



# A PRACTICAL GUIDE TO THE UN SPECIAL PROCEDURES

 International Service  
for Human Rights

# About ISHR

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

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

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

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## **GRAPHIC DESIGN**

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# Preface: About the handbook

The Special Procedures are the United Nation (UN)'s system of independent human rights experts. These experts – whether their title is 'Special Rapporteur', 'Independent Expert', or 'Working Group' – are assigned to report on the protection and promotion of certain thematic rights around the world, or on the human rights situation in specific countries. Over the past decade, they have become one of the most effective international instruments for confronting violations of the rights of individuals and particular groups. They have taken action against killings of persons protecting environmental and land rights; spread understanding of the particular challenges faced by women human rights defenders; shone a light on the situation of LGBTI persons; and helped to expose risks of detention and torture faced by civil society in highly restrictive environments. Often their independence allows them to discuss issues directly with governments that are otherwise deemed too 'sensitive' for discussion at the international level. It also enables them to act swiftly and, often, publicly to the situation of a person or community at risk, or draft legislation that is not aligned with international standards.

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

# Glossary

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## Human Rights Council

The **main body within the UN system** which is responsible for 'promoting universal respect for the protection of all human rights and fundamental freedoms'. Composed of 47 Member States, it can adopt resolutions, some of which create, renew, and discontinue Special Procedures mandates. Note: this is different from the 'Human Rights Committee' (one of the 'treaty bodies') or the 'Human Rights Commission' (the Council's predecessor, which does no longer exist)!

## Special Procedures

The **independent human rights experts** mandated by the UN Human Rights Council to monitor and report on human rights situations around the world. You'll read more about them throughout this Handbook.

## Treaty Bodies

Ten **committees of independent experts** that monitor how States are implementing the nine core international human rights treaties and their optional protocols. Each State that is party to a treaty has an obligation to take steps to ensure that everyone can enjoy the rights contained in the treaty.

## Universal Periodic Review

A **process organised by the Human Rights Council** by which a State presents every four to five years its progress on all human rights to the international community, and receives recommendations from other governments for actions to take to continue to improve.

## Office of the High Commissioner for Human Rights (OHCHR)

The High Commissioner for Human Rights is the UN's top official dedicated to the promotion and protection of human rights globally. Her Office, the **OHCHR**, is part of the UN Secretariat and supports the implementation of the mandate by providing administrative support and expertise to other UN human rights mechanisms, and promoting the local implementation of human rights standards through its field presences.

## Third Committee of the United Nations General Assembly (UNGA)

The UNGA is the top deliberative, policy-making and representative organ of the UN, composed of 193 States. It allocates most of its work to its six main committees, which discuss different issues and present draft resolutions and decisions to the UNGA plenary. The overwhelming majority of its human rights work is carried out by its **Third Committee, or 'Social, Humanitarian and Cultural Committee'**.

## Economic and Social Council (ECOSOC)

One of the UN six principal organs, composed of a constellation of commissions, agencies, committees, programmes and funds underpinning the UN's work on sustainable development and the 2030 Agenda. It is the parent body of the **Committee on NGOs**, tasked with approving NGOs' 'Consultative Status with the UN' (or 'ECOSOC Status'), a prerequisite for NGOs to access the Human Rights Council and other UN bodies.

## Communications

The **formal letters** sent by one or various Special Procedures mandate-holders to governments and other actors, expressing specific human rights concerns and requesting additional information. Communications can focus on individual cases ('allegation letters' and 'urgent appeals') or on laws and policies ('other letters'). You will read more about them in detail in this handbook.

## Reprisals

Any form of **threat, intimidation, retaliation or attack** in connection with an individual or a group's cooperation, or attempt to cooperate, with the UN, its bodies and representatives. The UN human rights bodies have a range of mandates and procedures to prevent and address reprisals.

# Who and what are the Special Procedures?

## Who are the Special Procedures?

'Special Procedures' is the collective term used for a group of the human rights experts tasked by the UN with investigating, and reporting on, the situation of human rights around the world. They also provide advice and recommendations for the implementation of those rights. They are mostly individuals, titled Special Rapporteur or Independent Expert, but some of the Procedures are also Working Groups typically comprising five members, one from each official **UN region**<sup>1</sup>. The different titles can denote differences in working methods but any such distinctions are usually minor. The Special Procedures are established by resolutions of the UN's main inter-governmental body for dealing with human rights issues – until 2006 the Commission on Human Rights, and now, the Human Rights Council (HRC).

<sup>1</sup> List of UN regions available here: <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>2</sup> List of country mandates available here: [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx).

<sup>3</sup> List of thematic mandates available here: [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM).

There are two broad categories of Special Procedures: country and thematic 'mandates'. The term 'mandate' can be thought of as a 'job description' set out by the Human Rights Council. The **country mandates**<sup>2</sup> report on the situation of human rights in a specific country, while the **thematic mandates**<sup>3</sup> consider the occurrence of a specific phenomenon, such as torture, or the realisation of a certain right, such as the right to education, around the world. As of 1 April 2021, there were 44 thematic and 11 country mandates.

These experts – referred to as 'mandate holders' – are not UN staff and the posts are unpaid, both of which are meant to underline their independence. However, this also means that they usually cannot dedicate all of their time to the position, and often have another job as well (for example, as a professor).

## What do the Special Procedures do?

The specific tasks assigned to any given Special Procedure vary according to the HRC resolution establishing the mandate. The **webpages**<sup>4</sup> of the various experts give more detailed information on the relevant resolutions and the mandate's work. For the most part, however, the tools available to the Special Procedures are the same:

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

## I. Communications

Because of the possibility to prompt action directly and immediately, from the perspective of defenders perhaps the most important of the tools available to the Special Procedures are **'Communications'** with governments. These 'Communications' follow up on information received by the Special Procedures about allegations of violations of the rights covered by their mandates, and seek to bring such violations to an end as well as redress for victims.

Communications can take the form of **allegation letters** in the case of violations that have already occurred, or **urgent appeals** in the case of violations that are ongoing or about to occur. In the latter case, their intent is to seek to prevent human rights harms to individuals or communities. It is also possible for Communications to be sent expressing concern about enacted or proposed legislation or government policy that is likely to threaten the enjoyment of certain rights.

Communications are sent from the OHCHR in Geneva to the country's mission to the UN in Geneva – in other words, in most cases, a representative of the Ministry of Foreign Affairs. They are responsible for sending it back to the relevant actors within their own government for action and response. In recent years many experts have begun a practice of sending Communications to non-State bodies, including economic actors and intergovernmental organisations.

Usually Communications are based on information submitted to the Special Procedures by NGOs or victims themselves. It is also increasingly common for the Communications to be sent jointly by two or more mandates where the violations fall into multiple categories; in these cases, it is typical for one mandate to take the 'lead', and to invite other mandates to join and provide specific inputs. For example, allegations of a human rights defender being detained arbitrarily for organising a protest could lead to a Communication being sent by the Special Procedures working on human rights defenders, on arbitrary detention, and on freedom of assembly. The Communications, and any government responses, are made available in a **database**<sup>5</sup> on the website of the Officer of the High Commissioner for Human Rights (OHCHR), and may be included in aggregate form in a **report**<sup>6</sup> to the HRC.

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

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

## 2. Country visits

A key way in which the Special Procedures inform themselves about situations in countries is through on-the-ground visits. During such visits the experts attempt to gain an understanding of the situation regarding the rights covered by their mandates, as well as the more general human rights situation, by meeting with government representatives, victims and members of civil society, as well as by visiting sites of relevance to their mandate (regions, public institutions, or sometimes even the offices of NGOs).



These visits can be **'official'** (at the invitation of the government) or **'informal'** (often related to a conference or event organised by an NGO or university). At the end of an official visit, the expert issues an 'End of Mission statement' that presents key preliminary findings. The expert then writes a more comprehensive report that includes recommendations on how to improve rights promotion and protection, which is then presented to the HRC. The number of official visits made by each expert, or group of experts, varies widely but as a general rule a single expert will make no more than three visits in any given year.

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

In addition, in exceptional circumstances Special Procedures may be mandated by the HRC to undertake urgent missions, individually or as part of a group, to assess particularly urgent human rights situations and, afterward, to provide an update the HRC. For example, in 2007, seven Special Procedures were **mandated**<sup>7</sup> by the HRC to examine the human rights situation in the Democratic Republic of the Congo.

7 Resolution available here: [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_7\\_20.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_20.pdf).

### 3. Reporting

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

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

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

Depending on the resolution establishing their mandate, some Special Procedures also report to the Third Committee of the General Assembly. When reporting to the Third Committee, mandate holders engage in an interactive dialogue with only States present; however, NGOs can try to influence statements and questions made by States through bilateral and private advocacy in the weeks leading up to the Committee's meeting.

#### 4. Public, educational and normative work

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

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

Experts may also undertake other public work, including **media interviews**, to draw attention to particular issues or trends.

Some participate in **educational activities** designed to foster understanding of the right covered by the mandate, such as by launching a website or initiating a social media campaign, or holding events in partnership with schools and universities. These types of events – which can be organised by stakeholders who then invite the Special Procedure to attend – can present an opportunity for the mandate holders to meet with civil society and victims in countries where they have faced challenges in obtaining official invitations to visit. NGOs can also cooperate with and promote the work of the Special Procedures, for example by inviting them to attend and participate in events, sit on expert panels, or give briefings or keynote speeches.

Special Procedures have also played a key role in coordinating and contributing to the **normative development of rights**. They do so by meeting and discussing emerging issues with NGOs, human rights experts and other stakeholders, including representatives of intergovernmental agencies.

In addition, several of the Special Procedures have also made substantial contributions to **standard setting** in their fields, both by contributing to debates on new standards, and by drafting such standards themselves. A recent example of such contributions was the involvement of two Special Rapporteurs in the group of experts that drew up the **Yogyakarta Principles Plus 10, a document that reflects how governments can act to uphold obligations regarding rights of LGBTI persons**.<sup>9</sup> Similarly, various current and former Special Procedures were involved in an expert group that elaborated and adopted the **Model National Law on the Recognition and Protection of Human Rights Defenders**.<sup>10</sup>

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

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

## Why do the Special Procedures matter to human rights defenders?

### How can the Special Procedures have an impact?

As outlined, the Special Procedures possess several tools that can be used to strengthen the work of human rights defenders. However, defenders will need to make a choice about whether to use their often-scarce resources to work with the experts. Communicating with experts in Geneva can seem abstract, and disconnected from NGOs' everyday work on the ground. The Special Procedures do not have power to compel governments to respect the rights of their citizens or others within their jurisdiction, but only the 'power of persuasion'. Why then should civil society groups work with the experts?

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

**Example:** Human rights defenders working in very restrictive environments, such as Bahrain, have **attributed**<sup>11</sup> their release from detention or the improvement of conditions of detention to the publicity and pressure associated with statements (e.g. **here**<sup>12</sup> and **here**<sup>13</sup>) and communications (**here**<sup>14</sup> and **here**<sup>15</sup>) from Special Procedures, among others.

More generally, the power of **public shaming** should not be discounted. Statements or letters from independent experts of the UN can be understood as an additional, and potentially influential, way to get across messages that are already being delivered at the local level. In other cases, the Special Procedures can enter into a dialogue with States where, for reasons of risk, local groups cannot.

**Example:** In 2015 and 2016, various Special Procedures reported (**here** and **here**)<sup>16</sup> and issued statements (e.g. **here** and **here**)<sup>17</sup> on the human right violations connected to the collapse of a dam in Brazil. Their actions are believed to have been a key factor in the decision of judicial authorities to annul the compensation agreement provided by the government and private sector, which had not adequately addressed the needs of local communities and victims.

11 For example Maryam Al-Khawaja from Bahrain: [https://twitter.com/BirdBahrain\\_/status/614358711033819136](https://twitter.com/BirdBahrain_/status/614358711033819136).

12 Statement available here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=4992&LangID=E>.

13 Statement available here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15460&LangID=E>.

14 Communication available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=13930>.

15 Communication available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=14847>.

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

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

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

18 Communications on draft laws available here: <https://www.ohchr.org/en/issues/freedomofopinion/pages/legislationandpolicy.aspx>.

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

20 More information available here: <https://ishr.ch/defenders-toolbox/resources/cote-divoire-upr-briefing-paper-on-the-situation-of-human-rights-defenders/>.

**Example:** The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression regularly sends communications (made publicly available on the mandate’s **webpage**)<sup>18</sup> to States and receives responses to the concerns raised, including information that provisions highlighted by the Special Rapporteur have since been **amended**.<sup>19</sup> Even where a Special Rapporteur doesn’t directly provide technical assistance, advocates can use their recommendations as guidance for States: Human rights defenders from Côte d’Ivoire were able to draw on recommendations, reports and advice from Special Procedures to strengthen their campaign for a **national law on the protection of human rights defenders**, which was subsequently enacted in 2014.<sup>20</sup>

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

**Example:** The Special Rapporteur on freedom of assembly and association visited the Republic of Korea in 2016, and subsequently released a **report**<sup>21</sup> and a **statement**<sup>22</sup>, which helped to draw attention to the regression on the rights to freedom of peaceful assembly and of association in the country. Civil society had been attempting to raise the alarm on this issue, but were given insufficient attention until the Special Rapporteur spoke out, increasing the credibility of the claims. **NGOs**<sup>23</sup> were able to rely on the report to give greater ‘legitimacy’ to their advocacy.

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

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

23 For example here: <https://www.amnesty.org/en/documents/asa25/7119/2017/en/>.

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

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

**Example:** The Women Human Rights Defender International Coalition, a global network of 35 organisations, **has worked**<sup>24</sup> in a strategic and coordinated way with the Special Rapporteurs on human rights defenders, on violence against women, and on cultural rights, as well as the Working Group on discrimination against women, in order to strengthen norms and protections at the international level for women human rights defenders.

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

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

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

**Example:** A previous Special Rapporteur on the right to health, Paul Hunt, asserted on numerous occasions that sexual orientation is amongst the **prohibited grounds of discrimination**<sup>25</sup> under human rights law, and that sexual rights include the right to express one's sexuality as one sees fit. Some States criticised him for these positions. Yet, as he pointed out in a later **interview**<sup>26</sup>, *'being a Special Rapporteur is not a popularity contest. Whether controversial or not, it is my job to explain, apply, promote and protect the right to health in the context of international human rights law. We must never lose sight of the fact that millions of men and women are persecuted – and many are killed – on account of their sexual orientation.'* The claims of these people are therefore heard despite the reluctance of States to acknowledge their human rights.

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## Advantages of the Special Procedures

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

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

**Accessibility:** The UN system of **NGO accreditation**<sup>27</sup> (to get Consultative Status with the UN – also known as ECOSOC status) involves a high commitment of time and resources and is particularly difficult for NGOs working on issues that are **politically sensitive**<sup>28</sup>. It is important, then, to note that **no accreditation is required** to submit information to the Special Procedures: any victim or group can work with the mechanism.

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

28 For example of this kind of case, see here: <https://ishr.ch/latest-updates/turkey-ngo-committee-aids-state-seeking-silence-ngos/>.

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

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

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

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

	Universal Periodic Review (UPR)	Special Procedures (SPs)	Treaty Bodies (TBs)
What kind of monitoring is it?	<b>Countries:</b> The UPR reviews the entire human rights record of countries.	<b>Countries/topics:</b> SPs either monitor the human rights situation in a country or focus on human rights themes as part of a general overview.	<b>Countries:</b> TBs review how a State has implemented its obligations that are set out in a treaty the State has ratified or acceded to.
Who makes the recommendations?	<b>States:</b> States make recommendations to each other.	<b>Experts:</b> An individual or small group makes recommendations primarily to States, but also to other actors, like businesses.	<b>Experts:</b> A committee of experts make recommendations to States.
Which human rights are covered?	<b>All:</b> All human rights are covered by the UPR.	<b>Some:</b> SPs focus either on countries or specific topics, as mandated by the Human Rights Council.	<b>Some:</b> TBs focus only on those rights that are covered by the treaty for which that TB monitors compliance.
Can they make country visits?	<b>No:</b> There are no country visits as part of the UPR process.	<b>Yes:</b> All SPs can go on country visits, but 'official' visits are only possible if the State has invited them to do so.	<b>Yes:</b> Some TBs can visit countries, e.g. Subcommittee on Prevention of Torture.

	Universal Periodic Review (UPR)	Special Procedures (SPs)	Treaty Bodies (TBs)
How frequent is the monitoring?	Every 5 years, with voluntary mid-term reporting in between.	<b>Ongoing.</b> Each SP publishes an annual report on their country or topic. They can also issue communications during the year, if there are serious human rights violations occurring in a country.	<b>Varies:</b> States are reviewed roughly every 4 years, but usually less frequently. This is because the process depends on when a country submits information and the TB's own backlog.
Which countries are covered?	All	<b>All:</b> Though some SPs are mandated to examine the situation in one specific country.	<b>Some:</b> TBs can only review the countries that have ratified the treaty for which that TB monitors compliance.
How authoritative are the recommendations?	<b>Political:</b> UPR recommendations are always political because States review each other. Some can be specific, action-oriented and in line with international human rights standards, but others tend to be quite vague. States choose to accept recommendations or to simply note them, but there are no sanctions if the State fails to comply.	<b>Expert:</b> The recommendations are made by independent experts, making them quite authoritative. The recommendations themselves are not binding, which means that States are only encouraged to implement them.	<b>Binding:</b> TB recommendations are authoritative statements of what States should do to implement their binding legal obligations, meaning that States must implement them. However, there are no sanctions if States do not do so. The recommendations are usually framed in legal language and can be very specific.

### Role of OHCHR

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

The Special Procedures are directly supported by teams of staff from OHCHR. Based in Geneva, and usually consisting of only one or two people, they help to perform research for reports, draft communications and press releases, and meet with civil society in Geneva when the mandate holder is not present. The team also supports the mandate holders in organising the logistics and agenda of any official travel, and occasionally for informal visits. Because OHCHR resources are very limited, staff may struggle to keep up with the flow of information from civil society and States; therefore, some mandate holders may be supported by external staff.

## Role of the HRC

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

This means that the HRC is also the biggest threat to the independent work of mandate holders. Even where States have made the decision to create a Special Procedure on a certain topic or country, attempts to interfere in that work through subsequent resolutions, or the creation of 'competing' or 'counter-balancing' mandates are often visible. Increasingly, States use the interactive dialogues with Special Procedures mandate holders to question the legitimacy of their mandate or the 'conduct' of the expert himself or herself.

Despite this risk, the fact that it is the HRC – the UN's top body with exclusive human rights competence – that grants the Special Procedures their mandate means that their work can have greater political leverage and weight. This increases their influence, encourages countries to cooperate with them, and contributes to positive human rights change.



## How can human rights defenders work with the Special Procedures?

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

### Communications

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

#### 1. What kinds of Communications can be sent?

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

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

29 Communications available here: September 2015: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=22669>, March 2016: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=21114>, August 2016: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=3318>, February 2017 (Opinion of the Working Group on Arbitrary Detention): [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A\\_HRC\\_WGAD\\_2016\\_61\\_AEV.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A_HRC_WGAD_2016_61_AEV.pdf), July 2017: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=23248>.

**Example:** In Saudi Arabia, communications<sup>29</sup> sent by Special Procedures in **2015, twice in 2016, and then in 2017** have contributed to the continued non-enforcement of death penalty sentences against persons found guilty of protest-related charges. The individuals were minors at the time of the protests, and the sentence of death by crucifixion or beheading came in 2014 in the context of alleged failures of due process guarantees, including allegations of confessions obtained under torture. The communications were sent at different moments when the executions were believed to be imminent.

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

30 Communication available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=20010>.

**Example:** In Kenya, witnesses in a case against a company and the government regarding lead poisoning of a community caused by a lead smelting factory, were assaulted, received threats (including from police officials), and were forced into hiding. A **communication**<sup>30</sup> and press release sent by the Working Group on business and human rights and the Special Rapporteur on the environment, helped to ensure that protection measures were granted to the witnesses by the court.

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

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

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

33 Communication available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=13774>.

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

**Example:** In March 2018, the UN Working Group on discrimination against women sent a **communication**<sup>31</sup> – and issued a **press release**<sup>32</sup> – calling on the Polish parliament to reject a draft bill entitled “Stop Abortion” which they considered risked violating Poland’s international human rights obligations. The communication was sent the same week that the draft bill was due to be debated, helping NGOs trying to influence the outcome of the vote. At time of publication, the vote on the bill had been stalled for five months due to the widespread pushback. In Australia, Special Rapporteurs sent a **communication**<sup>33</sup> and **statement**,<sup>34</sup> used by civil society to **support** campaigns to defeat a proposed law giving companies the right to sue protesters and advocates for defamation. These interventions resulted in the improvement of some of the worst elements of the bill before it became law, and were later used in successful strategic litigation to have the law declared unconstitutional.

## 2. Who can submit information?

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

## 3. Where should information be sent?

To facilitate the consideration of alleged violations, an **online questionnaire**<sup>35</sup> for all mandate holders is available to persons wishing to submit information. Submissions are also considered when they

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

36 List of thematic mandates available here: [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM).

37 List of country mandates available here: <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?lang=en>.

38 Directory of Special Procedures Mandate Holders available here: [https://www.ohchr.org/Documents/HRBodies/SP/VisualDirectoryJuly2020\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/SP/VisualDirectoryJuly2020_en.pdf).

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

are sent by email to specific mandate holders. Information concerning the individual criteria of specific Special Procedures mandates – which indicates particular kinds of information they find valuable in preparing Communications – is available on the individual web pages of **thematic mandates**<sup>36</sup> or **country mandates**.<sup>37</sup> Submissions should be made in English, French or Spanish.

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

If you are sending information by email to **urgent-action@ohchr.org**, the team supporting the Special Procedures will make an assessment of the kind of Communication to be made and which Procedure(s) is most relevant. However, it is useful to indicate whether the situation is urgent, and to which mandate you want to direct your information in the subject line of the email. If you wish to target one specific mandate, you should also email their generic email address, available in the **Directory**<sup>38</sup> of Special Procedures Mandate Holders and often also indicated in public statements or press releases of the mandate.

**Tip:** The information that human rights defenders already have can usually be turned into a submission with relatively few resources. To ensure that the information is considered credible, avoid exclusively using media sources and use first-hand sources as much as possible as the basis for your information. Be sure to answer the following questions, most of which are also included in the **online questionnaire**.<sup>39</sup>

1. **Who is sending the information?** Provide contact details.
2. **Is the situation urgent?** Why? Is there a specific moment or window to influence policy or to prevent further violations?
3. **What is/are the name, age, gender, place of origin and/or residence of the victim(s)?** If the allegation concerns a large group, then you can combine multiple victims into one submission.
4. **Do you have consent?** This can come from the victim personally, or from his/her family or lawyer. In some cases, the staff may ask for this information in writing.
5. **What happened?** Include dates and locations. If it concerns a law or policy, provide the document in an annex (with a translation into English, French or Spanish if available).

6. **Who are the perpetrators?** If possible, give names, titles/ functions, and any possible motive.
7. **What is the context?** What should the experts know about the legal framework – particularly important for submissions concerning a general situation.
8. **What action has been taken to address the situation?** This refers to actions at the national or international level, and include remedies already sought by victims or their representatives.
9. **What action should the Special Procedure(s) take?** Suggest steps or measures the experts could take to best address the situation, including questions they should ask, as well as whether you want them to consider a press release (and why).

#### 4. What can be expected after submission?

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

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

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

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

Until 2017, the Communication remained confidential until the presentation of the **'Joint Communications Report'**<sup>40</sup> to the HRC (in March, June and September), when civil society could see all Communications sent and any State replies received since the last HRC session. appear in. However, now Communications are also published on a rolling basis in the **Special Procedures Communications database**<sup>41</sup> once the 'deadline' for a government response has expired. This deadline is stated in the text of the Communication itself, but is usually within 60 days for allegation letters and urgent appeals, or as few as 48 hours where the communication deals with a draft law or policy and provides primarily legal analysis.

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

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

**Tip:** You can sometimes find out who is the OHCHR staff member supporting the relevant mandate by looking at the contact details given at the end of the most recent **press releases**<sup>42</sup> issued by that Special Procedure. Double check if it's a joint press release, because the contact details might be for someone supporting a different mandate! If you have the opportunity to meet in person, make sure to get the business card or contact details of the staff member, as it can be more effective to write to them directly than to the generic email of the mandate.

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

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

In the first place, it may be that if a government response is received by OHCHR they will make contact with the original source of the communication to elicit any comments and to see what more can be done. Even when no contact is made, it will be possible to see any government response to the Special Procedures' communication once the communication has been published in the **database**.<sup>43</sup> Comments on the government response, especially where there is a difference in fact between this response and the experience of victims or sources, can be sent directly to OHCHR.

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

**Tip:** You don't have to wait till a communication has been published by the Special Procedures to draw attention to the case. You can use the fact that you've submitted information as the basis for a campaign with civil society or targeting media, for example highlighting how that the situation has become so serious that you've had no choice but to go to the UN.

Secondly, the fact of the Communication and any government response (even if it is not meaningful, or doesn't answer the questions in the letter) can be used in domestic advocacy to press the government to live up to promises it made to the Special Procedures, or to highlight misleading claims. The government could also be encouraged to respond, and its failure to do so could be publicised.

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

## Country visits

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

45 List of upcoming country visits available here (not always up-to-date, see footnote above for another resource): [https://docs.google.com/document/d/95truq977Y5E\\_rmASg2rurZPagY1T7U4vukuEtfXafg/edit](https://docs.google.com/document/d/95truq977Y5E_rmASg2rurZPagY1T7U4vukuEtfXafg/edit).

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

In the first place, civil society can encourage Special Procedures with mandates relevant to their work to visit, with the aim of drawing attention to the situation in a country. This can be done by writing to the relevant expert and explaining why a visit would be useful. When seeking to undertake a visit, the Special Procedures request an invitation from the host government and, in circumstances where such invitations are not forthcoming, national NGOs can lobby their government to issue them. Some governments have issued a so-called 'standing invitation' allowing visits by all Special Procedures – requests and negotiations would still be required for each visit, but these States are under more pressure to agree.

At the same time, mandate holders have their own ideas about when and where they want to visit, and may request a visit without any discussion with local civil society groups at all. Less commonly, the government itself can encourage a visit by Special Procedures mandate holders. In some cases this is done in good faith, and is driven by the government's belief that a visit will help them to better protect human rights. In others, the visit is an opportunity to highlight specific areas of human rights where the government thinks it has a good story to tell.

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

Second, once a visit is agreed to, NGOs can submit information to assist with the preparation for the visit and to urge the expert to look into areas of particular concern during the visit itself. They can also contribute by publicising the visit. The agenda will ultimately be a negotiation between the mandate holder and the State, but NGOs can seek to influence both the substance of formal meetings, as well as the addition of informal meetings. This is where the expert's independence and 'unfettered access' is so important.

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

Where security is a concern, defenders may need to consider meeting with the mandate holders in private locations, or in a secure virtual space. If there is little or no space for independent civil society in the country, these meetings can be held in other countries, or in Geneva, can occur before, during or – in certain cases – after the visit, and can be facilitated by partner international NGOs

Lastly, once a visit has been completed, a report and recommendations will be issued by the expert and presented to the HRC. As this can sometimes take up to a year after the visit occurs, many Special Procedures have started to issue extensive 'end of mission' press statements, which can indicate the main focus or concerns that are likely to be included in the report.

The country visit report can be used as an advocacy tool for national NGOs, who can also push directly for the implementation of key recommendations where the government seems reluctant. The recommendations are also useful to share with media and diplomatic contacts, especially where civil society cannot easily or safely 'lobby' government officials in its own country.

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

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

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

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

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

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

52 More information on how to submit a video available here: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx>.

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

## Reporting

During the interactive dialogue that follows the experts' oral presentation to the HRC, there is space for ECOSOC-accredited NGOs to make statements or to ask questions in the Council plenary. These interventions can be used to encourage the experts to look at new issues, to draw attention to specific countries or groups of concern, or to ask for more detail about an aspect of their work. Since the experts usually attend the HRC in person, this provides an opportunity to meet with individual mandate holders or their staff in Geneva. In addition, experts can be lobbied to address particularly grave situations in their oral presentations, or to highlight civil society concerns relevant to the thematic report by citing country-specific examples.

Some Special Procedures present a thematic report to the UN General Assembly once a year, but civil society is not able to speak during those sessions. If it is possible to travel to New York, the experts often conduct side events and hold private meetings with civil society.

**TIP:** Even if your organisation does not have ECOSOC accreditation or you are unable to travel to Geneva, you can work with an NGO that has ECOSOC status in order to jointly prepare a statement that you – or they – can deliver at the HRC during the interactive dialogue with the mandate holder.

Historically, it has been possible in certain cases to **submit a video statement**.<sup>52</sup> In 2020-2021, this became more common due to restrictions on the HRC's in-person work and on travel linked to COVID-19, and enabled defenders to speak directly to the HRC and the mandate holder. Remember that these statements will have a strict time limit of one and a half minute!



## How can human rights defenders engage safely with the Special Procedures?

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

### Communications

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

**TIP:** If you are concerned about digital security, some mandate holders also have encrypted email addresses. If you are able to be in touch with the staff, you can also ask about whether they use encrypted messaging apps like WhatsApp, Telegram or Signal. Trusted partners can also often help get this information.

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

This means that there is a delicate balance to be struck in sensitive cases between, on the one hand, wanting to provide enough information for the Special Procedures to be able to act, while on the other not increasing the risk that the provision of such information might lead to further persecution.

**It is imperative when making a submission that attention be paid to the possible impact on those named; this is why consent is so important to the Special Procedures.** Groups submitting information should clearly indicate if they have the consent of the individuals or families concerned. Without that consent, the Special Procedures will not name those victims in any communication. Special Procedures are aware of the potential dangers of their communications, adopting a 'do no harm' approach, and so they may prefer not to act if they consider the danger to be too great.

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

## Reprisals

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

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

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

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

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

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

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

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

56 Report available here: <https://undocs.org/A/HRC/35/26/Add.2>.

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

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

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

- Special Procedures may decide to meet with Government officials, to discuss cases confidentially and seek action by the State. They may also raise the case with UN representatives in the field and at headquarters, including the Secretary-General, the High Commissioner for Human Rights and the President of the HRC.
- The **Coordination Committee**<sup>57</sup> of the Special Procedures (designed to enhance coordination among mandate holders and act as a bridge between them, governments, the rest of the UN system and civil society) appoints a focal point on reprisals every year, who is responsible for keeping a comprehensive record of all cases of reprisals submitted to the Special Procedures. The Coordination Committee is meant to raise the issue of reprisals with the HRC, the High Commissioner for Human Rights, the Assistant Secretary General for Human Rights (ASG) and the Secretary-General. When necessary and in consultation with the mandate holder(s) concerned, the Coordination Committee may take additional action such as contacting the State or stakeholder concerned, issuing a press statement, etc.
- Through the Coordination Committee, Special Procedures have expressed their will to work with the ASG – a position now held by Latvian human rights expert Ilze Brands Kehris – who was **mandated**<sup>58</sup> in 2016 by the former Secretary General Ban Ki-moon as the senior official designated to lead UN efforts to put an end to intimidation and reprisals and to ensure a unified UN response to acts of intimidation and reprisal. The ASG can raise cases of reprisals with States either in private meetings or through correspondence. In responding to allegations of reprisals, the ASG generally communicates privately with the State in question, however s/he is encouraged to respond publicly where appropriate with relevant States.

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

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

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

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

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

- Actions taken by the ASG to address cases of reprisals are generally, but not 100% of the time, included in the Secretary General's annual **reprisals report**<sup>59</sup> that is presented to the HRC each September. Civil society can send cases of reprisals that occur for engaging or seeking to engage with Special Procedures to the ASG through the Special Procedures mandate holders, or directly to the ASG. The annual reprisals report also includes follow-up information on past cases, and is very slowly starting to include language about trends of reprisals globally; systemic use of reprisals by certain States, including China; and challenges of taking a preventive approach.
- The **Annual Report**<sup>60</sup> of the Special Procedures contains a section on reprisals which reflects the main concerns of and actions taken by mandate holders over the past year.

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

- the relevant **thematic**<sup>61</sup> or **country-specific**<sup>62</sup> mandate holder (you can also use the **online questionnaire**<sup>63</sup> for communications)
- the ASG: **[reprisals@ohchr.org](mailto:reprisals@ohchr.org)**
- the President of the HRC: **[hrcpresidency@unog.ch](mailto:hrcpresidency@unog.ch)**

In addition, you can submit your case to the annual report of the Secretary General on reprisals. Submissions are usually solicited each year in the spring (April/May), and should be sent to **[reprisals@ohchr.org](mailto:reprisals@ohchr.org)**. The report is typically presented to the Human Rights Council in September of the same year.







For more information about our work  
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