00 a.m.</u> High-level panel discussion for the promotion and protection of HRs through tolerance and reconciliation (dec/15/117)
	13.00	Clustered ID with: - SR on contemporary slavery - SR on HR and toxic waste		
	15.00	Break	Item 5 (cont'd) - General debate	Item 10 - ID with SR on Cambodia - ID with IE on Somalia SG/HC country reports General debate
	18.00	Panel on the realization of the right to development	Item 6 Consideration of UPR reports - Somalia - Seychelles - Solomon Islands	Item 1 Decisions and conclusions
T H U R S D A Y		15 September	22 September	29 September
	10.00	Item 3 (cont'd)	Item 6 (cont'd) Consideration of UPR reports - Latvia - Sierra Leone - Singapore	Item 1 Decisions and conclusions
	13.00	- ID with: SR on right to water & sanitation - SG/HC/OHCHR thematic reports General debate		
	15.00	Break	Break	Break
	18.00	Item 3 (cont'd) 15.00-18.00 General debate (cont'd)	Item 6 (cont'd) Consideration of UPR reports - Suriname - Greece - Samoa	Item 1 (cont'd) Decisions and conclusions
F R I D A Y		16 September	23 September	30 September
	10.00	Panel discussion on the right to health of older persons (res15/22)	Item 6 (cont'd) Consideration of UPR reports - Saint Vincent and Grenadines - Sudan - Hungary	Item 1 (cont'd) Decisions and conclusions
	13.00	Break	Break	Break
	15.00	Item 2 & 3 (cont'd)- GD (cont'd)	Item 6 (cont'd) Consideration of UPR report - Papua New Guinea - Libyan Arab Jamahiriya General debate	Decisions and conclusions (cont'd) Appointment of special procedures mandate-holders
	18.00	Item 5 Complaint Procedure		

Notes: 17th Sep 2011

Human rights:

Civic - urban health
Urban Research Centre

Dalit / Panchayat

→ Disappearance of women & children in India

- Bonded labour > rehabilitation

International Justice Commission (Chennai)

Action Aid (women's Right)

Jairam - Disability India (Inclusive Society)

- 'Make Disability inclusive'

Raj Kumar

1961 - 17th Sep African country (Mauko)

see journal assassinated

A man who introduced Peace Keeping force

UN Charter (we the people)

UN Charter adopted:

UDHR

who dropped the UDHR? 1946 (5 people dropped)

the UDHR - Hansa II

② Convention rights ⇒ Civil / Political Rights

ICCPR

ICESCR

⇒ 9 core treaties:-



CAT

CEDAW

CRPD

ICERD

CRC

MWC (migrants workers)

CED (enforce)

Disappearance

state oppression

Minorities

Treaty laws - are contracts / an obligation

Human Rights Instruments

- The parliament makes the laws in India
(with the federal structure)

2006 - Human Rights Council

History (Time) } human rights has evolved
culture (space) } through these modes

1215 the Magna Carta (King John)
- the notion of 'due process'

(Sovereign / sovereignty) Human rights
challenges the sovereign (This was introduced
the norms before on the duty of the state
- (think that govt can do / or cannot do
French Rev: talks about the rights of the
man & Rights of the state.

The normative structure
who makes the norms?

Human rights mechanism

Social structure

Rights Vs Duty ⇒ every citizen has duties.

Accountability measures.

The World War I (The history of World War I
with this came the idea of how
to stop war

- to build peace and security

1921 - The League of Nations was

founded

- abolishing of slavery
 → contemporary form of slavery is now being taken up.

→ struggle of the workers.

1918-1919

1930 - the great depression (Germany was asked to pay a huge indemnity... the collapse of the financial system).

→ This pushed the advocates of human rights

→ Roosevelt 1941 - came with the idea of an alliance of the united nations.

4 freedoms - freedom from fear
 from war
 from hunger
 freedom of Expression (a degree to which the country is defining freedom of worship).

Use of force

UN / self define
 Responsibility to protect
 It did not outlaw war

The International Treaty

Equality / non-discrimination / self determination
 is the founding of the UN - the rights to self determination

Covenant starts with a Preamble of the
 UDHR
 has 3 parts

⇒ substantive rights → binding obligation
 To protect the rights used in the Preamble and the UDHR is seen as a common doc
 S. African constitution was one of the best.

192 countries → Kinshasa

Right
 Food sovereignty to right to self
 determination.

The 4th 2 principles are often used and 'operative'

The non-discrimination

Security Council is the enforcement

agency *

The UN is only ^{what as a} supervision.

→ The General Assembly - is a
 legislative body (192 states
 - functions through 6 committees.

'Development' entered the arena only in the

1980's

The branches of organ of the UN

UN GA 192 6 committees Who's not allowed	UN Security Council 1990 became active 5+10 - Takes up human rights - Racial Discrimination - Political - No veto's not allowed	Eco social Council 54 created the Commission of H.R. - gave consultative status for Who's - 1996/31	ICJ - settling justice between states - dispute settlement
--	---	---	---

Sec
Secretary General

- humanitarian
 - Peacekeeping
 - mainstream human rights
 - in 1993 the office of human rights high commissioner

commissioner
 * Wang Piliang
 - appointed by the secretary general

how does one implement the laws / norms

5:

ICCPR (Civil and Political Rights)

OPT (1)

OPT (2) Abolishing of the Death Penalty.

(Monitoring on avoiding Death Penalty) and forms of death penalty / Torure

The Declaration on Torture came about in 1971

The 1971 - 75 \Rightarrow the Sentiments on emergency.

Human Rights foreign Policy, every country has a doc on H.R foreign Policy.
competing interest / self interest shows this & foreign countries do not make them available

Ref: Cross

Climate change and human Rights

- Right to life
- sinking states

India has not shown global leadership
- 'India is a vibrant democracy' is a cliché and is an open statement of each politician.

Manual Scavenging in the ILO - there is

1-11 - about discrimination on manual scavenging.

^ - gave India recommendation about indirectly manual scavenging.

2002 - 1-11 - India has not brought about the followup report.

Railways - encourages manual scavenging in one of the largest sophisticated open

difficult mechanism health / sanitation - budget is low / no effort / policy

BILDO Reports are still under

are obtained instead of 'we are all human rights defenders'

Voluntary guidelines of companies - check website*

complaints to the special procedure.

Chidambaram: Part of Vedanta.

Law of the Armed Conflict
LOAC
Law of Humanitarian
IHL (ICRC)

Radika Kumarasamy's address to the Security Council on women discrimination

History of Haiti - arms struggle

Universal Ratification ~~of~~
[which all countries have signed the convention]

Magret Sakaria
Special Procedure expert

Catherina Albuquerque

Accountability of non-State Actors is a problem / a challenge



Light is universal, indivisible, inalienable, intersecting

accelerant to NRO

India functions with 7 treaty bodies

Enforcement has to happen locally

World Conference on Terrorism

Treaty Bodies have a coalition - CRP / Dalit ca (SEED)
Civil society to submit its reports

April 2000 (Action Report - Shadow Report)

Oct 2010 CEDAW

2008 CESCR

Not written / not Ratified

[CAT] [CED] [HWC]

26th Aug 2011 CRC 3 and 4.

HRC - 1997

2007 CERD

CRPD (Initial Report is ready)

to the Treaty Body

from the State govt

Read about the History of gypsies

Helping Bureaucrats who are inclined or are Arrogant helps a great job.

Step 1: The reports are submitted (18, 10, 23 para)

= Report is an obligation

Step 2: The Treaty Body send questions & Issues to the govt - expecting the govt to send responses. (NRO's are allowed)

Step 3: The govt sends the responses to Step 2

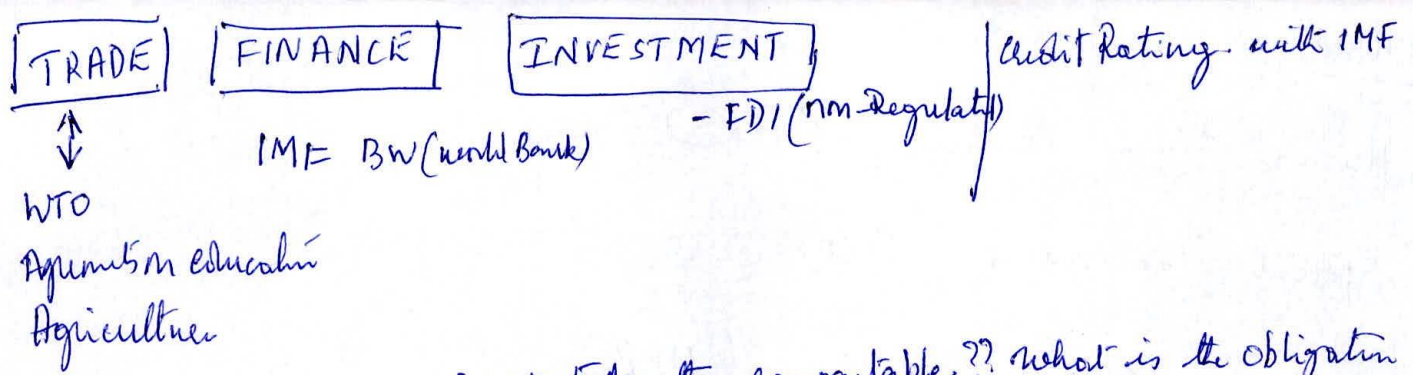
Step 4: Constructive dialogue on the merit of what is before them. NRO's here also have a part to play

Step 5: Experts come with concluding observations: Findings, Positive outcomes, Recommendations (then the NRO's play a role.)

Step 6: Follow up must be given to the Treaty Bodies. This will be brought up for a discussion. NRO's play a role to check how the govt is implementing the recommendations

- govt has a duty to disseminate information to the public.

- This cycle is taken through rounds. This is a continuous process.



Trade Law and Human Rights [Are they compatible??] What is the obligation of the state that works on both Trade/financial law that is integrity environment law and human rights. The state is the duty bearer and signs both law - what is the dialogue between the two? not hierarchical in nature. In the last 10 years there are issues raised - Human Rights impact on Trade related issues.

Back to Real
U Pendra Baxi - Feature of human rights - Trade related Market friendly human rights
 Are you for:
 Policies for human rights
 or
 Policies of human rights
 where do we put human rights in this context??
 legal accountability
 challenge economic growth without economic justice.

World Bank Inspection Panel *Check complaints can be sent to the WB. - if projects can be harm people.

18th Sep

- Human Rights Council (HRC)
- Special Procedures (SP)
- Universal Periodic Review (UPR)
- Communications.

- Treaty based human rights Mechanism - is bound by a particular law
 - ⇒ HRI | International human Rights Law
 - its Treaties
- Charter based
- Extra conventional.

Good except for the contents, ~~maybe~~ all the rest is a treaty.

CHR(1946) -

Economic Social Council -
Charter based mechanism - are also called extra conventional.

- The ECOSOC-CHR(1946 - 2006)
- Set up standards
 - NGOs could come in (as per Article 17)
 - from 1946 people started sending complaints
 - encouraged the writing of the Universal Declaration of human Rights.
- Became The Economic & Social Council (ECOSOC)

'Promoting'

- what is 'protection'
- what is 'Preventive'

What should countries do about Protection.. what do the violations all around the world. can

non-binding mechanism (in the 1960's - Military Rule in Greece and Dictatorship.

- a lot of violations were taking place).

1967-The economic & social council started the mechanism- Charter based mechanism.

⇒ acute form of gross and systematic violation of human rights.

The Economic and Social Council with the commission for Human Rights

1973 - Chile (Pinochet) * check (Read more)
- violations of human rights in Chile

Amnesty started with prisoners of

conscience

Latin American countries

from until 2006
53 members made up in the commission
192 countries with 5 regions
Africa - made 26 members
↓
Questions were raised about how this became a power game of political.

⇒ Reform of the UN and the finance of the UN.

⇒ Reform took place without changing the charter.

⇒ Questions were raised on the credibility of the UN.

Switzerland was the last country to join UN.
- because people refused to become the member of the UN.

Secretary General Kofi Annan brought about change in human rights.

- human rights should permeate within the whole system - UNDP / UNICEF and environment bank.

In 2005 - Human Rights Commission

created

A/60 (A) - document to the General Assembly

(SC) - Security Council

A/60/251 - created the human rights Council.

The Commission was shifted to

ILO-182 - worst form of child labour

Libia was suspended from being a member.
- possibility of evaluating the performance.

Universal Periodic Review

- Review of human rights

- 192 states will satisfy the review of the human rights mechanism.

- The human rights council (⇒ should give to human rights education

- India has not even have a plan

- under the human rights council - to come out with a legal framework

- Declaration on human rights education and Training (Human Rights Council

- 2nd phase is going in this direction

- Improving

Human Rights Council

General Assembly / 6A

↓
founded the Human Rights Council / HRC
- with 47 council members.

Human Rights Council - looks at the special procedures.

- they brought in the Code of Conduct

Extrajudicial Killings * - et Read more
Asma Jahangir * - brought to light of
honour killing in Pakistan & other
Islamic countries.

Function of Association and Assembly.

Sub committee - started the as indigenous people,

Forum on Minority Issues.

HRC → Expert mechanism for indigenous people

Ref to chaps ⇒ in this Bk on Human Rights Council

Complaint Procedure

- gross ~~and~~ human rights violation in the country ('1503' - is related not to individual countries but on situations)

2001 World Conference against Racial Discrimination

- Separation > severe

India participated with many Nro's - Dismiss when Dalit organization spoke of Dalit atrocities.

Slavery and Slave Trade, related to Slaves taken to other world.

Carte band

1. Racial Discrimination
2. Xenophobia
3. Related intolerance

Durban Declaration DDPA * Read More was adopted in 2001.

- Develop a national Plan

look at Asian countries ⇒

How do you understand Racial Discrimination - gender band

- countries had to eliminate:

Discrimination has many forms.

- As

Special Procedures

Visiting Argentina * Read more on this

Disappearances - country related special procedures.

① country specific

② Thematic

Started in 1980 with Disappearances happening all over the world

- had a working group to monitor, examine, the docim
- individuals could bring up complaints to the working group.

- Extra judicial killings ⇒ Read up more
- they appoint a special Reporter

- Torture

- Arbitrary Detention.

But - examine - elected / processed
- looking at the Eco, social, cultural rights.

- looking at diff phenomena like sex trade (another form of slavery)

- Violence against women.
* Read
Rashika Kuman - special Reporter on Violence against women

Thematic Reporters

- renew's every 3 years.
- interpret the mandate.

Paul Hunt } Human Rights (sex - ~~and~~ degree
in Human Rights (one you cover).

Martin in Human Rights

Optional Protocol on Women India has
not ratified

Human Rights Defenders: Protecting
the Right to Defend Human
Rights. - Fact Sheet No 29

Check Human Rights Fact Sheet
No 2 - NO 28.

Read: Asma Jahangir - in Religious
Intolerance

Religious Minority \Rightarrow Religious
 \Rightarrow language

National Minority - for eg. Hungarians
in

Asma Jahangir - Visit to Dublin
Mission Report

National Committee on Minorities
State Committee on Minorities.

Complaint Mechanism

- Identity of the victim
- Identity of the perpetrator
- who is sending the paper

Women Human Rights Defenders

Ms. Hina Galani

India's secret detention center.

Victim as an agent of change *
- a foundation principle in the
signifying of the individual

Special session with HRC

Thematic - Food

Bio-Fuels * check more on this
- raising prices.

Theme and country
How much Food production is converted into
Bio Fuels (? Read More)

Universal Periodic Review

HR Council



Universal Periodic Review

- All obligations are listed into.
- \Rightarrow a mechanism to push countries
improve its human rights
- \Rightarrow State under Review - 3 members
draw up a list.
- right to reject the review report.

- NRO's develop one of the Review.
- ⇒ Parallel brief
 - Planning session.
 - govt takes the report & implement it & the report.
 - Working group in India
 - Advocacy to convince the govt on human rights issues.

Universal Periodic Review
H.R. argued in imp. issues.
All states reviewed by any other states.

NRO Delighan
NORWICH, GUNNING, UK.
- when the new does taking place.
offering

Swimming along the tide ~~and~~ does not get you far...
you can achieve something if you swim against the tide.

26/27/28th ⇒ consultation on human
UPD

Country Report on Children looking for...
Shadow Indian Alliance for child rights
Report on A

Forum Asia / Check *
Nepal /
Working group on Human Rights
Nation to National Rights
- Every member state will have to go through this.



Magnet Sagaya - Read about
Human Rights Defenders*

UPR - Recommendations (India).

Opportunities as collectives how to make the UN ~~works~~ works for you - etc

All offer opportunities
not much has been used by NRO's - as the govt. says that the Supreme Court -

we don't use the UN too well
how do we bring the local to the national

NRO's are actors - and we should use a script of exploring ways of exploring human rights mechanism
High Commissioner's Office - how does one

Maintain a friendly and yet a critical distance with the functioning

Human rights and technology
Human rights with respect to Toxic waste
Conscientious documentation

On Disappearances:

Attention without due process
& experts.

Clear about the victim |

Making of Experiences

can when we can act

High Commission / Downloadable

South Asia Documentation Centre

A subject that thinks about
itself. Human Rights evolution
after the struggle of people.

Ethical / sustain
A Gap

leaving the capacity to monitor - that
the UN is doing to -
as NAO's - the ping at the Primary
source is input.

Transitional Justice

Techun Tibubnah.

Reading on Human Rights

Oxford: Human
University } Introduction to Human Rights
Human Rights } &

A Very short introduction to Human
Rights - Andrew Clapham.

Fact sheet

Human Right Instruments / MC / 2008 / 3 /
6 June 2008. chd web *A

Andhra Pradesh

Conducted Programme with Promoting Organisations from **6th to 16th May 2007** with **230 NGOs** with 359 Signatures in **11 Districts** (Cuddapah, Chittoor (Srikalahasti), Nellore, Prakasam (Ongole), Guntur, Krishna (Vijayawada), West Godavari (Laxmipuram), Srikakulam (Palakonda), Vizianagaram (Verasagaram), Vishakhapatnam (Narsipatnam), East Godavari (Pithapuram) of Andhra Pradesh.

Bihar

Conducted 10 Programmes (1 State level & 9 District level) with Promoting Organisations from **22nd to 31st May 2007** with **216 NGOs** with 299 Signatures in **10 programmes** (Patna, Nalanda (Rajgir), Nawada, Jehanabad, Arwal, Bhojpur (Ara), Patna, Muzaffarpur, West Champaran (Chanpatia), Gaya of Bihar.

Networking

The idea of forming a Network of Right Based and Democratic Organizations in the Eastern Region took shape at the end of the two days Zonal conference on "Governance in Crisis : Developing a strategy for active participation of Civil Society Organizations" held on 24-25th May, 2003 at Youth Hostel Puri in collaboration with like minded organizations of the state.

OUR PARTICIPATION INTERNATIONAL EVENTS

1996

- Participated the South Asia Training Workshop on Human Rights Education on 16th - 22nd December, 1996 at Rajoir, Madaripur, Bangladesh.

1997

- Participated the Regional workshop II for the Regional Facilitating Team meeting (3-7 March, 1997) at ACFOD-Training Center, Cholburi, Bangkok, Thailand.
- Participated the Exploratory meeting on 500 years of Domination The Second War of Independence for Global South May- June 1, 1997, at Hotel Orchid, Kathmandu, Nepal.

1998

- Participated meeting on "Cross Border Cooperation For Prevention on Child and Women Trafficking" 19 - 20 December, 1998, Dhaka, Bangladesh.

1999

- Participated an International Seminar on "South Asia at Cross Road; Ethnicity, Communalism and Human Rights" March 17-19, 1999, Department of Anthropology, Calcutta University.
- Participated 6th training course on "Understanding the Art of Advocacy and Building Advocacy skills for sustainable Development" 17-29 April 1999, at Institute for Development Policy Analysis and Advocacy (IDPAA) and Proshika : Bangladesh.

2000

- Participated in an international Seminar on "Ethnicity-Communalism, Development-Globalization and Human Rights" March 24-26, 2000, Department of Anthropology, University of Calcutta,

2002

- Participated as a Mentor of One World week (OWW) programme 2002 under Reaching Out and Reaching South (ROARS) from 29th September, 2002 to 28th January, 2003 at Christians Aware, Leicester, United Kingdom.

2004

- Participated in "Asia-Pacific People's Convention on Food Sovereignty" November 25-27, 2004, Osmani Memorial Auditorium, Dhaka, Bangladesh.
- Participated in "First Assembly of Asian Peasant Coalition" held on 28th November, 2004, (Institute of Mother & Child Health Hospital), Dhaka, Bangladesh.
- Participated in "Communication and Media Advocacy Training for South Asians", November 29-30, 2004, at Hotel Sundarban, Dhaka, Bangladesh.

2005

- Participated in International Training Workshop for Trainers on "Food Sovereignty from September 19-21, 2005 at Hotel Kenilworth, Kolkata.
- Participated in IFHHRO Annual Conference 2005 "Engendering Health and Human Rights" 30th September and 1st October 2005 at YMCA, Mumbai Central, Mumbai.
- Participated in Regional Workshop on "Demystifying Non-Discrimination for effective Child Rights Programming in South & Central Asia" from 24th to 28th October 2005, at Hotel Himalaya, Kathmandu, Nepal.

2006

- Participated in International Conference for the Reform of International Institutions : Dialogues between different levels of Governance and Civil Society Actors, 20 & 21 November, 2006 at ILO Headquarters, Geneva, Switzerland.
- Participated in 7th International Conference of Chief Justices of the World (World Judiciary Summit-2006) on Article 51 (C) of the Constitution of India, 8-11 December 2006, CMS, Lucknow.

2008

- Participated in International Peace Seminar held from 29th Nov. to 6th Dec., 2008 at Dhulikhel, Nepal.

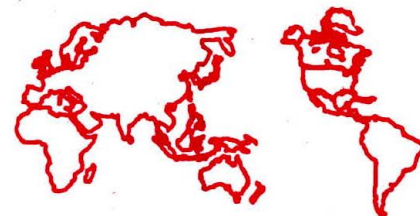
2009

- Attended ILBS Community Meeting from 15th to 17th May, 2009 at Heiligkreuztal convent in Southern Germany sponsored by International Leadership and Business Society, Tuningen, Germany.

Working For
TOMORROWS INDIA

"We realise that injustice
anywhere is a threat to justice everywhere"

-Martin Luther King, Jr.



MARTIN LUTHER KING
**CENTRE FOR DEMOCRACY
&
HUMAN RIGHTS**

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- ☎ : 00 91 94 371 44245
- 📞 : 00 91 06792 252526

Background

Gross violation of Human Rights, torture, social injustice which we mostly deplore in the developing countries are not necessarily due to "bad laws" enacted by the Parliaments/Legislature. On the contrary, most of these countries have really citizen-friendly, modern, progressive laws, legislation, rules & regulations. But unfortunately most of the people have not been also to assert their rights. Practically speaking most of them even do not know, their fundamental rights or even when they do know, can not afford to resort to the costly legal battle in the courts. It is true that the rich, well educated, urban, elite obtain their rights more often than the poor, ignorant, oppressed and marginalised.

Compared to the geographical size of the country, number of population, the number of qualified pro people human rights lawyers are much too small. The courts are over burdened & lack of trained staff, proper space, legal texts and equipments. Ongoing cases take up inordinate length of time, as a result of which the common people/ordinary citizen suffers most.

Martin Luther King Centre for Democracy and Human Rights (MLKCDHR), trust is a non Governmental Organization, run by the trustees & comprises a group of highly competent, extensively experienced educators, most respected advocates and activists. A team of full time professional workers and a panel of lawyers are working for the center in different divisions.

Mission Statement

Advancement of Democracy for international peace, political stability and human progress through protection of Human Rights & Judicial system by non violent & peaceful means.

Objectives

01. Protect the Human Rights and promote Democratic Development : (including Minority Groups, Immigrants and Refugees) :
02. Strengthening the Social, Economic, Civil and Cultural Rights of the Indigenous people under the constitution and law.
03. Ensure Public Education, Legal Literacy, advance the status and right and Indigenous, Dalit, socially disadvantages groups of women into leadership positions both nationally and internationally.
04. To involve in the study of Non-violence and Peace, Development, Research and Policy Analysis.
05. Develop effective Legal Defence, Legal Aid (Conduct litigation) Legal Support, service and technical assistance programme.
06. To monitor, help ensure Free, Fair and meaningful election in the State/Country; monitor and investigation of complaints of Human Rights violations;

Focus group

Attention is on the socially and economically marginalised people with a focus on women, children and minority community.

Areas of Concentration

Issues of Peace and Security, Reform of Police, Prison, Child Soldiers, National Gun Laws, Food Sovereignty (Right to Land & Food), Disappearance & Right to Information etc.

Activities and Programmes

Training & Seminar

Small Arms & Light Weapons :

To organize training, seminars, promote, conduct review and prepare for an annual human rights education and training course.

- Participated the International Workshop on "Small Arms and the Humanitarian Community : Developing a strategy for Action" Nairobi, **18th - 20th November, 2001**, convened by the Humanitarian Coalition on Small Arms at Kenya School of Monetary Studies, Kenya.
- Participated in Nairobi Consultation on "Small Arms Resource Manual" on **21st November (Wednesday), 2001** at Kenya School of Monetary Studies, Kenya.
- Participated two days South Asian Meeting on Follow up to the UN Conference on Small Arms **Feb. 19th - 20th, 2002**, India International Center Annex, New Delhi.
- Participated an International Seminar on "Campaign Against Small Arms" **February 21-23, 2003** at the Blue Oceanic Hotel in Negambo (Colombo), Sri Lanka,
- State Level Seminar on Small Arms and Public Security : An Effort for Peace on **Sunday 8th June, 2003** at Bhubaneswar.
- Round Table on "Control of Small Arms-Million Faces Petition" on **Wednesday 10th December, 2003** at Konark, Orissa.
- State Level Seminar on "Control of Small Arms : Key to Development & Establishment of Peace" on **Saturday 12th June, 2004** at Y.M.C.A. Kantatoli Chowk, Ranchi (Jharkhand).
- State Level Seminar on "Control of Small Arms : Key to Development & Establishment of Peace" on **Thursday 17th June, 2004** at Hotel Aditya, Raipur (Chhatisgarh).
- Participated in International Seminar on "Small Arms : a big problem in South Asia", "Gun Control" and "Control Arms Campaign" from **16th January to 21st January 2004** at World Social Forum, NESCO grounds, Goregaon, Mumbai.

Food Sovereignty

- Regional level planning meeting "People's Caravan 2004 for Food Sovereignty : Asserting our Rights to Land & Food" on **Monday 19th July, 2004** at Youth Hostel, Puri for participants of Jharkhand, Orissa and West Bengal.
- Martin Luther King Centre for Democracy and Human Rights in collaboration with SAMARPAN, Sambalpur and WRTO, Bargarh organized a seminar on "Starvation Death and Food Sovereignty" on Tuesday **14th September, 2004** at Pantha Nivas, Sambalpur.
- Martin Luther King Centre for Democracy and Human Rights, Reception Committee of PEOPLE'S CARVAN 2004 Orissa Chapter, in collaboration with Institute for Motivation Self Employment (IMSE) organized a one day Public Hearing on 'Starvation Death and Food Sovereignty : Asserting our Rights to Land and Food' on Wednesday **15th September, 2004**, at Rabindra Mandap, Bhubaneswar.

Campaign

Orissa

In depth Reform of International Institutions and Disappearance of Women & Children

- Involved in World Campaign for **in-depth Reform** of the Systems of **International Institutions** for carrying out awareness-raising and promotion activities regarding campaign objectives (June-December, 2005) led by UBUNTU, World Forum of Civil Society Networks.
- Conducted programme with **school students** in 20 schools and collected 2066 (1085 boys +981 girls) individual signatures.
- Conducted programme with **youths** in 52 youth clubs, 2 Degree colleges and collected 186 individual signatures.
- Conducted programme with **women** in 211 Self Help Groups (SHGs) and collected 1879 individual signatures in 3 districts.
- Conducted programme with **media** in 21 Media organizations(print + electronic) and collected 21+ individual signatures from media people.
- Conducted programme with **NGOs**, 210 organizations with 262 individual signatures in 11 districts of Orissa.
- In brief, Conducted programme with school students, youths, women (Self Help Groups), Media and NGOs of Orissa in 13 districts (covered 43%) and collected 4414 individual signatures.

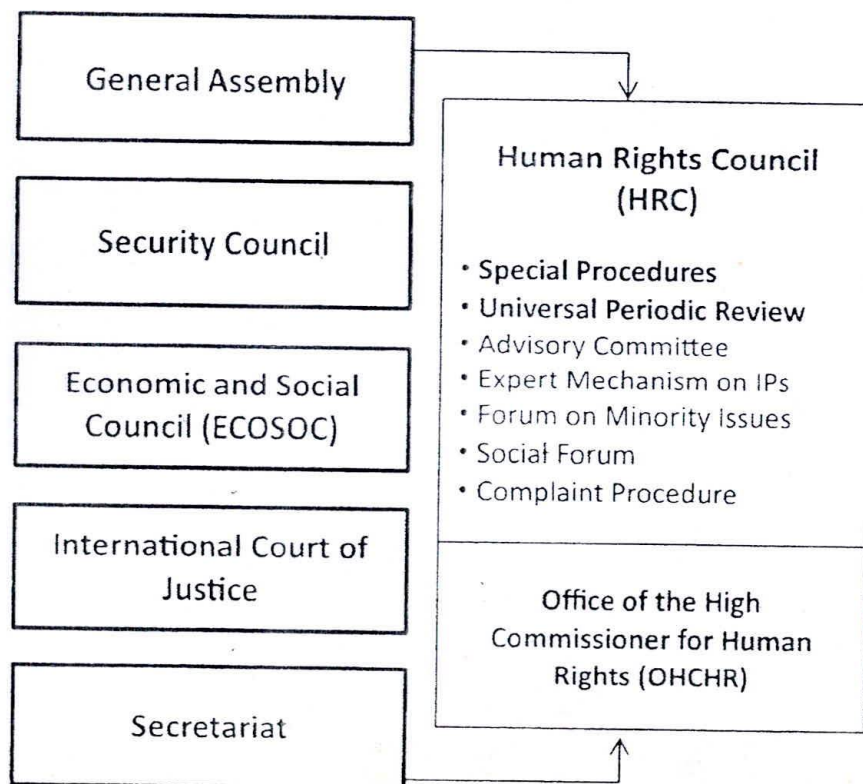
Jharkhand

Conducted Programme with Promoting Organisations from **18th to 27th February 2007** with **170 NGOs** with 266 Signatures in **10 Districts** (Daltongang, Latehar, Garwa, Gumla, Giridih, Bokaro, Dhanbad, Deoghar, Hazaribagh, Koderma) of Jharkhand state.

Overview of the UN HR Protection System

Charter-Based Bodies

192 member States



Document source: Forum Asia

Status of Ratifications updated as of January 2011

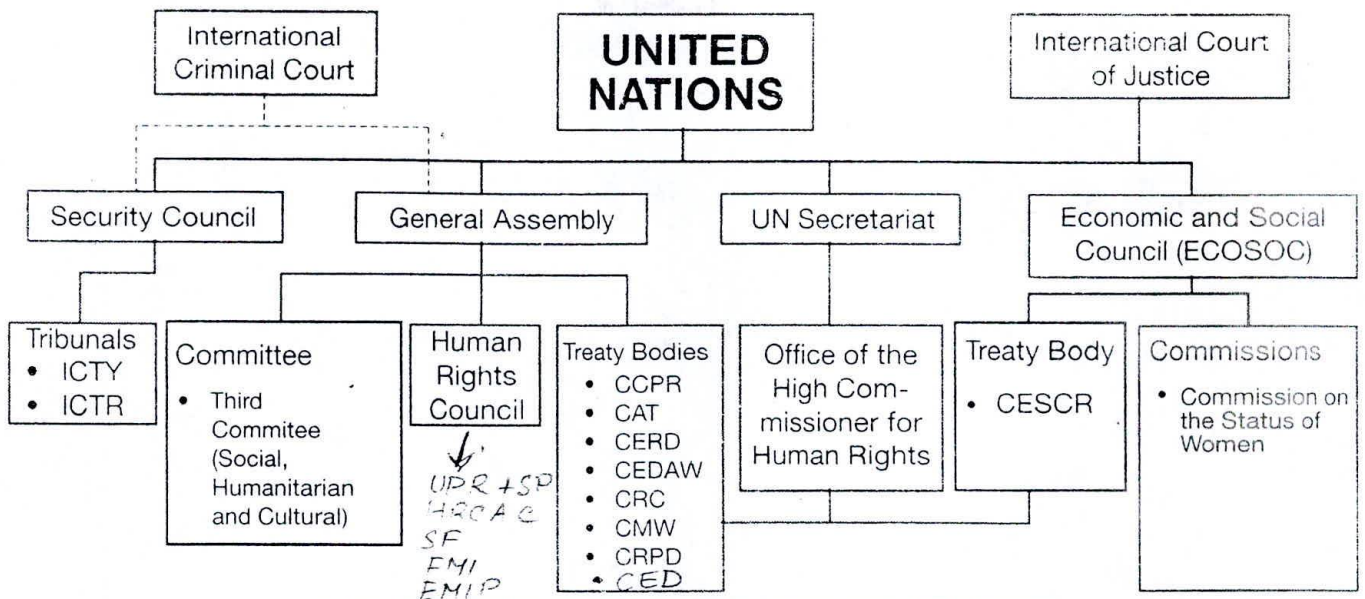
Treaty-Based Bodies

State-Parties

Treaty	State-Parties	India
ICESCR (1966)	160	Yes
ICESCR-OP (2008)	2	—
ICCPR (1966)	167	Yes
ICCPR-OP1 (1966)	113	—
ICCPR-OP2 (1989)	73	—
ICERD (1965)	174	Yes
CEDAW (1979)	186	Yes
CEDAW-OP (1999)	100	—
CAT (1984)	147	—
CAT-OP (2002)	57	—
CRC (1989)	193	Yes
CRC-OPAC (2000)	139	Yes
CRC-OPSC (2000)	142	Yes
ICMW (1990)	44	—
CRPD (2006)	96	Yes
CRPD-OP (2006)	60	—
ICED (2006)	18	—

(2)

Human Rights Architecture at the United Nations



KEY

ICTY – International Criminal Tribunal for the Former Yugoslavia
 ICTR – International Criminal Tribunal for Rwanda
 CCPR – Human Rights Committee
 CAT – Committee Against Torture
 CERD – Committee on the Elimination of Racial Discrimination
 CEDAW – Committee on the Elimination of Discrimination Against Women
 CRC – Committee on the Rights of the Child
 CMW – Committee on Migrant Workers
 CRPD – Committee on the Rights of Persons with Disabilities
 CESCR – Committee on Economic, Social and Cultural Rights

192
 9 ⇒
 16
 17 ⇒
 18
 12

6. Identity of the person or organization submitting the report (*):

(a) Family name:

(b) First name:

(c) Relationship to the disappeared person:

(d) Organization (if applicable):

(e) Address (telephone, fax, e-mail):

(f) Please state whether you would like **your identity** to be kept **confidential**

Yes, keep my identity confidential: _____

No request for confidentiality: _____

Additional information on the case

Please indicate any other relevant information that has not been covered by the previous questions. If one of the mandatory elements noted (*) in this report could not be answered, please indicate why.

.....

.....

Date: Signature of author:

Address to submit cases:

E-mail: wgeid@ohchr.org

Fax: +41 22 917 9006; attn: Working Group on Enforced or Involuntary Disappearances

Post: Working Group on Enforced or Involuntary Disappearances
OHCHR, Palais des Nations
8-14 Avenue de la Paix
CH-1211 Geneva 10 (Switzerland)

Annex II

PRACTICAL INFORMATION:

**THE UNITED NATIONS WORKING GROUP ON
ENFORCED OR INVOLUNTARY DISAPPEARANCES
IN A NUTSHELL**

**What is the United Nations Working Group on
Enforced or Involuntary Disappearances?**

The Working Group was established in 1980 by the Commission on Human Rights. Its mandate is to assist families in determining the fate and whereabouts of their relatives. The Working Group is a channel of communication between the families and the Governments concerned, aiming to ensure that individual cases which families have brought to its attention are investigated by domestic authorities with the objective of clarifying the fate or whereabouts of disappeared persons.

In cases of intimidation, reprisals, harassment of relatives of disappeared people, human rights defenders or advocates and lawyers working on cases of disappearance, the Working Group calls on the Governments concerned to take steps to protect all the fundamental rights of the persons concerned.

Furthermore, the Working Group monitors the implementation of the 1992 Declaration on the Protection of All Persons from Enforced Disappearance.

The Working Group does not:

- Directly investigate individual cases;
- Directly adopt measures of protection against reprisals;
- Establish individual or State responsibility in cases of enforced

(e) Identity document:..... Nr:

Date of issue: Place of issue:

(f) Address of usual residence:.....

.....

.....

(g) Pregnant: yes ☐ / no ☐.

2. Date on which the disappearance occurred (*):

Day: Month(*): Year(*):
of disappearance

3. Place of arrest or abduction, or where the disappeared person was last seen (*):

Location (if possible, street, city, province or other relevant indications):

.....

.....

.....

4. Forces (State or State-supported) believed to be responsible for the disappearance (*):

(a) If the perpetrators are believed to be State agents, please specify (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible. Be as precise as possible:

.....

.....

.....

(b) If identification as State agents is not possible, why do you believe that Government authorities, or persons linked to them, are responsible for the incident?

.....

.....

.....

(c) If there are witnesses to the incident, indicate their names. If they wish to remain anonymous, indicate if they are relatives, passers-by, etc. If there is evidence, please specify:

.....

.....

.....

5. Action taken by relatives or others to locate the person (enquiries with police, jail, human rights commission, habeas corpus petition, etc.) (*):

(a) Indicate if complaints have been filed, when, by whom and before which organ.

.....

.....

.....

(b) Other steps taken:

.....

.....

.....

(c) If action was not possible, please explain why:

.....

.....

.....

The Working Group encourages the ratification of the Convention and the acceptance by States of the Committee's competence to receive and consider individual and inter-State communications.

Annex I

FORM TO SUBMIT A COMMUNICATION ON A VICTIM OF AN ENFORCED OR INVOLUNTARY DISAPPEARANCE

Important: Elements indicated with an asterisk (*) are mandatory.

Note: If any information contained in the report, besides the mandatory requested elements, should be kept confidential, please write "CONFIDENTIAL" beside the relevant entry.

CASES SUBMITTED BY ORGANIZATIONS:

Please note that if a case is being submitted to the Working Group by an organization, it is necessary for that organization to follow up on it by conveying Government information from the Working Group to the family and from the family to the Working Group until the fate or whereabouts of the person are determined. In this regard, ***please indicate whether the reported victim's family has given its direct consent*** for your organization to submit this case to the Working Group on its behalf and whether your organization will be able to liaise between the family and the Working Group.

* Consent of victim's family given directly to your organization to submit this case?

Yes, direct consent received from family _____

No consent from family _____

*If this case is being submitted by an organization, will the organization be able to follow up by conveying information between the family and the Working Group? Yes _____ No _____

1. Identity of the disappeared person:

(a) Family name (*):

(b) First name (*):

(c) Sex: male ___ / female ___

(d) Date of birth:

III. DETENTION²

1. Date of detention:.....
2. Duration of detention (if not known, probable duration):.....
3. Forces holding the detainee under custody:.....
.....
4. Places of detention (indicate any transfer and present place of detention):
.....
5. Authorities that ordered the detention:
.....
6. Reasons for the detention imputed by the authorities:
.....
.....
7. Relevant legislation applied (if known):.....
.....

IV. DESCRIBE THE CIRCUMSTANCES OF THE ARREST AND/OR THE DETENTION AND INDICATE PRECISE REASONS WHY YOU CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY³

.....
.....
.....

³ Copies of documents that prove the arbitrary nature of the arrest or detention, or help to better understand the specific circumstances of the case, as well as any other relevant information, may also be attached to this questionnaire.

V. INDICATE INTERNAL STEPS, INCLUDING DOMESTIC REMEDIES, TAKEN ESPECIALLY WITH THE LEGAL AND ADMINISTRATIVE AUTHORITIES, PARTICULARLY FOR THE PURPOSE OF ESTABLISHING THE DETENTION AND, AS APPROPRIATE, THEIR RESULTS OR THE REASONS WHY SUCH STEPS OR REMEDIES WERE INEFFECTIVE OR WHY THEY WERE NOT TAKEN

.....
.....
.....
.....

VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION (TELEPHONE AND FAX NUMBER, IF POSSIBLE)⁴

.....
.....
.....
.....

Date:..... Signature:.....

⁴ If a case is submitted to the Working Group by anyone other than the victim or his family, such person or organization should indicate authorization by the victim or his family to act on their behalf. If, however, the authorization is not readily available, the Working Group reserves the right to proceed without the authorization. All details concerning the person(s) submitting the information to the Working Group, and any authorization provided by the victim or his family, will be kept confidential.

This questionnaire should be addressed to the Working Group on Arbitrary Detention, Office of the High Commissioner for Human Rights, United Nations Office at Geneva, 8-14, avenue de la Paix, 1211 Geneva 10, Switzerland, fax No. (022) 917.90.06.

ANNEX V

Model questionnaire to be completed by persons alleging arbitrary arrest or detention¹

I. IDENTITY

1. Family name:
2. First name:
3. Sex: (Male) (Female)
4. Birth date or age (at the time of detention):.....
5. Nationality/nationalities:.....
6. (a) Identity document (if any):
- (b) Issued by:
- (c) On (date):.....
- (d) No.:.....
7. Profession and/or activity (if believed to be relevant to the arrest/detention):
.....
8. Address of usual residence:
.....
.....
.....

¹ A separate questionnaire must be completed for each case of alleged arbitrary arrest or detention. As far as possible, all details requested should be given. Nevertheless, failure to do so will not necessarily result in the inadmissibility of the communication.

1. Date of arrest:
2. Place of arrest (as detailed as possible):
-
-
-
3. Forces who carried out the arrest or are believed to have carried it out:
.....
4. Did they show a warrant or other decision by a public authority?
(Yes) (No)
5. Authority who issued the warrant or decision:
-
-
6. Relevant legislation applied (if known):.....
-
-
-
-
-

² For the purpose of this questionnaire, "arrest" refers to the initial act of apprehending a person. "Detention" means and includes detention before, during and after trial. In some cases, only section II, or section III may be applicable. Nonetheless, whenever possible, both sections should be filled in.

vent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted and/or how the results of the investigation are inadequate.

Date: Time: Location/country: — < Panchayath limit, 6 PM. 12th August

Number of assailants: Are the assailant(s) known to the victim? 5 assailants, 2010

Name of assailant(s): Hannumanthappa Ramu AB known to the victim

Does the victim have a relationship with the assailant(s)? If so what is the nature of the relationship? Victim works in the agricultural farm of Hannumanth

Description of the assailant(s) (include any identifying features):

- Aged Hannu: 42, Owner of 15 acres farm in the Panchayath limits

DESCRIPTION OF THE INCIDENT:

- Was beaten up after similar past occurrences that happened 6 months ago
- was shipped in a public area and the R/E taken in the Panchayath area expected to pay a fine of 10K
- Alleged that she has not been coming to work regularly & has a relationship with a person in the past year

Does the victim believe she was specifically targeted because of gender? If so, why? yes. She has been repeatedly harassed by the person in the past year

Has the incident been reported to the relevant State authorities? If so, which authorities and when? Reported to the Police Station, who have denied to file an FIR.

Have the authorities taken any action after the incident? No. They had merely called the persons, 6 months ago and warned them.

If so, which authorities? Inspector and Sub Inspector of the Panchayath

What action? The person was warned, meeting held in the Panchayath

When? 28th August 2010

Please bring to the attention of the Special Rapporteur any information that becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or of a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
 THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
 OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND

(Fax: 00 41 22 917 9006, e-mail: csaunders.hchr@unog.ch)

Human Rights Fact Sheets:

- No. 2 The International Bill of Human Rights (Rev.1)
- No. 3 Advisory Services and Technical Cooperation in the Field of Human Rights (Rev.1)
- No. 4 Methods of Combating Torture (Rev.1)
- No. 5 Programme of Action for the Second Decade to Combat Racism and Racial Discrimination
- No. 6 Enforced or Involuntary Disappearances (Rev.2)
- No. 7 Communications Procedures
- No. 8 World Public Information Campaign for Human Rights
- No. 9 The Rights of Indigenous People (Rev.1)
- No. 10 The Rights of the Child (Rev.1)
- No. 11 Extrajudicial, Summary or Arbitrary Executions (Rev.1)
- No. 12 The Committee on the Elimination of Racial Discrimination
- No. 13 International Humanitarian Law and Human Rights
- No. 14 Contemporary Forms of Slavery
- No. 15 Civil and Political Rights: The Human Rights Committee
- No. 16 The Committee on Economic, Social and Cultural Rights (Rev.1)
- No. 17 The Committee against Torture
- No. 18 Minority Rights (Rev.1)
- No. 19 National Institutions for the Promotion and Protection of Human Rights
- No. 20 Human Rights and Refugees
- No. 21 The Human Right to Adequate Housing
- No. 22 Discrimination against Women: The Convention and the Committee
- No. 23 Harmful Traditional Practices Affecting the Health of Women and Children
- No. 24 The Rights of Migrant Workers
- No. 25 Forced Evictions and Human Rights
- No. 26 The Working Group on Arbitrary Detention
- No. 27 Seventeen Frequently Asked Questions about United Nations Rapporteurs
- No. 28 The Impact of Mercenary Activities on the Right of Peoples to Self-Determination

cultural norms of the village
- bringing disgrace to the village
- her family has been boycotted from the village and
celebrations like birth of

Person Built on the Police to accept an FIR

Annex 4

CONFIDENTIAL VIOLENCE AGAINST WOMEN INFORMATION FORM

INFORMER: The name and address of the person/organization submitting the information will remain confidential. Please also mention whether we can contact you for additional information, and if so by what means.

Name of person/organization: Women Against Violence
 Address: 20/6 Sector 1, Nangar, Bichhar, North Karnataka, India
 Fax/tel./e-mail: WAV@gmail

VICTIM(S): Information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing to have the case transmitted to the Government concerned.

Name: Hannemanthi
 Address: Bichhar
 Date of birth: [Age 32/3] 18, Sep, 1979
 Nationality: Indian
 Sex: F
 Occupation: Domestic worker / human labourer
 Ethnic background, religious, social group (if relevant): Devadasi - Backward class

THE INCIDENT: Including dates, place and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights. Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish and ensure compensation for the violations. Include information about the steps taken by the victims or their families to obtain remedies, including complaints filed with the police, other officials or independent national human rights institutions. If no complaints have been filed, explain why not. Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to pre-

- E. Nationality _____
F. Occupation _____
G. Identity card number (if applicable) _____
H. Activities (trade union, political, religious, humanitarian/solidarity, press, etc.) _____
I. Residential and/or work address _____

II. Circumstances surrounding torture

- A. Date and place of arrest and subsequent torture _____
B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other) _____
C. Were any persons such as a lawyer, relatives or friends permitted to see the victim during detention? If so, how long after the arrest?

D. Describe the methods of torture used

E. What injuries were sustained as a result of the torture?

F. What was believed to be the purpose of the torture?

G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?

- H. Was appropriate treatment received for injuries sustained as a result of the torture?

- I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?

- J. If the victim died in custody, was an autopsy or forensic examination performed and what were the results?

III. Remedial action

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints to the forces responsible, the judiciary, political organs, etc.)? If so, what was the result? _____

IV. Information concerning the author of the present report:

- A. Family name
B. First name
C. Relationship to victim
D. Organization represented, if any
E. Present full address

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.

Please 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 yes, explain:

- Type of procedure(s)
- Date(s)
- Place(s)
- Results (if any)

Please 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)

Annex 3

SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON TORTURE

Model questionnaire to be completed by persons alleging torture or their representatives

Information on the torture of a person should be transmitted to the Special Rapporteur in written form and sent c/o Office of the High Commissioner for Human Rights, United Nations Office at Geneva, CH-1211 Geneva 10, Switzerland. Although it is important to provide as much detail as possible, the lack of a comprehensive account should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information:

- a. Full name of the victim;
- b. Date on which the incident(s) of torture occurred (at least as to the month and year);
- c. Place where the person was seized (city, province, etc.) and location at which the torture was carried out (if known);
- d. Indication of the forces carrying out the torture;
- e. Description of the form of torture used and any injury suffered as a result;
- f. Identity of the person or organization submitting the report (name and address, which will be kept confidential).

Additional sheets should be attached where space does not allow for a full rendering of the information requested. Also, copies of any relevant corroborating documents such as medical or police records should be supplied where it is believed that such information may contribute to a fuller account of the incident. Only copies and not originals of such documents should be sent.

I. Identity of the person(s) subjected to torture

- A. Family name _____
- B. First and other names _____
- C. Sex: Male _____ Female _____
- D. Birth date or age _____

Annex 2

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
- Mailing 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 individuals alleged to be 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
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail

- 16
25. What national measures exist to investigate and prosecute human rights violations and abuses?
 26. What judicial and other remedies are available for victims of human rights violations? Has the effectiveness and adequacy of these remedies been evaluated? If YES, what have been the results?
 27. If your State party to the International Covenant on Economic, Social and Cultural Rights?
 28. What measures have been taken to make its provisions fully justiciable in your country?
 29. What are the main Government's/ institution's achievements, good practices, gaps and obstacles in ensuring that victims attain effective remedies?

Way forward

30. In your view, what concrete measures should be adopted and implemented to ensure the prevention of human rights at the national, regional and international level?
31. In your view, are there new emerging issues in your country related to the protection and promotion of human rights, or the prevention of human rights violations which need to be addressed at the national, regional or international level? Please elaborate.

Annex I

- ✓ International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol
- ✓ International Covenant on Economic, Social, and Cultural Rights (ICESCR) and its Optional Protocol
- ✓ Convention on the Rights of the Child (CRC) and its two Optional Protocols
- ✓ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol
- ✓ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol
- ✓ Convention on the Rights of Persons with Disabilities (ICRPD) and its Optional Protocol
- ✓ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and its Optional Protocol
- ✓ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICPRMW)
- ✓ International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

Regional: Africa

- African Charter on Human and Peoples' Rights (ACHPR)
- African Charter on the Rights and Welfare of the Child

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Regional: America

- American Convention on Human Rights
- Inter-American Convention to Prevent and Punish Torture
- Inter-American Convention on Forced Disappearance of Persons
- Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities

Regional: Europe

- Charter of Fundamental Rights of the European Union
- Convention on Action against Trafficking in Human Beings
- European Charter for Regional or Minority Languages (ECRML)
- European Convention on Human Rights (ECHR)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- European Social Charter (ESC), and Revised Social Charter
- Framework Convention for the Protection of National Minorities (FCNM)

Annex II
INTERNATIONAL INSTRUMENTS

A. THE INTERNATIONAL BILL OF HUMAN RIGHTS

1. Universal Declaration of Human Rights
2. International Covenant on Economic, Social and Cultural Rights
3. International Covenant on Civil and Political Rights
4. Optional Protocol to the International Covenant on Civil and Political Rights
5. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

B. WORLD CONFERENCE AND MILLENNIUM ASSEMBLY

6. Vienna Declaration and Programme of Action 1993
7. United Nations Millennium Declaration 2000

C. THE RIGHT OF SELF-DETERMINATION

8. United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples 1960
9. General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"
10. International Convention against the Recruitment, Use, Financing and Training of Mercenaries

D. RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES

11. ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)
12. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992
13. Declaration of the rights of indigenous peoples 2007

E. PREVENTION OF DISCRIMINATION

14. Equal Remuneration Convention, 1951 (No. 100)
15. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) *International Convention 2002*
16. International Convention on the Elimination of all Forms of Racial Discrimination
17. Declaration on Race and Racial Prejudice
18. Convention against Discrimination in Education
19. Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education
20. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981
21. Declaration against Racism, Racial Discrimination, Xenophobia and Related Intolerance

F. RIGHTS OF WOMEN

22. Convention on the Elimination of All Forms of Discrimination against Women
23. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
24. Declaration on the Protection of Women and Children in Emergency and Armed Conflict
25. Declaration on the Elimination of Violence against Women

G. RIGHTS OF THE CHILD

26. Convention on the Rights of the Child

27. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
28. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
29. Minimum Age Convention, 1973 (No. 138)
- * 30. Worst Forms of Child Labour Convention, 1999 (No. 182)

H. RIGHTS OF OLDER PERSONS

31. United Nations Principles for Older Persons

I. RIGHTS OF PERSONS WITH DISABILITIES

32. Convention on the Rights of Persons with Disabilities
33. Declaration on the Rights of Mentally Retarded Persons
34. Declaration on the Rights of Disabled Persons
35. Principles for the protection of persons with mental illness and the improvement of mental health care
36. Standard Rules on the Equalization of Opportunities for Persons with Disabilities

J. HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

37. Standard Minimum Rules for the Treatment of Prisoners
38. Basic Principles for the Treatment of Prisoners
39. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
40. United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- ✓ 41. Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- * 42. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
43. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
44. Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
45. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
46. Safeguards guaranteeing protection of the rights of those facing the death penalty
47. Code of Conduct for Law Enforcement Officials
48. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
49. United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)
50. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
51. Guidelines for Action on Children in the Criminal Justice System
52. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)
53. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
54. Basic Principles on the Independence of the Judiciary
55. Basic Principles on the Role of Lawyers
56. Guidelines on the Role of Prosecutors
57. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
58. Declaration on the Protection of All Persons from Enforced Disappearance

K. SOCIAL WELFARE, PROGRESS AND DEVELOPMENT

- 59. Declaration on Social Progress and Development
- 60. Universal Declaration on the Eradication of Hunger and Malnutrition
- 61. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind
- 62. Declaration on the Right of Peoples to Peace
- 63. Declaration on the Right to Development 1986
- 64. Universal Declaration on the Human Genome and Human Rights
- 65. Universal Declaration on Cultural Diversity

L. PROMOTION AND PROTECTION OF HUMAN RIGHTS

- 66. Principles relating to the status of national institutions (The Paris Principles)
- 67. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1993

M. MARRIAGE

- 68. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
- 69. Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

N. RIGHT TO HEALTH

- 70. Declaration of Commitment on HIV/AIDS

O. RIGHT TO WORK AND TO FAIR CONDITIONS OF EMPLOYMENT

- 71. Employment Policy Convention, 1964 (No. 122)

P. FREEDOM OF ASSOCIATION

- 72. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- 73. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Q. SLAVERY, SLAVERY-LIKE PRACTICES AND FORCED LABOUR

- 74. Slavery Convention
- 75. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
- 76. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- 77. Forced Labour Convention, 1930 (No. 29)
- 78. Abolition of Forced Labour Convention, 1957 (No. 105)
- 79. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- 80. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

R. RIGHTS OF MIGRANTS

- 81. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- 82. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

S. NATIONALITY, STATELESSNESS, ASYLUM AND REFUGEES

- 83. Convention on the Reduction of Statelessness

84. Convention relating to the Status of Stateless Persons
85. Convention relating to the Status of Refugees
86. Protocol relating to the Status of Refugees
87. Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live

T. WAR CRIMES AND CRIMES AGAINST HUMANITY, INCLUDING GENOCIDE

88. Convention on the Prevention and Punishment of the Crime of Genocide
89. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
90. Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity
91. Statute of the International Tribunal for the Former Yugoslavia 661
92. Statute of the International Tribunal for Rwanda
93. Rome Statute of the International Criminal Court

U. HUMANITARIAN LAW

94. Geneva Convention relative to the Treatment of Prisoners of War
95. Geneva Convention relative to the Protection of Civilian Persons in Time of War
96. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
97. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non- International Armed Conflicts (Protocol II)