

A BRIEF GUIDE TO THE UNITED NATIONS HUMAN RIGHTS SYSTEM



HARM REDUCTION
INTERNATIONAL

CONTENTS

I.	Introduction	Page 3
II.	Non-Governmental Organisations and the UN	Page 3
III.	The UN Human Rights System	Page 4
1)	Inter-governmental	Page 4
2)	Programmatic	Page 7
3)	Treaty Monitoring	Page 7
4)	Independent Experts	Page 12

Introduction

The United Nations is a complicated organisation with a multifaceted structure comprising intergovernmental bodies, specialised agencies, independent experts, research institutes, programmes and funds, as well as a variety of committees tasked with an extensive range of jobs.

Its work is conducted in six official languages: Arabic, Chinese, English, French, Russian and Spanish.

Some of the various bodies will be relevant to human rights and to drug policy while others will not. A fairly brief introduction to the UN is available at the United Nations' website at: <http://www.un.org/en/aboutun/index.shtml>

Before engaging with the United Nations there are a few questions worth asking. The first is very basic – what do I want to accomplish? Many times there is a temptation to appeal to the UN when one's own national government is better suited to deliver the best results. Certain UN bodies may be well-positioned to recommend a government abolish or amend a national policy. However, such a result may ultimately require action from the national government.

It is also worth asking whether the body you are appealing to is the one mandated to deal with your petition; does the government recognise the mechanism; can it accomplish your desired goals within your timeline? It is hoped that this guide will serve as a resource to compare and contrast UN mechanisms so that advocates can select the one that works best for them.

Non-Governmental Organisations and the UN

NGOs may engage with the UN system in a variety of ways. Some require obtaining what is called 'consultative status.' This does not mean you can participate in every meeting (which will often require a trip to Geneva or New York anyway). Nor will you get to vote like member states! But this status does give you better access to the system and its work.

Only groups that are two-years-old or older are eligible. They also need to have an established headquarters, a democratically adopted constitution, a representative structure and mechanisms of accountability and transparency. The work of the group should also relate to the UN's mission.

There are three categories of consultative status for non-governmental organisations:

1. **General**, for large international NGOs
2. **Special**, for newer or more focused groups and
3. **Roster**, for those that don't match either category but who may still make a valuable contribution to the UN's work.

Most NGOs opt for Special Consultative Status.

A more complete list of guidelines, eligibility and details about consultative status can be obtained here:

<http://esango.un.org/paperless/Web?page=static&content=intro>

The UN Human Rights System

The UN is clearly a massive organisation made up of a variety of very different bodies. Considered as a whole it can seem rather daunting and very complicated. However, the human rights system, when separated out from the rest of the UN, begins to make some sense.

Usually, the system is divided in two and most text books and guides deal with it in this way:

1. *Charter-based systems, i.e. those that are related to the bodies created in the UN Charter*
2. *Treaty based systems, i.e. those created by the various human rights treaties agreed between countries*

But that already sounds more complicated than it has to be! It is actually easier to divide the different types of bodies into four groups:

1. **Inter-governmental**
2. **Programmatic**
3. **Treaty monitoring**
4. **Independent experts**

This allows us to see from the start the kind of body we want to contact or address, and to think in advance of their powers and limitations, what we can ask of them, what they do etc.

1. Inter-Governmental

Human Rights Council

The Human Rights Council is the highest intergovernmental body within the United Nations that monitors human rights situations. The Human Rights Council meets a minimum of three times per year in ordinary sessions, each lasting three weeks. The Council can hold special sessions as well for extraordinary situations, if requested by a Council member and supported by one-third of the Council's membership. Reports from the meetings are posted on the Office of the High Commissioner for Human Rights web site. <http://www.ohchr.org>

Generally speaking, information about upcoming meetings will be made available to groups with consultative status and such organisations may also designate someone to observe such sessions. Obtaining accreditation in advance may be necessary. This can be acquired by faxing a request to the Human Rights Council Secretariat, to the attention of the accreditation officer, on company letterhead, the session your organisation would like to attend, the names of the representatives who will attend as they appear on their identifications and it should be signed by the head of the organisation.

Written statements may be submitted by groups with consultative status – individually or collectively – on a few conditions.

- » The earlier the better. It should be handed in early enough to allow for consultation between the organisation and the Secretary General. Any comments offered by the SG should be considered before a final version is circulated.
- » For organisations with general consultative status, the statement will be circulated in full only if it is under 2,000 words. If it is more than 2,000 words, your organisation should provide a summary. For groups with special consultative status the statement should be less than 1,500 words.
- » It should be in one of the official languages (Arabic, Chinese, English, French, Russian and Spanish) though the office prefers submissions in one of its working languages (English, Spanish or French).

If registered in advance, groups may make oral statements during general debates and in interactive dialogues at Human Rights Council sessions.

NGOs with consultative status also sometimes organise parallel events, which may include discussions or presentations on their work. These typically take

place during lunch breaks and rooms are provided on a “first-come, first-served” basis free of charge.

Information on accreditation can be obtained at the UN’s NGO Liaison at: [http://www.unog.ch/80256EE60057E07D/\(httpPages\)/AA57E3C5A169F6EA80256EF4002C4A1E?OpenDocument](http://www.unog.ch/80256EE60057E07D/(httpPages)/AA57E3C5A169F6EA80256EF4002C4A1E?OpenDocument)

More information on civil society participation at the Human Rights Council is available at: High Commissioner for Human Rights’ Handbook for Working with the United Nations Human Rights Programme Chapter V <http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook5.pdf>

The NGO Participation page of the Human Rights Council’s Web site: <http://www2.ohchr.org/english/bodies/hrcouncil/ngo.htm>

Human Rights Council

General – ordinary sessions of the Council (3 a year)

Do...

- » Keep an eye on the programme of work for agenda items and draft resolutions relevant to your work
- » Co-operate with international partners and national NGO colleagues – there is strength in numbers
- » In some contexts your foreign office may be coordinating the work in the Human Rights Council. There may be opportunities to engage with the foreign office to see if they are willing to support your programme of work. It may be worth making contact with your foreign office or your local government to discuss the issues you want raised. This, of course, depends on having a somewhat receptive national government.

The Council also has a complaints procedure through two ‘working groups’ – essentially groups of independent human rights experts. The Working Group on Communications meets twice a year to discuss complaints and whether a submission (possibly along with other complaints) exposes a widespread pattern of human rights abuse. A separate working group – called the Working Group on Situations – considers referrals from its counterpart as well as government replies. Based on its research, the Group may write a report for the Human Rights Council with details on the state of affairs and recommendations.

To make a complaint using this mechanism, send communications to:

Human Rights Council and Treaties Division
Complaint Procedure
OHCHR-UNOG
1211 Geneva 10, Switzerland
Fax: (41 22) 917 90 11
E-mail: CP@ohchr.org

A complaint may be dismissed if it fails to include a number of items such as: a detailed description of the facts, reliable proof that the particular human rights were violated or how available options in the domestic legal system were exhausted. Furthermore, your complaint should not be based entirely on media reports and it may be dismissed if it is already under consideration by a treaty body.

Complaints to the Working Group on Communications:

Do...

- » Make sure your complaint refers to ‘consistent patterns of gross and reliably attested violations of all human rights.’
- » Exhaust ‘domestic remedies’ – this means that if there is a local avenue to pursue, you should use that first.
- » Include evidence.
- » Make sure there is a factual description of the violation in your complaint.
- » Specify which rights have been violated.

Don’t...

- » Base your reports entirely on media reports.
- » Make a complaint about something that is already being dealt with by another treaty body, special procedure or UN body.
- » Make complaints that are politically motivated.
- » Use abusive language.

For additional information and a detailed list of criteria that could lead to the dismissal of a case go to: <http://www2.ohchr.org/english/bodies/chr/complaints.htm>

Another function of the Human Rights Council to monitor human rights is the Universal Periodic Review (sometimes referred to by its acronym ‘UPR’).

Universal Periodic Review

This is a review conducted periodically in Geneva to assess the human rights situation in a country, using information provided by the government, UN agencies and a summation of data provided by civil society. Unlike human rights treaty bodies, which are often sadly ignored by some

states, each government will get reviewed even if a country is uncooperative. Furthermore, rather than reviewing its compliance with a particular treaty, the government is reviewed for its observance of a number of different mechanisms including the Charter of the UN, the Universal Declaration of Human Rights, its own promises as well as all the treaties and instruments that it has agreed to.

The actual dialogue between the Council and the states takes place in one 'working group,' where governments deliver a one hour presentation and go through two hours of questions-and-answers with other states and 'special rapporteurs' (which will be looked at further below). Unfortunately only NGOs with consultative status may attend these meetings, and they need accreditation in advance.

Contributing to the Universal Periodic Review:

Organisations can participate in meetings with governments on the preparation of their reports, since countries are supposed to consult with civil society. Alternatively, organisations can seek to have their views included in the civil society summary by making a submission to the UN High Commissioner for Human Rights.

As with statements to the Human Rights Council, submissions should preferably be in English, French or Spanish, be no longer than five pages (ten for a large consortium) and contain an introduction with a summary as well as a brief on your organisation and the work it performs. It is recommended that information be submitted seven months before the Working Group meets and deadlines are available at the Office of the High Commissioner for Human Rights web site. More details on this process can be obtained at the High Commissioner for Human Rights' Handbook for Working with the United Nations Human Rights Programme at pages 148-149. http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Contributing to the UPR through the UN High Commissioner for Human Rights Civil Summary:

Do...

- » Keep your submissions under five pages (ten if for a large consortium).
- » Ideally, write your submission in English, French or Spanish.
- » Contain an introduction and summary along with a brief on your organisation and the work it performs as well as the objectives of the group.
- » Submit your report seven months before the meeting of the Working Group.
- » Follow up with an oral statement at the Council, if possible, in person or via an international colleague
- » Follow up with lobbying country delegations that may share your concerns
- » Co-operate with national and international partners.

Don't...

- » Reprint or simply cite the work of other UN bodies in your report.
- » Reprint or simply cite the work of other NGOs.
- » Use abusive language.
- » Cover more than a four-year period.

Information and guidelines for stakeholders about the UPR can be found here: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

2. Programmatic

Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights is the main office of the UN concerned with protecting everyone's enjoyment of human rights. The office assists governments, makes appeals to different countries and supports a range of international monitoring systems.

The Office works with governments, civil society and other international organisations to promote human rights. It also supports special procedures (which will be discussed more below) by monitoring situations in countries. The OHCHR is headquartered in Geneva though it has regional and country offices all over the world, in addition to support for peace missions in conflict zones. A comprehensive list of offices is available at the OHCHR web site.

The OHCHR has produced a wealth of documents on human rights including reference materials, training documents, special issue papers and fact sheets. These are all available at the OHCHR web site: <http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx>

The breadth of this work ultimately represents its roles in standard-setting, monitoring and implementation of human rights norms. The OHCHR may partner with civil society in a number of ways, including collaborating on forums or projects and promotional campaigns. Also, many civil society groups are the first reporters on human rights violations.

The Office of the United Nations High Commissioner for Human Rights is located at:
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

For more on the office see the High Commissioner for Human Rights' Handbook for Working with the United Nations Human Rights Programme Chapter I:
<http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook1.pdf>

3. Treaty monitoring

Treaty Bodies

Treaties are one of the main sources of human rights law. Also commonly called Conventions, Covenants or Protocols, treaties are essentially agreements by governments. The 'articles' in a treaty outline the specific rules that states agree to implement into their own legal systems. They are binding international law.

There are various ways governments implement treaties into their own legal systems. It is generally a three-step process between adopting a treaty and actually putting it into practice. You should not consider a state to be bound by a treaty until you are sure it has ratified it, meaning that the national government has agreed to be part of the treaty. You can check on a government and its status regarding a particular human rights treaty at <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

Once a country ratifies a treaty it becomes a 'party' or a 'state party' to the treaty. States can also consent to the treaty but if they don't like a particular rule they may avoid being bound by it with a 'reservation'. This means they may try to get out of being required to follow the rule or they may impose some conditions on how it functions. But there are a few major rules that states cannot exempt themselves from. For example, no government can claim that it is allowed to legalise torture.

So how do we know if a government is keeping its human rights commitments? If a government argues that it is allowed to treat criminal suspects violently, how is it possible to tell states that such behaviour may be torture or cruel, inhuman and degrading treatment?

Each UN human rights treaty has an independent committee – composed of 10 to 23 experts in the field – established to ensure implementation and observance of the treaty. The committee is usually named after the treaty it monitors. For example, the Committee on the Rights of the Child monitors the Convention on the Rights of the Child. The only exception to this is the Human Rights Committee, which monitors the International Covenant on Civil and Political Rights (and which should not to be confused with the Human Rights Council, which was addressed above!).

Governments are supposed to submit reports to the committee showing how they've implemented the requirements of the particular treaty. NGOs – with or without UN consultative status – can also submit 'shadow reports' to the committee giving their perspective on how well or poorly a government is living up to the terms of the treaty. NGOs

may also appear before the committee members to make a presentation and answer questions. After gathering all this information, the committee then issues a report – called ‘Concluding Observations’ – that sets out the committee’s findings and makes any necessary recommendations to the government to improve its human rights performance.

This is unfortunately an area that doesn’t always operate perfectly. Some states barely address issues of concern or fail to submit reports at all. Another drawback is that very few governments officially consult with civil society during the preparation of their reports. Also, if an NGO wants to speak before the committee they must travel to New York or Geneva. This costs money, and the committee hearings themselves tend to be sparsely attended and poorly covered by the press. (The latter, however, may be addressed by NGOs encouraging press attention)

Submitting a Written Report to a Treaty Body:

All the treaty bodies accept submissions on country situations or themes, although procedures vary between one committee and another. When making a submission from civil society, there is power in numbers, and it helps if reports are done in cooperation with other organisations. UN consultative status is not required for an organisation to be eligible to submit a report. Below are a few other guidelines that are worth keeping in mind.

- » The information must be specific to the country being reviewed by the committee.
- » Any available proof or documentation of human rights violations should be included.
- » The number of hard copies you are expected to provide varies according to the committee. For example, the Human Rights Committee’s secretariat requests at least 25 copies while the Committee on the Elimination of Racial Discrimination calls for 37 copies.

Note: NGOs may submit such information in confidence. Whether the NGO submission is made public is at the discretion of the relevant NGO.

The specific details for each committee, including recommended submission periods, number of copies as well as addresses, can be found in the High Commissioner for Human Rights’ Handbook for Working with the United Nations Human Rights Programme at pages 59 to 73. A PDF version of the document can be obtained here: http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Submissions and presentations for the periodic reporting process

Do...

- » Check which treaties have been ratified by your country
- » Check the website of the various treaty bodies to find out when your country is reporting
- » Find out which committee member is the country rapporteur and try to make contact with that member. Information about which committee members have been appointed as country rapporteurs may be available through the Web site of the committee or by contacting the committee directly.
- » Work in partnership with NGO(s) sharing your concerns and submit information as a coalition
- » Try to keep your submission reasonably brief (Max 15 pages or so)
- » Similar to some of the other human rights bodies submissions in any of the six official U.N. languages will be accepted, however, English, Spanish or French are preferred
- » Include key recommendations at the beginning
- » Make recommendations specific and realistic
- » Connect the issues to the specific rights in the relevant treaty
- » Include a critique of the relevant sections of the State report
- » Submit information in time for the pre-sessional working group
- » Follow up at the main session with the government delegation
- » Attend the pre-session and main session in person if possible
- » Invite the country rapporteur to visit your country in advance (if funds are available – this must be funded by those inviting them)
- » Try to engage the media
- » Ask those who have been through the process before for advice
- » Be prepared to follow up. Submitting a report is just to beginning! Plan your follow-up advocacy in advance

Don’t...

- » Submit a very lengthy submission – it may not get read in detail
- » Submit information at the last minute; leave lots of time
- » Submit an existing report that is not specifically for this committee or about this treaty
- » Use abusive language
- » Expect too much! These processes can be weak and their strength depends a lot on the attention you can bring to them during the reporting process and how you use the recommendations afterwards

Individual Complaints:

Five committees are qualified to accept individual complaints (the Human Rights Committee; Committee on the Elimination of Racial Discrimination; Committee Against Torture and Committee on the Elimination of Discrimination Against Women; and the Committee on Economic Social and Cultural Rights). This means that in addition to reviewing overall country performance, these committees are able to accept complaints from individual people who feel their rights have been violated.

However, these committees aren't the first stop when someone feels they have been the victim of a human rights violation. These systems are designed to be last resorts and they will require you to show that you have exhausted any possible remedies or avenues in your own legal system. This may mean you will have to prove that you have lodged the necessary protests with the local courts, oversight committees or relevant authorities. If you believe these options are unavailable to you, then it should be clearly stated in your submission why this requirement does not apply to you. Also, some committees seek to avoid duplicating the work of other international human rights bodies. Therefore, some committees may dismiss complaints if they have been submitted to multiple international bodies. Specific rules vary between committees and organisations but you should avoid blanketing international settlement bodies with complaints.

A brief synopsis of the functions of the committees is given below along with who can submit complaints along with how and when.

Who: Individuals may lodge a complaint with the committees, but there are certain conditions. First the state must be a party to the treaty. In other words, the state must have ratified the treaty and agreed to its rules. Second (and this may seem unfair) the state must have given the committee the authority to accept individual complaints.

You can look up your government to see if has agreed to both of these conditions at: <http://www.unhchr.ch/tbs/doc.nsf> The information at this site is organised by both country and treaty.

You don't need a lawyer to present your case – nor will the committee provide one for you – but it is important to have legal advice to improve its quality.

If you are complaining as a victim of a violation, you should be prepared to show how a government's actions or laws directly affect you. If you are not the victim, you may also bring cases on someone else's behalf provided you have his or her consent. If that person is unable to give permission

because of exceptional circumstances (like he or she is in prison) you should be prepared to give evidence in your complaint why that person cannot give his or her approval.

How: There is no required format for complaints but they have to be written and signed, which means they can't be e-mailed and they can't be anonymous. You should include your name, nationality and date of birth and the government you are making the complaint against. The complaint should be as detailed as possible and will only be accepted in one of the working languages of the Secretariat, which are English, Russian, French or Spanish. It should include all the facts chronologically, any copies of the proof you may have, evidence that you have tried to seek justice from your local authorities and how you believe your situation is a violation. If your supporting documentation is not in English, Russian, French or Spanish, you should include at least a summary in one of these four working languages. A longer list of recommendations, contact information and even a model complaint in English, French and Spanish is provided by the United Nations Office of the High Commissioner of Human Rights at: <http://www2.ohchr.org/english/bodies/petitions/individual.htm>

When: Some committees have no official deadline but it is better to move ahead with your case as soon as you've exhausted your options locally since other committees may dismiss your complaint due to timeliness. The committee that oversees the Convention for the Elimination of All Forms of Racial Discrimination, for example, requires you to make your submission within six months of a local authority's determination. Furthermore, if your complaint is a matter of some urgency – that is to say some irreparable harm may result from a delay – it should be stated in your submission.

What's next: If the committee chooses to consider your complaint its deliberations will be in private, though there may be an opportunity to address the panel face-to-face. Any decision the committee takes will be sent to you and the state at the same time and it will be final. There isn't a procedure to challenge the committee's decision. If the committee agrees with your complaint, it may result in any number of actions including a request that the offending law be removed or that the victim receive some compensation. But be warned – a final decision can take a while. In fact, it takes an average of two to three years for a decision to be reached.

Individual Complaints

Do...

- » Look up the particular rules for how to file a complaint with this procedure.
- » Make sure the state concerned has agreed to be part of the individual complaints mechanism – sometimes this requires a declaration on a particular article of the Treaty (CERD and CAT), and sometimes it requires ratifying a protocol to the treaty (ICCPR, CEDAW and CRDP)
- » Exhaust ‘domestic remedies’– this means that if there is a local avenue to pursue, such as domestic courts, you should use that first.
- » Bring the complaint as quickly as possible after ‘domestic remedies’ have been exhausted. Even if there is no firm time limit under the treaty body you are appealing to a good rule to follow is ‘the sooner, the better!’
- » Understand that this is a long process and it can take years to exhaust domestic remedies and then to go through the international system
- » Seek legal advice about whether domestic remedies would be ineffective or would cause undue delay (these conditions may mean your complaint can go straight to the relevant committee). Include this information in your complaint. If there is any reason why you bypassed a potential remedy in your own legal system, you must be as clear as possible why you had to do so.
- » Make sure your complaint is in writing.
- » Make sure the complaint is being brought by the victim of a violation – or someone directly affected by the act or policy in question – or at the very least with his or her consent. If this is not possible, justify your reason for not having their consent in the complaint.
- » Make sure the state in question hasn’t protected itself against the subject of your complaint with a reservation.
- » Be patient. This is a long, arduous procedure and can take years.
- » Substantiate your complaint as much as possible.

Don’t...

- » Make an anonymous complaint. You may, however, request that your identity not be disclosed in the final decision and that certain identifying characteristics be kept out of the decision. If you are very concerned about making a complaint for fear your case will become public it is worth discussing this further with the relevant secretariat.
- » Make a complaint if the matter is already being considered by another international body.
- » Make a complaint that isn’t related to the rights guaranteed by the treaty.
- » Bring repeated claims that have been dismissed in the past.

FYI

There are some circumstances where claims that are under consideration by a special rapporteur of the Human Rights Council may not be considered as being a duplication of another international mechanism’s work. If your situation is already being investigated by a mandate-holder you should consult with an expert for advice.

Under some complaints procedures, complaints may also be brought on behalf of groups, in addition to individuals. Some, such as CAT and the Human Rights Committee only allow those on behalf of individuals.

Helpful links:

For a model complaint under CEDAW click here: <http://www.un.org/womenwatch/daw/cedaw/protocol/modelform-E.PDF>

OHCHR Human Rights Bodies - Complaints Procedures: <http://www2.ohchr.org/english/bodies/petitions/individual.htm>

23 FAQ about Treaty Body Complaints Procedures: <http://www2.ohchr.org/english/bodies/petitions/docs/23faq.pdf>

Below are a few examples of treaty bodies and the conventions they oversee.

(a) The Human Rights Committee

Treaty: International Covenant on Civil and Political Rights (ICCPR)

Examples of violations: arbitrary detention, due process violations, discrimination, forced labour, breaches of privacy and other civil and political rights. Coerced treatment, forced labour in drug detention centres, putting drug offenders on trial in military courts, are all violations of the ICCPR. This committee has also stated that executing people for drug offences is a violation of the right to life.

(b): Committee on Economic Social and Cultural Rights

Treaty: International Covenant on Economic, Social and Cultural Rights (ICESCR).

Examples of violations: This is a major resource for advocates in drug policy because of the attention this committee has devoted towards the right to the highest attainable standard of health. Denial of anti-retroviral drugs or refusal to provide substitution therapy could fall under this committee's mandate.

(c) Committee Against Torture

Treaty: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Examples of violations: Very broadly this deals with torture and other forms of cruel, inhuman or degrading treatment or punishment. That can mean physical abuse although cruel, inhuman or degrading treatment can also be interpreted to include things like allowing someone to go into withdrawals without providing treatment or not supplying adequate pain medicine.

(d) Committee on the Elimination of Racial Discrimination

Treaty: Convention on the Elimination of All Forms of Racial Discrimination (CERD)

(e) Committee on the Elimination of Discrimination Against Women

Treaty: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

(f) Committee on the Rights of the Child

Treaty: Convention on the Rights of the Child (CRC)

Examples of violations: All three committees are relevant to drug policy organisations. In many instances, drug policies have negative impacts on women, children or particular racial groups. If a policy has a discriminatory effect or disproportionate impact on one of these groups, these committees are well placed to deal with it. For example, the Committee on the Elimination of

Racial Discrimination has debated sentencing disparities between powder and crack cocaine in the United States and the negative impact on African-Americans.

For additional information see:

<http://www2.ohchr.org/english/>

http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

<http://www.ohchr.org/Documents/Publications/TreatyBodiesen.pdf>

Or you can look here <http://www.unhcr.ch/tbs/doc.nsf> to look up treaty body documents, including State Party Reports, 'Concluding Observations' and opinions of the committee on certain issues, known as 'General Comments.'

Civil society groups may request accreditation from the relevant Secretariat to attend meetings as observers. The contact details are all listed in the High Commissioner for Human Rights' Handbook for Working with the United Nations Human Rights Programme Chapter IV: <http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook4.pdf>

4. Independent experts

Special Procedures:

This is a means of examining extraordinary situations in countries (like Somalia and Cambodia, among others) and on particular human rights concerns like health, arbitrary detention and torture. This work may be performed in a variety of ways and civil society has a number of roles to play when it comes to special procedures.

Special Rapporteurs' or Independent Experts are appointed by the Human Rights Council and working groups are established that investigate human rights abuses. They generally consist of experts in the field, and include academics, legal scholars and practicing lawyers.

Organisations can participate in annual meetings, present reports and analyses to the experts or working groups as well as individual cases of alleged human rights abuses. An advantage to this process is that – unlike the treaty bodies – it doesn't matter if the government has agreed to a treaty to be held accountable for violating rights.

These experts or working groups put out annual reports to the Human Rights Council, detailing their work and recommendations. States that are focused upon in any reports are entitled to respond. Afterwards there is then an opportunity for States and NGOs to put questions to the experts in what is known as an "interactive dialogue". For an example of this, see <http://www.ihrablog.net/2009/03/member-state-reactions-to-report-of-un.html> which describes reactions to the Special Rapporteur on Torture's call for a human rights based approach to drug policies at the Council in 2009.

States may, of course, ignore criticism or proposals from the special procedures. Civil society, however, has a key role to play in making recommendations and concerns raised by these human rights mechanisms known at the national level through lobbying and the media etc.

Below are a few examples of thematic special procedures.

- a) Working Group on Arbitrary Detention
- b) Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health
- c) Independent Expert on Minority Issues
- d) Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- e) Special Rapporteur on Violence Against Women, its Causes and Consequences

For a full list and specific web pages for each go to: <http://www2.ohchr.org/english/bodies/chr/special/themes.htm>

To contact these experts or working groups you can e-mail: SPDInfo@ohchr.org

To convey an urgent matter related to an individual complaint, – meaning an issue where delay could lead to irreparable damage – you should email: urgent-action@ohchr.org
or 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

You should specify which working group, rapporteur or expert you are trying to contact in the subject line, cover page or envelope. You should also be as specific as possible about what you are seeking from the person you are contacting.

For more information go to:

<http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook6.pdf>

Special Procedures

Written Submissions to Special Procedures Mandate-Holders

Do...

- » Identity of the victim or group whose rights have been violated.
- » Identify the perpetrator of the violation.
- » Make the time, place and occurrence of the violation as clear as possible.
- » Follow-up with mandate-holders (i.e., rapporteurs or members of the working group) about the situation.

Don't...

- » Make an anonymous submission (though you can ask mandate-holders to keep your identity confidential).
- » Make a submission on behalf of someone without their consent and the understanding that the complaint may become public (though in exceptional circumstances the authorisation of the victim(s) is not required).
- » Use abusive language.

FYI

NGOs can also engage with special rapporteurs and other mandate-holders in a number of ways including inviting them to perform country-visits to assess a situation. Complaints that are extremely time-sensitive (i.e., delay may result in death or serious damage to victim) should be specified.

Visit the website of the relevant special procedure to learn more about it. A helpful place to start is <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

Also go here to view model questionnaires for the various special procedures.
<http://www2.ohchr.org/english/bodies/chr/special/questionnaires.htm>

Working Group on Arbitrary Detention

Written Submissions

Do...

- » Make sure this is a matter of direct concern – meaning a family member, a representative of the family or a non-governmental organisation for the protection of human rights.
- » Include the identity of the victim.
- » Include the identity of the perpetrators.
- » Include as much detail as possible about the incident, including the time and place of the detention, as well as past incidents of detention, location of detention (if known), identities of the witnesses.
- » Specify if your complaint is an urgent appeal, meaning any delay could result in death or irreparable harm to the victim.

Don't...

- » Make an anonymous submission.
- » Make a submission on behalf of someone without their consent and the understanding that the complaint may become public (though in exceptional circumstances the authorisation of the victim(s) is not required).
- » Use abusive language.

FYI

Unlike most other complaints mechanisms you do not have to prove that you have exhausted 'domestic remedies.'

Go here to read more about individual complaints to the Working Group on Arbitrary Detention. This page includes a link to a model questionnaire for complaints to the Working Group, though if you choose not to use this questionnaire it won't make your complaint inadmissible. <http://www2.ohchr.org/english/issues/detention/complaints.htm>

More Information

For more information about all of these agencies, mechanisms and opportunities – as well as others not covered in this guide like the Social Forum and Forum on Minority Issues -- the web site of the Office of the High Commission for Human Rights is a treasure trove of data. <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
Or go here: <http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx>

There are also a number of handy guidebooks, some of which have already been referenced. But just in case here they are again along with a few others that are definitely worth reading:
“Working with the United Nations Human Rights Programme: A Handbook for Civil Society”
PDF: http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

“The United Nations Human Rights System: How To Make It Work For You”
PDF: http://www.un-ngls.org/IMG/pdf/Final_logo.pdf

“Office of the United Nations High Commissioner for Human Rights”
PDF: <http://www.ohchr.org/Documents/Publications/OHCHRBrochureen.pdf>

Open Society Institute Public Health Program,
“Human Rights Documentation and Advocacy: A Guide for Organizations of People Who Use Drugs”
PDF: http://www.soros.org/initiatives/health/focus/ihrd/articles_publications/publications/hrdoc_20090218/hrdoc_20090218.pdf

Human Rights Information and Documentation Systems, International, *“Promoting and Defending Economic, Social and Cultural Rights”* (See in particular Ch 10)
PDF: <http://www.huridocs.org/tools/monitoring/handbook>

Abbreviations

CAT – Committee Against torture
CCPCJ – Commission on Crime Prevention and Criminal Justice
CEDAW – Committee on the Elimination of Discrimination against Women
CERD – Committee on the Elimination of Racial Discrimination
CND – Commission on Narcotic Drugs
CRC – Committee on the Rights of the Child
CRPD – Committee on the Rights of Persons with Disabilities
CSD – Commission on sustainable Development
CSW – Commission on the Status of Women
DPI – Department of Public Information
ECOSOC – Economic and Social Council
GA – General Assembly
OHCHR – Office of the High Commissioner on Human Rights
UNAIDS – The Joint United Nations Programme on HIV/AIDS
UNDP – United Nations Development Programme
UNICEF – United Nations Children’s Fund
UNODC – United Nations Office on Drugs and Crime
UNPFII – United Nations Permanent forum on Indigenous Issues
UPR – Universal Periodic Review
WHO – World Health Organisation