



Reporting human rights violations to UN Special Procedures

An introductory guide

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CIVICUS: World Alliance for Citizen Participation is an international alliance of civil society working to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened. CIVICUS has a vision of a global community of active, engaged citizens committed to the creation of a more just and equitable world. This is based on the belief that the health of societies exists in direct proportion to the degree of balance between the state, the private sector and civil society. CIVICUS seeks to amplify the voices and opinions of ordinary people and it gives expression to the enormous creative energy of the burgeoning sector of civil society.

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UN Human Rights Council

I. UN Special Procedures

“**Special Procedures**” is the name given to the mechanisms established by the UN Human Rights Council to address country or thematic issues in all parts of the world. These can be Special Rapporteurs (SRs), Independent Experts (IEs) or Working Groups (WGs).

SRs, WGs and IEs are positions held by independent experts mandated by the Human Rights Council to examine, monitor, advise and publicly report on thematic or country specific cases of human rights violations. They report annually to the Human Rights Council and, depending on their mandate, also to the UN General Assembly. Their reports can, in some cases, lead to political pressure or induce action in countries where gross and systemic violations occur.

Civil society representatives and human rights activists can interact directly with UN Special Procedures by:

- submitting individual cases of human rights abuses
- providing information and analysis on specific concerns
- working locally to advocate, disseminate and follow up on the work of UN Special Procedures
- working closely with other civil society actors and non-governmental organisations (NGOs) on the ground and
- partnering/networking with NGOs based in Geneva

SRs, WGs and IEs examine, monitor, advise and publicly report on cases of human rights violations.

Civil society representatives and human rights activists can interact directly with UN Special Procedures

Special Procedures include Special Rapporteurs (SRs), Independent Experts (IEs) or Working Groups (WGs).

Lobbying for human rights at the UN is an on-going conversation between states, UN bodies, and human rights defenders.

What can the UN Special Procedures do for you?

The process of lobbying for human rights at the UN can be viewed as an on-going conversation between three parties: states, UN bodies and human rights defenders. Human rights defenders can bring allegations of abuse or information about on-going human rights trends to the relevant UN Special Procedures branches. From here, Special Procedures can assist human rights defenders and NGOs in three ways:

1. Work independently and through other UN bodies, with secretarial support of the Office of the UN High Commissioner on Human Rights, to urge governments to respond to specific allegations by providing their side of the story. The UN Human Rights Council can, for example, adopt resolutions requesting a government release prisoners from arbitrary detention or postpone upcoming court decisions until allegations are fully investigated.

2. Request governments, on the basis of information they receive from human rights defenders and civil society representatives, to allow them to visit and conduct independent investigations into the situation on the ground. The government then has an opportunity to respond. Governments may choose not to respond; may give a partial response, citing, for instance, relevant legislation, but refuse to comment on specific cases and deny UN officials the opportunity to visit the country; or may grant Special Procedures the right to visit to compile independent reports.

3. Bring international pressure and publicity through their requests. Even when the government denies a request, the action brings can be powerful. By placing pressure on a government, the UN broadcasts the complaints of human rights defenders in an international forum. For example, UN Special Rapporteurs feed all information into the UN Universal Periodic Review (UPR): a country by country review of issues pertaining to human rights presented to delegations from all UN member states. This creates a situation in which countries cannot hide their human rights abuses from one another.

The aim of this guide is to provide a simple, useful introduction for non-experts to use the UN Special Procedures.

But they cannot do this without your help!

The following guide is intended to help you bring human rights cases to the UN Special Procedures mechanisms to help protect and promote human rights in your countries. While the operation and structures of the UN is complex, the first steps to use the UN Special Procedures are straightforward.

The aim of this guide is to provide a simple, useful introduction for non-experts.



Which UN Special Procedures mechanism should be approached for a particular human rights abuse?

The following is a list of thematic UN Special Procedures mechanisms, including Special Rapporteurs, Working Groups and Independent Experts.

Special Rapporteur on freedom of peaceful assembly and association
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Special Rapporteur on the situation on human rights defenders
Special Rapporteur on the independence of judges and lawyers
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
Working Group on people of African descent
Working Group on arbitrary detention
Special Rapporteur on the sale of children, child prostitution and child pornography
Working Group on enforced or involuntary disappearances
Special Rapporteur on extra judicial, summary or arbitrary executions
Independent expert on the question of human rights and extreme poverty
Special Rapporteur on the right to food
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
Special Rapporteur on freedom of religion or belief
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Special Rapporteur on the rights of indigenous peoples
Special Rapporteur on the human rights of internally displaced persons
Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination
Special Rapporteur on the human rights of migrants
Independent Expert on minority issues
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Special Rapporteur on contemporary forms of slavery, including its causes and consequences
Independent expert on human rights and international solidarity
Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
Special Rapporteur on the human right to safe drinking water and sanitation
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
Special Rapporteur on trafficking in persons, especially women and children
Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises
Special Rapporteur on violence against women, its causes and consequences



**Gabriela Knaul,
Special Rapporteur on
the Independence of
Lawyers and Judges**

How to submit

To directly submit data to the above Special Rapporteurs, Working Groups, and Independent Experts, please visit www2.ohchr.org/english/bodies/chr/special/themes.htm. In order to submit, click on the relevant SR or WG or IE. This will take you to the right page. Listed on the page, usually in the margins, are links to information on submitting individual complaints and urgent appeals. These are your most valuable resource in submitting data to UN Special Procedures. Special Procedures have staff standing by to analyse your data.

Special Procedures prefer to hear from human rights defenders directly!

UN Special Procedures together with staff analyse and investigate the materials that are submitted to them – and the closer to the source of a violation this information originates, the more reliable and valuable it is to them. They assess the claims made by NGOs and others for credibility and completeness to determine whether or not to take action related to a specific government.

UN Special Procedures request that in-country activists and human rights defenders provide them continuously with relevant information. Their interventions and actions cannot take place without a steady stream of information!

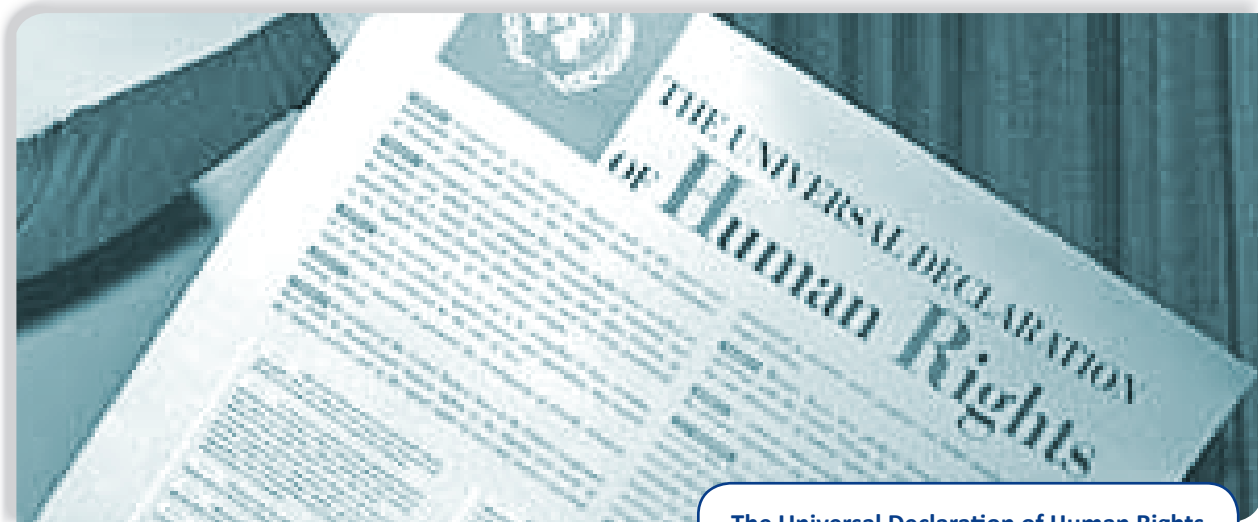


**Juan Mendez, Special
Rapporteur on Torture**

The closer to the source of a violation information originates, the more reliable and valuable it is to the Special Procedures.



**Margaret Sekaggya,
Special Rapporteur
on Human Rights
Defenders**



The Universal Declaration of Human Rights

II. Reporting human rights abuses to UN Special Procedures

The following recommendations have been suggested by UN Special Procedures and their staff in private meetings between Special Procedures NGO representatives and human rights defenders. The more time human rights defenders and civil society representatives are able to devote to crafting their reports and developing an understanding of the specific requirements of each UN Special Procedural body, the quicker and more powerful the response will be.

1. Choosing Your Audience

UN Special Rapporteurs, Working Groups and Independent Experts have staff tasked specifically to respond to reports submitted about cases of human rights abuses. The system has been designed to favour cases submitted directly online to specific SRs WGs or IEs. Interacting directly with a specific mechanism of Special Procedures using the criteria listed by that particular SR, WG or IE establishes a relationship that creates trust and respect while fostering efficiency and responsiveness.

While Special Procedures request submissions about human rights abuses in any language or format, they prefer ELECTRONIC (email) submissions written in a primary UN language: Arabic, Chinese, English, French, Russian or Spanish. English is the most widely used language among Special Procedures and complaints filed in English, even with errors, are preferable and get quicker responses because they require no translation.

When in doubt about which special mechanism to submit a case to, you can send your information to the UN Special Procedures catch-all email address at urgent-action@ohchr.org and it will be forwarded to the relevant SRs, WGs or IEs.

The more time spent developing an understanding of the specific requirements of each UN Special Procedure, the more powerful the response.

The system has been designed to favour cases submitted directly online to specific SRs, WGs or IEs.

The first step to developing an allegation of human rights abuse for submission to a UN Special Procedure is to establish that a violation has occurred.

Due to the confidential nature of their work, Special Procedures do not respond to all of the e-mails they receive. We assure you, however, that they and their staff read every submission. Do not expect a direct response unless they need to request more information from you.

2. Outlining and formatting your case

The first step to developing an allegation of human rights abuse for submission to a UN Special Rapporteur, Working Group, or Independent Expert is to establish that a violation of an individual or group's human rights has occurred. In many cases this is obvious, but in other situations -- especially in cases where local legislation and authorities seem to support human rights abuses -- it can be confusing.

When in doubt, refer to the UN Universal Declaration of Human Rights. It provides the basic framework through which the UN has mandated Special Procedures. Thus, if a right is protected within the language of that document, the chances are high that a UN Special Rapporteur, Working Group, or Independent Expert will cover violations of that right.

Before submitting an allegation letter, access the website of the relevant mechanism to determine that you are providing the requested information.

After you have determined the specific case you are developing for submission to UN Special Procedures, you will need to prepare a brief for the particular Special Rapporteur, Working Group or Independent Expert. Although requirements are similar, each mechanism has its own specific requirements for brief submissions. A list of UN Special Procedures was provided earlier in this document and you need to work with the relevant party to determine what information should be included in your submission and in what format. Before submitting an allegation letter, all human rights defenders and NGO representatives should access the website of the relevant mechanism to determine that they are providing the requested information.

In general, we have found that all UN Special Rapporteurs, Working Groups, or Independent Experts require at a minimum the following information:

- Identification of the alleged victim(s) and situation(s) in which their human rights were allegedly violated;
- Identification of the perpetrators of the alleged violation and presupposed causes of the violation; and
- A detailed description of the circumstances of the incident in which the alleged violation occurred including dates, location, legal details and other supporting details.

If you can guess a government's response to an allegation of human rights abuse, provide your answer to this response in your brief.

As a rule, the more information you can provide, the better! In addition, UN Special Procedures staff have told us in private that human rights defenders or those submitting cases of alleged human rights abuses to Special Procedures should consider the possible response from a government.

If you can guess the response a government will make to an allegation of human rights abuse, and provide an answer to this response in your brief, you strengthen your case and the Special Procedures' ability to affect change.



III. Using local expertise to strengthen UN Special Procedures' cases

You are the expert on your country. When it comes to submitting information to UN Special Procedures, it is important to remember that UN experts may have a very limited understanding of your country, its laws, politics, etc. They rely on you for insight into how things work in your country and how best to approach your country's government. Keep this in mind while you prepare a report or submission and include all the information UN Special Procedures need to make the strongest case. Remember, when an SR, WG or IE brings allegations against a government, officials have an opportunity to respond and give their side of the story. Unfortunately, you may not get a chance to respond to what they say. Leaving something out allows officials to discredit the allegation entirely or give a one-sided account of what happened.

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So do not leave anything out. In reviewing reports of human rights abuses available online, we found that a full description of what happened is often missing. For example, one report claimed that an individual had been arbitrarily detained. It provided detailed biographical information about this individual and included a thorough description of everything that had happened to him since he was detained. However, the report provided no information about his actual arrest. When did the police arrest him? Where was he when arrested? What was he charged with? Was he with other people when this happened? Were they arrested as well? All of these questions are ones that UN Special Procedures need to know the answers to.



Include the laws that are relevant to the case in your report. UN Special Procedures also need to know how the law is used or misused in practice.

Know the laws and include them. The UN Special Procedures work in a highly legalistic framework. SRs, WGs and IEs may not know your country's legal code. You should include the laws that are relevant to the specific case in your report for their ease of reference. UN Special Procedures also need to know how the law is used or misused in practice. For example, is the law against tax fraud in your country often used to unfairly prosecute human rights workers? They also should be made aware of laws that restrict freedoms protected under the UN Universal Declaration of Human Rights. For example, laws against religious extremism or unregistered gatherings could impinge on the freedom of belief and freedom to assemble respectively.

Make a clear argument. Lastly, it is important to think of your submission as an argument. You should anticipate and respond to questions like:

- Why is this a case of torture rather than interrogation with the use of appropriate force?
- Why is this arrest arbitrary?
- Why is this a case of restricting freedom of speech rather than maintaining state control or peace and order in the streets?



Imagine that you are face-to-face with a government official trying to convince him or her that what they are doing is wrong. This may seem a silly exercise, but it is not far from what is actually happening. Special Procedures will be using your words to do just that.



Frank La Rue, Special Rapporteur on Freedom of Expression

Summary of tips for preparing your submission to the UN Special Procedures

- Identify the specific UN Special Procedure that is most closely related to your case and understand their specific requirements
- Submit your case online directly to the specific UN Special Procedure
- Try to submit your brief in a primary UN language, and if at all possible in English
- Make sure you clearly establish your case as a violation of human rights
- If you can guess a government's response to an allegation of human rights abuse, provide your answer to this response in your brief
- Know the laws and include them
- Make a clear argument
- Do not leave anything out - you are the expert in your country and need to provide all the details for someone less familiar with the circumstances



IV. Risks, limitations and benefits: Why report to the UN Special Procedures?

Finally, it is worth noting the risks and overall rationale for working with the UN Special Procedures. Submitting cases to the UN Special Procedures can involve additional risks for the victims of human rights violations. It is important that you, as a local human rights defender, understand these risks. UN Special Procedures keep their sources of information confidential, but they do need to name the victims of alleged human rights violations in order to be effective. UN Special Procedures are limited in their authority to pressure governments to change laws, release prisoners or take other actions to remedy particular situations. It is important to remember that the United Nations is an intergovernmental, not independent, organisation: the UN Special Procedures can pressure states, but cannot control the actions of governments.

On the other hand, it can often be very helpful for victims that international bodies, groups, and NGOs know their names or those of others at risk and can lobby in their support. Often, publicity is protective. The more effort and time you, as a human rights defender or NGO representative, can devote to working with UN Special Procedures, the more effective they can be in creating change in the country where you work.

In our work, we often hear arguments against working with the UN. The main arguments are: 1) the UN does not have the power to enforce human rights obligations and 2) the process is too gradual and pointless and countries who abuse human rights have too much power. However:

1) Shame and information is a powerful weapon although the results are often hard to measure. We do, however, see the result when regimes respond to our allegations publicly: they are embarrassed and concerned. They are aware that the world is aware. Regimes are less free to act with impunity when the world knows what they are doing.

2) Special Rapporteurs, Working Groups and Independent Experts are committed to pressuring states to honour human rights commitments. Not taking advantage of their expertise and their mandate, even within a situation that is less than ideal, is wasting a readily available, valuable resource.

UN Special Procedures keep their sources confidential, but they do need to name victims of alleged human rights violations to be effective.

The more effort and time you can devote to working with UN Special Procedures, the more effective they can be in creating change in the country where you work.

The more you report, the more awareness of your country you will spread within an international system where change often requires sustained, steady effort and patience.



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