ADVOCACY AT THE UNITED NATIONS

As part of any advocacy strategy, advocates should evaluate whether to bring an issue to the attention of an international or regional human rights body. International and regional treaties provide the legal framework for international human rights protections and, together with the designated bodies that monitor and enforce them, provide activists with many potential avenues for improving human rights conditions around the world.[1] Governments that resist or ignore one mechanism that addresses human rights violations might be encouraged or compelled through another mechanism. International or regional advocacy may also be done in conjunction with local, on-the-ground human rights activism.

The UN Office of the High Commissioner for Human Rights (OHCHR) identifies two types of human rights monitoring mechanisms: treaty-based bodies and charter-based bodies.[2] Treaty-based mechanisms only apply to countries that have signed and ratified a particular treaty, but charter-based mechanisms apply to all UN Member States, regardless of which treaties they have ratified. Examples of treaty-based mechanisms include: the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee Against Torture. Examples of charter-based mechanisms often fall

[1] See Chapter 15 for discussion of regional human rights mechanisms.
[2] Office of the High Commissioner for Human Rights, "Instruments & mechanisms," accessed Nov. 8, 2022, https://www.ohchr.org/en/instruments-and-mechanisms.

under the Human Rights Council and include the Universal Periodic Review (UPR) and Special Procedures mandate holders. Both forms of mechanisms will be discussed below.

Beyond the UN, a mechanism can include any organization or process that monitors, reports on, and/or addresses violations of human rights.

International human rights mechanisms allow advocates to present information about local human rights violations directly to the international community. Advocates and activists should think of this type of advocacy as far more than just submitting information. Reports to international bodies can be used effectively as part of a larger advocacy strategy to change laws, policies, and practices. As many advocates have discovered, advocacy before international mechanisms can garner media attention that amplifies local efforts.

The United Nations' human rights mechanisms serve several functions. They enforce human rights standards, monitor and directly improve human rights conditions, report on violations, and create new treaties to protect human rights. The international human rights system functions best when civil society organizations, academia, and community activists all participate actively. By providing credible information about and examples of human rights violations, advocates draw attention to systemic problems.

Although accessing the international human rights system may seem daunting, people with a basic understanding of UN procedures can easily take part in international advocacy. The United Nations has two general categories of human rights bodies: charter-based mechanisms and treaty-based mechanisms. The options for civil society organizations and groups to participate in advocacy depend on the mechanism they are targeting and the country of focus. Successful organizations engage with multiple mechanisms.

UN Charter-based Mechanisms

The UN human rights mechanisms that derive their power from the UN Charter (the treaty that created the United Nations) include the Human Rights Council and its Special Procedures, the General Assembly, and the 3rd Committee, among others. "Charter-based" human rights bodies have the authority to review human rights practices of all countries that are members of the United Nations, regardless of whether a particular country has ratified a particular human rights treaty.

Emergency Response and Early Warning Mechanisms

The UN system and several of the regional human rights systems have emergency response and early warning mechanisms to address arbitrary detention, emerging human rights crises, and situations in which a person or group is at grave risk of imminent harm. See Chapter 14 and Appendix K for more information about how to use these emergency response tools.

i. The Human Rights Council and the Universal Periodic Review

The UN Charter called for the creation of a Commission on Human Rights, which in 2006 was reorganized into the current Human Rights Council. The Human Rights Council is an inter-governmental body made up of 47 countries that work to promote and protect human rights around the world. The Council meets regularly in "sessions" to review the status of human rights in countries around the world, to address human rights violations, and to make recommendations to improve the fulfillment of human rights.[3] Council members are representatives

[3] UN Human Rights Council, "The Human Rights Council," accessed Jan. 15, 2021, https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx.

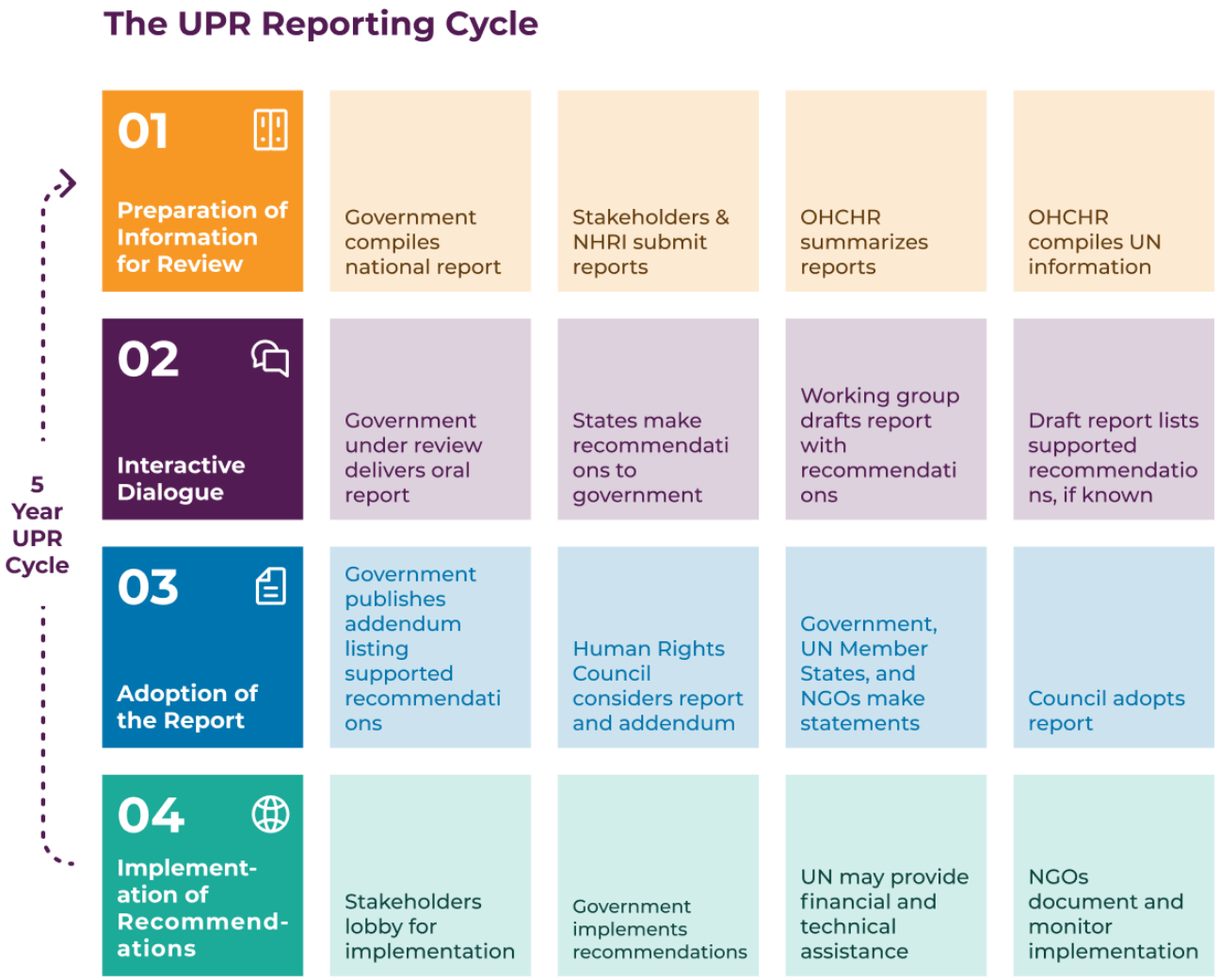
of their respective governments and are elected to staggered three-year terms. Seats on the Council are allocated geographically; each region nominates candidate countries that are then approved by the General Assembly.[4] All Member States have a seat and can participate in various aspects of the Council's work even if they do not hold a seat on the council.

The Human Rights Council carries out a process called the Universal Periodic Review (UPR), during which it reviews the human rights record of each UN member country once every five years.[5] The UPR provides the opportunity for each government to explain the actions it has taken to improve the human rights situation in its country and to fulfill its human rights obligations. The UPR is also an opportunity for UN Member States and observer states to make recommendations to the State under review on priority issues. As one of the main functions of the Human Rights Council, the UPR is designed to ensure equal treatment for all countries when their human rights practices are evaluated.

An overview of the UPR reporting cycle

The UPR is an important way for governments to evaluate their own progress and for UN Member States to evaluate their peers. The UPR process consists of several stages, and each stage offers civil society organizations multiple opportunities for engagement.

[4] UN General Assembly Resolution 60/251, A/RES/60/251(Apr. 3, 2006). Also available online at https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.
[5] Office of the High Commissioner on Human Rights, "Universal Periodic Review," accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx.



Step 1: Preparation of information for the review

The government of the country under review prepares a national report, which provides a self-assessment of its progress and challenges on human rights issues since the last review. Many governments hold national consultations with civil society as they prepare their national reports. If a government does not hold consultations with civil society, advocates may wish to lobby the government to hold them. If the country has an independent national human rights institution (NHRI), such as a human rights commission or ombudsperson (see Chapter 11) the NHRI submits a separate report. At the same time, civil society organizations can prepare their own stakeholder reports. NHRI and civil society reports do not need to agree with or support the government's national report, but rather provide an independent assessment of the country's human rights record.

Staff at the UN Office of the High Commissioner for Human Rights (OHCHR) prepare a summary of the NHRI and stakeholder reports. They also prepare a compilation of any relevant information about the country's human rights record from other UN bodies, such as treaty monitoring bodies or Special Procedures mandate holders.

Step 2: Interactive dialogue between government delegation and UN Member States

The UPR includes a three-and-a-half-hour interactive dialogue between a government delegation from the country under review and other UN Member States and observer states. The dialogue is facilitated by a Human Rights Council working group. Countries may submit written questions to the government delegation in advance of the in-person dialogue. Before the interactive dialogue, members of the government delegation have the opportunity to make introductory statements and present their national report, typically highlighting human rights conditions in the country. The delegation may also respond to questions submitted in advance.


An interactive dialogue at the Palais des Nations in Geneva, Switzerland.

During the dialogue, any UN Member State or observer state may pose questions and make comments and recommendations to the country under review. Recommendations are the most important component of these brief speeches, or "interventions," because the country under review must formally respond to each recommendation. Some countries have informally agreed to make no more than two recommendations during each interactive dialogue, while others may make more than two. If a country wants to take the floor to make a recommendation or other comment, it must sign up in advance. Based on the number of countries wishing to speak, the Human Rights Council places a precise time limit on each country's intervention, typically between one and two minutes. The interventions are broken up into two or more segments, and after each segment the government delegation has the opportunity to respond to any of the preceding questions or statements. The countries speak in alphabetical order, starting with a different country for each UPR. Often, questions and recommendations are based on or taken directly from reports submitted by non-governmental organizations, which is why NGO participation in the UPR process can be so impactful.

Following the interactive dialogue, the working group circulates a draft report containing a verbatim record of each recommendation. The working group holds a brief session soon thereafter to accept typographical and clerical amendments to the report. In some cases, the country under review responds quickly to the recommendations, and the draft report of the working group identifies which recommendations received the country's support. Typically, however, the country under review defers its decision on some or all of the recommendations. Later, the OHCHR staff also add summaries of all of the statements made during the interactive dialogue.

Step 3: Adoption of the working group report

The government of the country under review has several months to declare on the record whether it accepts or "notes" each recommendation.[6] It typically does so by publishing an "addendum" to the report of the working group. In this addendum, a country may also include observations or explanations about certain recommendations and offer specific commitments for implementing accepted recommendations. The addendum may also include other voluntary pledges relevant to the review. Some countries, for example, commit to

[6] While the word "rejected" is never used, "noted" recommendations are generally understood to be rejected.

submitting a mid-term report within two years about the government's progress in implementing accepted recommendations.[7]

The Human Rights Council formally adopts the report of the working group at its next plenary session, several months after the interactive dialogue. At the plenary session, a government delegation from the country under review has the opportunity to answer questions, respond to recommendations, and make comments about issues raised during the review. Other UN Member States and NGOs with consultative status[8] also have the opportunity to give brief comments prior to the adoption of the report of the working group.

Step 4: Implementation of recommendations

The national government is responsible for implementing the recommendations it accepts and must provide information on its implementation efforts when it returns for the next review. Some governments consult with civil society as they develop implementation plans. NGOs can hold governments accountable for implementing these recommendations through advocacy and monitoring. Initial evidence suggests that even if a government does not accept a particular UPR recommendation, it sometimes implements some or all of it anyway.[9]

Advocates may also wish to work closely with their respective UN Country Team (UNCT) throughout the phases of the UPR. UN Country Teams are UN staff members who work with the State and civil society to participate in international mechanisms, including the UPR. Advocates can work with UNCTs to learn more about the UPR process, providing assistance on NGO reporting to the UPR, increasing local access to UPR meetings, and liaise between the government and civil society organization on how to implement accepted recommendations. For more information on UNCTs, see: https://unsdg.un.org/2030-agenda/strengthening-international-human-rights/universal-periodic-review

This section describes the steps in the UPR cycle, and the following section provides details about how civil society can engage with the UPR mechanism at each step in the process.

Opportunities for civil society to participate in the UPR reporting cycle

Civil society organizations can participate in the UPR process in many ways:

[7] When voluntary mid-term reports are submitted, they are made available on the Human Rights Council's website. https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[8] Consultative status with the UN is discussed in Chapter 14.
[9] UPR Info, Follow-up to the Universal Periodic Review, 1 ("During the first UPR cycle, 19% of noted recommendations were implemented."), accessed Jan. 15, 2021, https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs4_follow-up_e.pdf.

Opportunities for Civil Society to Participate in the UPR Reporting Cycle

Before the Review

Consult government as it prepares national report

Submit stakeholder reports on human rights issues

Lobby other Member States on issues to be raised during review. Target embassies and missions to the UN in Geneva

During the Review

Attend the interactive dialogue in person* or monitor via webcast

Hold a press conference or write a press release

Host a side event

After the Review

Lobby the government to accept recommendations

Address Human Rights Council when it adopts report of the working group*

Release a written statement

Report reprisals

Global delegates gather at the UN High-level Political Forum on Sustainable Development

Between Reviews

Advocate for reforms to implement recommendations

Consult with government on implementation

Monitor implementation of recommendations

Contribute to UPR-Info's Mid-Term Implementation Assessment

Document human rights conditions in preparation for next UPR cycle

Crowd of people holding placards and marching in Washington, D.C. during Women's March

* Only organizations with ECOSOC status may attend interactive dialogue and make oral statements.

Before the Review

Participate in consultations for the national report. Each government is supposed to consult with civil society as it prepares its national report for the UPR, though what this consultation involves varies by country. Civil society organizations can lobby the government to set up consultations and can provide the government with relevant information about human rights issues, either as a formal part of a consultation process or more informally.

Submit a stakeholder report.[10] Organizations, coalitions, and individual human rights defenders may also prepare and submit "stakeholder reports" to the Human Rights Council, either individually or as part of a "joint stakeholder report." Human rights defenders can be located inside or outside the country of review. The Human Rights Council is particularly interested in hearing from civil society about the "[p]romotion and protection of human rights on the ground" and "challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations" in the country under review.[11] The Human Rights Council requests that civil society groups give priority to "first-hand information" in their reports, and refer to second-hand information only in endnotes, and only if necessary.[12] In these reports, NGOs can provide real-life examples of the government's failure to respect human rights obligations. Reports should also suggest recommendations for UN Member States to consider when they plan their interventions for the interactive dialogue.

To learn more about applying for ECOSOC status, see Chapter 14.

One advantage of the UPR process is that reports do not have to be detailed. The Human Rights Council limits reports from a single organization to 2,815 words (approximately five pages) and from joint stakeholders to 5,630 words (approximately ten pages).[13] The reports are due approximately six months before the interactive dialogue. The Office of the High Commissioner for Human Rights then prepares a ten-page summary of "credible and reliable information" from stakeholders, including non-governmental organizations and national human rights institutions. The summary is part of the official UPR record.

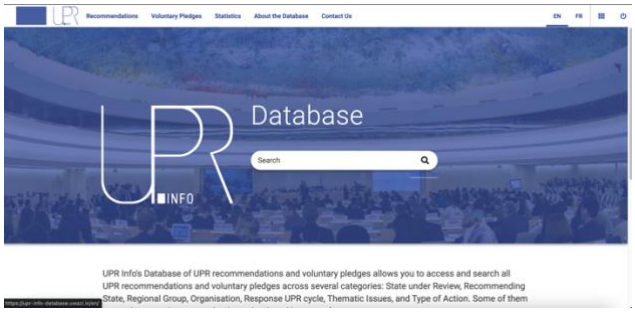
UPR Stakeholder Report Checklist

- ✓ Stakeholder reports from a single organization should not exceed 2,815 words, but reports may annex additional documentation. Joint stakeholder reports (by coalitions) should not exceed 5,630 words.
- ✓ Stakeholder reports should be submitted through the on-line UPR submissions system: https://uprdoc.ohchr.org. Submissions must be received by 3:00 pm Geneva time (CET) on the day of the given deadline. For deadlines, see https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris.
- ✓ Reports should follow the structure of the General Guidelines for the preparation of information under the UPR: https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris.
- ✓ Reports should cover no more than the 5-year time period since the previous UPR.
- ✓ Reports should be submitted in Word format only, i.e., not as a PDF file.
- ✓ Written contributions should be submitted in UN official languages only, preferably in English, French, or Spanish.
- ✓ Each paragraph and each page of the report should be numbered.

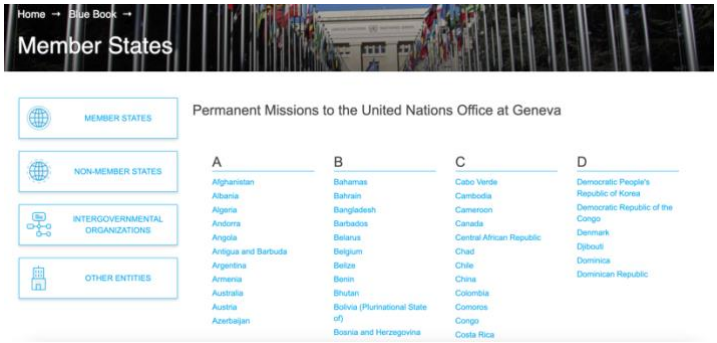
[10] Preparation of a stakeholder report is discussed in more detail in Chapter 8, "Writing the Report."
[11] Office of the High Commissioner for Human Rights, *Universal Periodic Review: Information and Guidelines for Relevant Stakeholders' Written Submissions*, accessed Jan. 15, 2021, http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf, ¶¶ 6(c), (e), 9.
[12] Ibid. ¶ 12.
[13] Ibid. (Word limits exclude footnotes, the substance of which are not considered during the review.)

- ✓ Reports may include an introductory paragraph or executive summary highlighting the main points in the report.
- ✓ Include specific, measurable, achievable, relevant, and time-bound (SMART) recommendations that address the issues identified in the stakeholder report.

Lobby UN Member States. Civil society groups can also lobby UN Member States to encourage them to address particular issues of concern during the interactive dialogue. Statements during the interactive dialogue are time-constrained and very brief. Many countries craft their statements and recommendations long in advance of the three-hour dialogue; in a few cases, countries prepare them four months before the session. Civil society groups, thus, should accordingly plan which countries to lobby and on what issues well in advance of the interactive dialogue.



UPR-Info database issue search menu

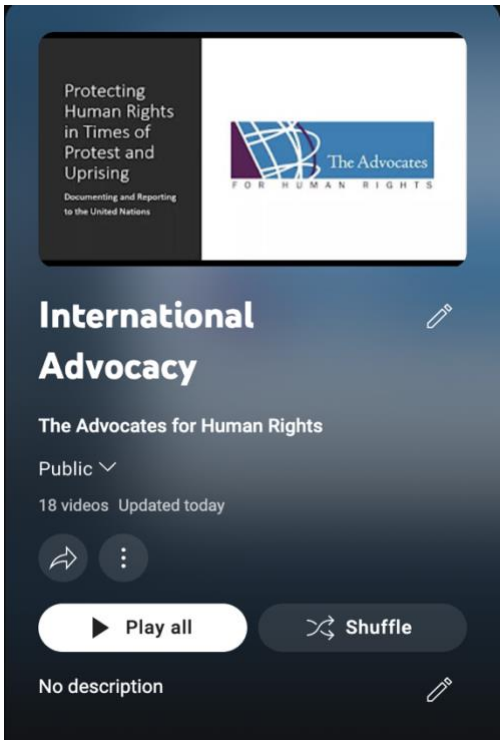


Because the Human Rights Council is an inter-governmental body, diplomats have a hand in shaping their country's interventions–or deciding not to intervene at all in a particular UPR. Staff at the country's permanent mission to the United Nations in Geneva are usually responsible for drafting the intervention. In other cases, however, staff at the country's embassy in the country under review will play the lead role in writing the statement, or the country's Ministry of Foreign Affairs (or equivalent) will take the lead.

A civil society group that wants to lobby UN Member States should be strategic in targeting its outreach to those countries that may be most receptive to the issues the group's stakeholder report addresses. For example, it is probably not worthwhile to spend time lobbying a country that retains the death penalty to advocate for abolition of the death penalty in the country under review. At the same time, it may make sense to lobby a retentionist country to make a recommendation on detention conditions–an issue closely linked to the death penalty–if that country has previously made recommendations on detention conditions. The group may wish to target countries that made relevant recommendations during the country under review's previous interactive dialogues, countries that have made recommendations on similar issues in interactive dialogues with other countries, or countries that may have a particular interest in the group's issues. A Geneva-based organization called UPR-Info maintains a website with a searchable database of UPR recommendations.[14] Civil society organizations can use the database to identify potentially receptive countries.

Permanent Mission contact information

Groups can then make contact via email with the permanent missions to the United Nations in Geneva of the targeted countries. The website of the UN Office at Geneva (www.unog.ch) includes a database of mission contact information,[15] and some missions have their own websites as well. Groups that are based inside the country under review can also contact the embassies and consulates of the targeted countries to request a meeting with a human rights officer there. In addition, groups with consultative status at the UN can interact directly with Human Rights Council delegations at the Palais des Nations. In any case, groups doing outreach should attach a copy of their group's stakeholder report and a brief summary or "one-pager" of the report's main findings and proposed recommendations,[16] along with any recent developments since they submitted the report. They should also request a virtual or in-person meeting, if possible, and offer to communicate further by email or telephone if any questions arise.



The International Advocacy Playlist on The Advocates for Human Rights YouTube page (https://youtube.com/playlist?list=PL-fOkYTwG0U9l0LBxs0FxX4nkQM8zhFoH) provides detailed information on how to engage in advocacy work at the United Nations. For more information on lobbying UN Member States, watch:

- Electronic Lobbying Training Overview
- Identifying Countries to Lobby
- How to Write a One-pager
- Sending Emails for Electronic Lobbying

Host a side event. NGOs in or who can go to Geneva can organize parallel, or "side," events to publicize their stakeholder reports and any recent developments relating to issues of concern. It is also possible to hold side

[14] UPR-Info, "Database of UPR Recommendations," accessed Jan. 15, 2021, https://upr-info-database.uwazi.io/.
[15] United Nations Office at Geneva, "Permanent Missions to the United Nations Office at Geneva," accessed Jan. 15, 2021, http://www.unog.ch/80256EE600582E34/%28httpPages%29/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000#1.
[16] See Appendix X for discussion of how to prepare a one-pager.

events elsewhere via online conferencing. Side events can be live, in-person events, or held via online conferencing platforms such as Zoom. The content or the format of a side event may vary, but the advocates' goal is to connect with delegates to the Human Rights Council and convey important information about a particular issue with the aim toward getting delegations to raise a relevant recommendation in an upcoming UPR session. It is important, then, to invite delegations that have demonstrated an interest in the advocates' main issue, as well as any other State delegations the advocates wish to target.

Attend the UPR-Info Pre-session. The UPR-Info Pre-session is an opportunity for civil society organizations and national human rights institutions (NHRIs) to present information on the State under review to representatives of the recommending permanent missions in advance of the interactive dialogue. The Pre-session allows advocates to communicate directly with representatives of the permanent missions and ask them to make their suggested recommendations. The Pre-sessions are held in Geneva and last for 30 minutes to one hour, which means that advocates will be limited in what they can present. Further, not all NGOs will be selected to speak. For more information, visit the UPR-Info Pre-session website: https://www.upr-info.org/en/presessions.

During the Review

Hold a press conference. Civil society organizations may wish to hold a press conference about the review and issue a press release highlighting any key recommendations or any relevant statements from the government delegation. It may also be helpful to meet with members of the media one-on-one to explain what the UPR is, what will happen during the interactive dialogue, and why the UPR process is newsworthy.

Attend the interactive dialogue. NGOs with ECOSOC status can attend the interactive dialogue in Geneva, and anyone can watch the dialogue via live webcast.[17] Many organizations use social media to share recommendations as they are made on the floor. One important advocacy tool is live-tweeting a UPR interactive dialogue. Advocates can summarize State interventions, tagging the State's permanent mission Twitter handle, and using appropriate hashtags to make the tweets more visible. Following the interactive dialogue, it may be helpful to thank States who intervened on primary issues of concern. Another advocacy tool is to "debrief" the interactive dialogue session on social media by recapping the session or explaining the potential impact of the recommendations made. Live-tweeting and social media help to illuminate for the public the human rights issues within a particular country and raise awareness about the UPR process. They also provide an opportunity to engage with members of the government of the country under review, especially those officials whose work may address recommendations made but are not closely associated with the government's diplomatic corps.

After the Review

Lobby the government to support recommendations. After the review, the government of the country under review has to decide whether it will support each recommendation. Civil society organizations can lobby the government to support recommendations and to make voluntary commitments, such as a pledge to submit a progressive report within two years about the government's progress in implementing accepted recommendations, or to issue a standing invitation to all special mechanisms of the Human Rights Council to visit the country. These voluntary mid-term reports are considered "good practice" by the UN High Commissioner for

[17] UPR sessions are presented live on UN Web TV and are also made available for later viewing. http://webtv.un.org/.

Human Rights and they become part of a country's human rights record, both with the Human Rights Council and with other organs of the UN.[18] Mid-term reports also provide the opportunity to raise new and emerging issues, as well as report on the country's progress toward implementing its supported recommendations.

Address the Human Rights Council during the plenary session. NGOs with consultative status may address the Human Rights Council during the one-hour portion of the plenary session when it adopts the report of the working group. The Council allocates twenty minutes of the adoption session for oral statements from NGOs. The Council also publishes written versions of those statements on its website for the session. Guidelines and submission forms for these statements may change each session; consult https://www.ohchr.org/en/hr-bodies/hrc/ngo-participation for the most up-to-date information.

Issue a press release. Groups can issue a press release about the outcome of the review and any next steps for ensuring implementation of accepted recommendations.

Report reprisals. On rare occasions, a government takes retaliatory steps against NGOs or individuals who participate in the UPR process. Victims of reprisals should promptly report these actions to the Human Rights Council so that it can take responsive measures.

Between Reviews

Advocate for implementation of recommendations. Between reviews, civil society groups can engage in advocacy to ensure that the government of the country under review adopts legislation and policies to implement any recommendations that enjoy the government's support. This advocacy might involve activities such as lobbying the government ministries responsible for implementation or conducting a public awareness campaign. Engaging the public can, in certain circumstances, put further pressure on the government to uphold its new commitments on particular human rights issues.

Participate in government consultations. Some governments will consult with civil society as they determine how best to implement UPR recommendations. NGOs can lobby the government to set up these consultations and can provide input to the government either through a formal consultation process or through other channels.

Monitor implementation. NGOs can also participate in and monitor implementation of recommendations. Conducting routine periodic monitoring of the progress (or lack of progress) in implementation can produce a wealth of information for further lobbying and reporting efforts. For example, these monitoring efforts can be incorporated into a stakeholder report for the next UPR cycle or a related treaty body review, or provide a basis for encouraging States that made the recommendations to engage directly with the government about its progress.

Contribute to Mid-Term Implementation Assessment. UPR-Info–an NGO dedicated to using the UPR process to improve human rights–reaches out to the organizations that submitted stakeholder reports and requests that they provide information about whether and to what extent the government has implemented recommendations–including the recommendations the government rejected. UPR-Info compiles this information into a Mid-Term Implementation Assessment, which serves to both track governments' progress toward achieving their UPR-derived human rights commitments and can serve as a record for future human rights reporting.[19] These assessments are similar to, but not exactly the same as voluntary mid-term reports submitted by the government

[18] UN Office of the High Commissioner for Human Rights, "Universal Periodic Review: Tips for Engagement at Country Level for National Human Rights Institutions and Civil Society," accessed June 14, 2022, https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Tips_21Sept2020.pdf

[19] UPR Info, Follow-up to the Universal Periodic Review, 1 ("During the first UPR cycle, 19% of noted recommendations were implemented."), accessed Jan. 15, 2021, https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs4_follow-up_e.pdf.

(or an NHRI) to the Human Rights Council. UPR-Info's assessment provide another opportunity for civil society to engage in independent and outside assessment of the State's progress towards implementation.

Continue to document human rights conditions. Groups can also document human rights conditions related to the accepted recommendations as well as any emerging human rights violations. Groups can then incorporate this information into their stakeholder reports for the next round of the UPR. It is best for groups to document these violations according to the themes highlighted in the matrix of recommendations compiled by the Office of the High Commissioner for Human Rights as this is how OHCHR staff will organize and analyze future stakeholder reports submitted in the country's next UPR cycle.[20]

Karen Human Rights Group Uses Fact-Finding and Advocacy to Push for Change at the UPR


A forced laborer belonging to the Karen ethnic group

The Karen people are an ethnic group residing in the southeastern region of Myanmar (Burma) along the border with Thailand. The Karen Human Rights Group (KHRG) is a grassroots, locally led human rights organization established in Karen (Kayin) State in 1992 and now operating across southeast Myanmar. KHRG works with villagers in rural Myanmar to strengthen their ability to claim their human rights; interview each other about human rights violations; document their human rights situation; and conduct local and international advocacy. Over its 30-year history, KHRG has established itself as a leading source of information of on-the-ground conditions in Myanmar for the international human rights community and has been nominated twice for the Nobel Peace Prize. In 2013, KHRG was the recipient of the Asia Democracy and Human Rights Award.

KHRG's primary aim is to ensure the Karen people's voices, priorities, and perspectives influence decision-makers who can take action to improve the human rights situation in their region. KHRG accomplishes this goal through the collection of first-hand accounts from local villagers, which has been used to create a database of valuable, verifiable information. KHRG uses this field research to issue regular updates on specific human rights violations in the region, which are then synthesized in major reports on human rights conditions. These updates and reports are important not only as documentation of human rights violations but also as a platform for individuals in the region to speak for themselves. By focusing on local perspectives and giving priority to villagers' voices, KHRG reports and updates provide local, national, and international actors with a resource that will allow them to base policy and programmatic decisions impacting communities in southeast Myanmar more closely on the experiences and concerns of the people living there.[21]

KHRG leverages its focus on "human rights on the ground" and sustained presence in the region to play an active role in Myanmar's Universal Periodic Review (UPR). In 2010, KHRG submitted a stakeholder report for Myanmar's first UPR. The report identified human rights concerns related to practices by the Government of Myanmar (GOM) in areas that KHRG is recognized as an authority, such as internal displacement and forced labor, and recommendations for actions by the government to address the concerns.[22] In 2015, KHRG submitted a stakeholder report for Myanmar's second review, which

[20] UN Office of the High Commissioner for Human Rights, "Universal Periodic Review: Tips for Engagement at Country Level for National Human Rights Institutions and Civil Society," accessed June 14, 2022, https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Tips_21Sept2020.pdf
[21] Karen Human Rights Group, "'With only our voices, what can we do?': Land confiscation and local response in southeast Myanmar," https://www.khrg.org/2015/06/with-only-our-voices-what-can-we-do-land-confiscation-and-local-response.
[22] Karen Human Rights Group, *Myanmar Submission UN Universal Periodic Review*, July 5, 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/KHRG_KarenHumanRightsGroup_eng.pdf.

assessed the implementation of recommendations accepted by the State party at its last UPR and the development of human rights situations in the intervening period.[23] In 2019, KHRG submitted an optional mid-term report on the progress made by GOM in implementing freedom of expression-related recommendations received during its second UPR.[24] In 2020, KHRG submitted a stakeholder report for Myanmar's third UPR cycle.[25] Each report draws primarily from KHRG's continuous documentation of specific human rights incidents in the region, including those related to accepted recommendations and any emerging situations, such as the escalation of measures to suppress dissent and criticism of the State detailed in its mid-term report.

The Center for Prisoners' Rights (CPR) Lobbies at the UPR of Japan

In preparation for the 28th Session of the Universal Periodic Review in 2017, The Advocates for Human Rights submitted a stakeholder report in conjunction with The Center for Prisoners' Rights (CPR) in Japan and The World Coalition Against the Death Penalty. CPR was established in March 1995 as the first Japanese NGO specializing in prison reform with the goals of abolishing the death penalty and reforming Japanese prison conditions in accordance with international human rights standards.[26] Along with The Advocates, CPR sent emails lobbying against the death penalty in Japan to 26 countries.[27] Of the 26 countries contacted, 20 countries made recommendations at Japan's UPR dialogue in line with the lobbying efforts done by CPR and The Advocates.[28] In total, 42 out of the 105 country representatives participating in Japan's UPR addressed the death penalty, which demonstrates strong international pressure for change in the country's legal system.[29] In response to the UPR, the Government of Japan defended the death penalty in Japan as "unavoidable" and rejected recommendations on eliminating the death penalty.[30] CPR continues to advocate for death penalty reform in Japan and demands that the Government reconsider its stance regarding the death penalty.

The Advocates for Human Rights submits stakeholder report on domestic violence for the UPR of Montenegro

The Advocates for Human Rights submitted a joint stakeholder report with SOS Hotline for Women and Children Victims of Violence Niksic and Women's Rights Center on domestic violence for the January 2018 UPR of Montenegro. The report documents the Government of Montenegro's integration of its Law

[23] Karen Human Rights Group, *Submission for the UN Universal Periodic Review (UPR)*, March 22, 2015, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1966&file=EnglishTranslation.
[24] Karen Human Rights Group, *Myanmar: Worsening Climate for Free Expression despite UN Commitments*, https://www.ohchr.org/Documents/HRBodies/UPR/NGOsMidTermReports/190529_UPR_Midterm_Myanmar.docx.
[25] Karen Human Rights Group, Submission for the Universal Periodic Review of the human rights situation in Myanmar, July 9, 2020, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8284&file=EnglishTranslation.
[26] World Coalition Against the Death Penalty, "Joint Statement of the Death Penalty in Japan", (March 30, 2018), http://www.worldcoalition.org/Joint_statement_of_the_death_penalty_in_Japan.html
[27] The Advocates for Human Rights, "The Advocates' lobbying against the death penalty packs a big punch at the Universal Periodic Review of Japan", (December 2017), https://theadvocatespost.org/2017/12/15/the-advocates-lobbying-against-the-death-penalty-packs-a-big-punch-at-the-universal-periodic-review-of-japan/
[28] Ibid.
[29] Ibid.
[30] World Coalition Against the Death Penalty, "Joint Statement of the Death Penalty in Japan", (March 30, 2018), http://www.worldcoalition.org/Joint_statement_of_the_death_penalty_in_Japan.html

on Domestic Violence Prevention (LDVP) passed in 2010. It also outlines continued problems with the implementation of LDVP, including harmful attitudes and gaps in law and policy.[31]

The Advocates' stakeholder report draws on information gathered from visits to six cities and 60 interviews conducted with local leaders and community members to identify gaps in the government's implementation of its new law.[32]

MONTENEGRO: Domestic Violence
Joint Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status
SOS Hotline for Women and Children Victims of Violence-Niksic
and
Women's Rights Center

for the 29th Session of the Working Group on the Universal Periodic Review
January - February 2018

The Advocates for Human Rights was founded in 1983 and is a volunteer-based non-governmental organization (NGO) committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has produced more than 80 reports documenting human rights practices in more than 25 countries, and works with partners overseas and in the United States to restore and protect human rights. The Advocates for Human Rights holds Special Consultative Status with the United Nations.

SOS Hotline for Women and Children Victims of Violence Niksic was founded in 1998 by a group of activists, who dream about a society in which equality and social justice are core values. SOS Hotline is recognized as one of the leading NGOs in Montenegro in the fight for women's rights. SOS Hotline seeks to be a powerful instrument for women in economic, social and political empowerment. SOS Hotline's vision is a world where all women and all children live in peace and dignity. Its mission is to help the positive development and application of capacity and potential of women and children in the family and society, through the promotion and protection of women's and children's rights in order to create a dedicated, responsible, and open community.

Women's Rights Center was established in 2012, on the basis of the founders' long-term experience in providing support to women survivors of gender-based violence and other violations of women's human rights. The Women's Rights Center (WRC) empowers women to fight for a better position in society and access to justice, offering them counselling, psychological and legal assistance. Through advocacy, mentoring and promotion of women's creativity, the Women's Rights Center improves conditions and the social atmosphere in which women exercise their rights. WRC advocates for gender equality as one of the priorities of Montenegro in the European integration process.

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Interviewees' responses shocked interviewers, further supporting the need to address domestic violence in Montenegro. For example, one mediator called domestic violence "a style of communication between the parties. [It is the] victim's choice… to be communicated to with violence."[33]

Even years after passing LDVP, there is still work to be done to hold offenders accountable and protect the safety of victims. One in three women in Montenegro experience physical violence/abuse in her family and there is a general sense among victims of domestic violence in Montenegro that they cannot report their abuse to government authorities safely.[34]

During its Universal Periodic Review session, many of the recommendations The Advocates and its coauthors made in their joint stakeholder report were echoed by State delegates in the Interactive Dialogue. The Government of Montenegro reaffirmed its commitment to strengthening its domestic legislation by aligning its national laws with its obligations to international human rights laws, especially those pertaining to women and children.[35] Additionally, the Montenegrin government was open to strengthening its domestic violence procedures through comprehensive trainings for relevant actors (police, prosecutors, judges, and health-care professionals) and increased care and resources for victims of domestic violence.[36]

Since its 2018 UPR, Montenegro has amended the Criminal Code and established a new Protocol on the Treatment, Prevention and Protection of Violence against Women and Domestic Violence. These changes have resulted in the criminalization of female genital mutilation and forced sterilization; the removal of coercion, use of force, or threat of direct attack on life or body from the definition of rape; and a prison term of up to eight years for conviction for rape.[37]

[31] The Advocates for Human Rights, *Groundbreaking Work with Women in Montenegro,* Human Rights Observer, Fall/Winter 2017, https://www.theadvocatesforhumanrights.org/uploads/observerfw17online.pdf.
[32] Ibid.
[33] Ibid.
[34] The Advocates for Human Rights, *Joint Stakeholder Report for the United Nations Universal Periodic Review,* (2018), 2-3.
[35] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, (April 18, 2018), U.N. Doc. A/HRC/38/13. ¶ 105.98 Carry on strengthening its domestic legislation by continuing efforts towards bringing national laws into line with its obligations under international human rights law, especially those related to women and children (Bosnia and Herzegovina).
[36] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Montenegro*, (April 18, 2018), U.N. Doc. A/HRC/38/13. ¶ 105.113 Ensure effective implementation of the Law on Protection against Domestic Violence, including by providing comprehensive training for relevant actors: police, prosecutors, judges, and health-care professionals (Republic of Moldova); ¶ 105.116 Allocate adequate resources for the accommodation and care of victims of domestic violence. Break down the culture of impunity for domestic violence through public dialogue and advocacy (Canada).
[37] The Advocates for Human Rights, *Montenegro: Stakeholder Report for the United Nations*, (Minneapolis: The Advocates for Human Rights, Oct. 2022, ¶ 14.

The WEA Sees Progress Towards Religious Freedom in Spain

The World Evangelical Alliance (WEA) made an oral statement during the 44th session of the Human Rights Council addressing two issues involving religious rights in Spain. The NGO said Spain's "unreasonably high safety standards for non-Catholic places of worship" are forcing local congregations to consider closing. The WEA also urged Spain to realize "the right to social security for all, including protestant ministers who do not have access to the pension system."[38]

From 1939-1975, during the dictatorship of Francisco Franco, Catholicism was the mandated state religion.[39] In 2020, over 70% of the Spanish population still identified as Catholic, but only about 1/3 of them regularly attended church. More than 26% of Spaniards are not associated with any religion. "Only about 2.3% of people in Spain identify with a religion other than Catholicism," mostly Islam, and the already low membership in non-Catholic Christian religions is decreasing.[40] Some regulations, such as very high safety standards, have made practicing these other religions difficult. The WEA reported that "[r]etired pastors and their family still suffer from the consequences of discriminatory regulations established during Franco's regime," including being denied equal access to pensions.[41]

Spain accepted two recommendations made during its January 2020 UPR session regarding unreasonable safety standards and access to pensions for Protestant ministers. These recommendations were made by several States after international advocacy efforts by the WEA.[42] Spain's representative Cristóbal González-Aller Jurado assured that the country fully respects and implements all religious freedom regulations and that "a normative is being prepared for the pastors who were not able to pay contributions' for their pensions."[43] Thus, the WEA successfully advocated for greater religious freedom in Spain.

a. Human Rights Council Complaint Procedure

The Complaint Procedure of the Human Rights Council is a confidential, victim-oriented mechanism established to allow the Human Rights Council to address policies or national laws that result in consistent patterns of gross violations of human rights. After receiving a communication from an individual or group claiming to be a victim or having direct knowledge of a human rights violation, the Chairperson of the Working Group on Communications and the Secretariat of the Human Rights Council assesses the admissibility and merits of the communication. That group may then pass the communication along to the Working Group on Communications, which will further examine the communication for admissibility. The Working Group can then choose to dismiss the complaint,

[38] Evangelical Focus Europe, "Spain accepts two religious freedom recommendations presented by the WEA at the UN Human Rights Council," (July 17, 2020), available online at https://evangelicalfocus.com/europe/7124/spain-accepts-two-religious-freedom-recommendations-presented-by-the-wea-at-the-un-human-rights-council.
[39] Learn Religions, "Spain Religion: History and Statistics," (March 27, 2020), available online at https://www.learnreligions.com/spain-religion-history-and-statistics-4797953.
[40] Ibid.
[41] Evangelical Focus Europe, "Spain accepts two religious freedom recommendations presented by the WEA at the UN Human Rights Council," (July 17, 2020), available online at https://evangelicalfocus.com/europe/7124/spain-accepts-two-religious-freedom-recommendations-presented-by-the-wea-at-the-un-human-rights-council.
[42] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Spain*, (Feb. 5, 2020), U.N. Doc. A/HRC/WG.6/35/L.4. ¶ 150.100 Ensure freedom of religion or belief in Spain, both in law and in practice, to members of religious minorities, with a view to realizing the right to social security for all including protestant ministers who do not have access to the pension system (Haiti); ¶ 150.101 Ensure the freedom of religion or belief in Spain, both in law and in practice, for adherents of all religions, and root out all cases of religious discrimination in laws against members of religious minorities (Solomon Islands); and ¶ 150.102 Continue the positive steps ensuring freedom of religion and the protection of ethnic minorities (Bahrain).
[43] Evangelical Focus Europe, "Spain accepts two religious freedom recommendations presented by the WEA at the UN Human Rights Council," (July 17, 2020), available online at https://evangelicalfocus.com/europe/7124/spain-accepts-two-religious-freedom-recommendations-presented-by-the-wea-at-the-un-human-rights-council.

request further information from the State concerned, or send the communication and its recommendations to the Working Group on Situations. In this third stage of the complaint procedure, the Working Group on Situations further investigates whether there is a pattern of "gross and reliably attested violations of human and fundamental freedoms," considers the State's reply, and presents a report and recommendations for action to the full Human Rights Council.[44] In the final stage, the Human Rights Council must choose whether to discontinue consideration of the complaint, continue to review the complaint and request further information from the State concerned, continue monitoring the situation through the appointment of an independent expert, or remove the complaint from the confidential procedure to public consideration of the matter. The rejection process aims to be transparent and objective; if the Chairperson of the Working Group on Communications rejects a communication, they must explain why they rejected the communication to the five independent experts within the Working Group.

The complaint procedure, which is based on and replaced the former Commission of Human Rights' 1503 procedure, can be accessed by any group or individual and directed against any Member State of the United Nations, regardless of which human rights treaties they have ratified. This new iteration centers victims of human rights violations, while ensuring confidentiality, impartiality, objectivity, and efficiency. This victims-oriented approach allows both Working Groups to contact authors of communications to uncover information beyond the scope of the initial communication. The complaint procedure also strives to "enhance cooperation with the State concerned."[45] This includes recommending that the OHCHR provide technical and capacity-building assistance to States to remedy human rights violations.

One advantage of submitting a complaint through the Human Rights Council is that communications under it are not tied to the acceptance of treaty obligations by the country concerned or the existence of a special procedures mandate. A disadvantage of this complaint procedure is that it neither compensates alleged victims, nor offers a remedy in individual cases.

Complaint Procedure Form and Format

To be admissible,[46] the communication must:

- Be related to a violation of human rights and fundamental freedoms;
- Be consistent with the Charter of the United Nations, the Universal Declaration of Human Rights, and other applicable instruments in the field of human rights law;
- Give a factual description of the alleged violations, including the rights which are alleged to be violated;
- Be submitted by
    - a person or a group of persons claiming to be the victims of violations of human rights and fundamental freedoms, or
    - any person or group of persons, including non-governmental organizations, acting in good faith in accordance with the principles of human rights, not resorting to politically

[44] Office of the High Commissioner for Human Rights, *Human Rights Council Complaint Procedure*, (Sept. 2016), HRC/NONE/2013/133 (RR). Also available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/ComplaintProcedure/ComplaintProcedurebooklet_E.pdf
[45] Ibid.
[46] Office of the High Commissioner for Human Rights, "Working with the United Nations Human Rights Programme: A Handbook for Civil Society" (2008), 169, http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook8.pdf;Office of the High Commissioner for Human Rights, "Human Rights Council Complaint Procedure," http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx.

motivated stands contrary to the provisions of the Charter of the United Nations and claiming to have direct and reliable knowledge of the violations concerned; and

- Demonstrate that domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

The communication must not:

- Be submitted prior to exhausting domestic remedies.

Be manifestly politically motivated;

- Use abusive language;
- Be based exclusively on reports disseminated by mass media; or
- Refer to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body, or other United Nations or similar regional complaints procedure in the field of human rights.

For more information on the complaint procedure of the Human Rights Council and to access the complaint form, consult https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/hrc-complaint-procedure-index.

b. Special Procedures of the UN Human Rights Council

The United Nations has "Special Procedures" to address specific country situations or broad human rights themes. "UN Special Procedures" is a generic term designating a series of human rights protection mechanisms under the Human Rights Council. Special Procedures are made up of experts investigating thematic or country-specific international human rights issues.[47]

Like the UPR and the Human Rights Council Complaint Procedure, Special Procedures can address human rights issues in a country regardless of whether that country has ratified a particular human rights treaty. Special Procedures often emphasize visits to the countries in question. By conducting country visits, Special Procedures can generate greater visibility and media attention while simultaneously collecting and soliciting information on a particular human rights theme. A group that engages in advocacy with Special Procedures can also conduct parallel advocacy through the UPR and with relevant UN treaty bodies and other mechanisms.[48] Reports issued as part of Special Procedures become part of a country's human rights records and can be valuable pieces of background information in subsequent advocacy within other UN bodies and mechanisms.

[47] Office of the High Commissioner, "Special procedures of the Human Rights Council," accessed Jan. 15, 2021, https://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx..
[48] Anne Bayefsky, "How To Complain About Human Rights Treaty Violations: Choosing a Forum," § 3(j), accessed Jan. 15, 2021, http://www.bayefsky.com/complain/44_forum.php.

The UN General Assembly establishes a Special Procedure by adopting a resolution that identifies the Special Procedure and its mandate. Special Procedures are therefore often called "mandate-holders." Special Procedures usually have the power to examine, monitor, and publicly report on human rights situations in specific locations (known as country mandates) or on major human rights issues worldwide (known as thematic mandates).


Fionnuala D. Ní Aoláin, UN Special Rapporteur on promotion and protection of human rights and fundamental freedoms while countering terrorism

Special Procedures mandate-holders are either an expert serving in an individual capacity (called a "Special Rapporteur," "Special Representative of the Secretary-General," or "Independent Expert"), or a working group usually composed of five members representing different geographic regions.[49] As discussed in Chapter 10, some regional human rights mechanisms also have Special Procedures.

Special Procedures typically engage in the following types of activities: examining, monitoring, and advising various bodies on human rights situations; publicly reporting on human rights situations; responding to individual complaints; visiting countries or regions; conducting studies; providing advice on technical cooperation; and engaging in human rights promotion.[50] Special Procedures conduct investigations through country visits or expert consultations. Some countries reject Special Procedures mandate-holders' requests for country visits, others approve requests as they are received, while others have an open invitation to mandate-holders. They promote human rights by developing human rights standards, engaging in advocacy, conducting awareness raising, giving technical advice to states and other international bodies, invite other Special Procedures mandate-holders to join the investigation for a communication, and making public statements in the form of annual and specific thematic reports.

Each Special Procedure has its own mandate and particular tasks, but most mandate-holders can receive information on specific allegations of human rights violations and send urgent appeals or letters of allegation to governments asking for clarification. Special Procedures may address these allegations in periodic reports or in urgent appeals issued to government authorities. In 2019, UN Special Procedures sent more than 650 communications to 151 States and 54 non-State actors.[51] Each Special Procedure reports annually to the Human Rights Council and/or the UN General Assembly.

Special Procedures work closely with non-governmental organizations, human rights institutions, and victims. Mandate-holders work on a volunteer basis; the United Nations only pays for travel and living expenses. The Office of the High Commissioner for Human Rights, however, provides Special Procedures with some administrative and research support. Though subject to change, at the time of publication, some of the major Special Procedures mandates include:

Special Procedures with Thematic Mandates	
Special Rapporteurs:	
in the field of cultural rights	on the independence of judges and lawyers

[49] Office of the United Nations High Commission for Human Rights, *Special Procedures (Human Rights Experts)*, accessed Jan. 15, 2021, "https://www.ohchr.org/EN/HRBodies/HRC/Pages/SpecialProcedures.aspx#:~:text=The%20Human%20Rights%20Council's%20Special,serve%20in%20their%20personal%20capacity.

[50] Office of the United Nations High Commission for Human Rights, "Special Procedures of the Human Rights Council," accessed Jan. 15, 2021, http://www2.ohchr.org/english/bodies/chr/special/index.htm.

[51] Office of the United Nations High Commission for Human Rights, "Facts and figures with regard to special procedures in 2019," accessed Jan. 15, 2021, https://undocs.org/A/HRC/43/64/Add.1.

on adequate housing as a component of the right to an adequate standard of living	on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	on the rights of persons with disabilities
on contemporary forms of slavery, including its causes and consequences	on the right to education
on extrajudicial, summary or arbitrary executions	on the right to food
on extreme poverty and human rights	on the rights of indigenous peoples
on freedom of religion or belief	on the human rights of migrants
on the human right to safe drinking water and sanitation	on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
on the human rights of internally displaced persons	on the situation of human rights defenders
on the rights to freedom of peaceful assembly and of association	on torture and other cruel, inhuman or degrading treatment or punishment
on minority issues	on trafficking in persons, especially women and children
on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	on violence against women, its causes and consequences
on the promotion of truth, justice, reparation and guarantees of non-recurrence	the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
on the negative impact of the unilateral coercive measures on the enjoyment of human rights	on the right to privacy
on the promotion and protection of human rights and fundamental freedoms while countering terrorism	on the elimination of discrimination against persons affected by leprosy and their family members
on the promotion and protection of the right to freedom of opinion and expression	on the right to development
Independent Experts on:	**Working Groups on:**
the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	arbitrary detention

human rights and international solidarity	enforced or involuntary disappearances
the promotion of a democratic and equitable international order	discrimination against women and girls
the enjoyment of all human rights by older persons	the issue of human rights and transnational corporations and other business enterprises
the enjoyment of human rights of persons with albinism	people of African descent
protection against violence and discrimination based on sexual orientation and gender identity	the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Special Procedures with Country Mandates	
Independent Experts on the situation of human rights in:	**Special Rapporteurs on the situation of human rights in:**
Central African Republic	Belarus
Mali	Cambodia
Somalia	the Democratic People's Republic of Korea
	Eritrea
	the Islamic Republic of Iran
	Myanmar
	the Palestinian Territories occupied since 1967
	the Syrian Arab Republic

A regularly updated directory of contact information for all Special Procedures mandate holders can be found here: VisualDirectoryAugust2021_en.pdf (ohchr.org).

There are several ways to use Special Procedures to address human rights issues. First, advocates can **prepare and present written information** when the Special Procedure is studying a particular issue or conducting a country visit. Second, they can assist with **hosting the mandate-holder and providing support for arranging meetings with relevant stakeholders** during a country visit. Third, they can **meet in-person** with the Special Procedure to provide first-hand information about human rights issues. Fourth, they can **request an examination** of a particular human rights issue or **request a country visit** to investigate an issue of concern. Fifth, they can **submit a communication—**either an **"urgent appeal"** or a **non-urgent allegation letter—**to the Special Procedure about an alleged human rights violation.[52] See Chapter 11 and Appendix I for more information about urgent appeals.

Fartuurn Adan, Executive Director of the Elman Peace and Human Rights Centre, makes a statement during the Human Rights Council's consideration of a report from the Independent Expert on Somalia.

Special Procedures: Country Visits


The Special Rapporteur on adequate housing (left) speaking with residents during a country visit to Haiti in 2011

Country visits (also called field visits or fact-finding missions) are an important tool available to Special Procedures mandate-holders. Special Procedures typically send a letter to a Government requesting to visit the country, and, if the Government agrees, an invitation to visit is extended. Some countries have issued "standing invitations," which means that they are, in principle, prepared to receive a visit from any Special Procedure. Country visits are guided by the provisions contained in the Code of Conduct and the terms of reference for fact-finding missions by special procedures (see https://www.ohchr.org/en/special-procedures-human-rights-council/country-and-other-visits).

Country visits allow Special Procedures to assess the general human rights situation and/or the specific institutional, legal, judicial, and administrative situation in a given State, under their respective mandates. During these visits, they meet national authorities, representatives of civil society, victims of human rights violations, the UN country team, academics, the diplomatic community, and the media.

On the basis of their findings, they make recommendations in public reports. These reports are submitted to the Human Rights Council. Some Special Procedures also hold press conferences and issue preliminary findings at the end of a country visit. The success of country visits is greatly enhanced by the

[52] Office of the High Commissioner for Human Rights, "Special Procedures," in *Working With the United Nations Human Rights Programme: A Handbook for Civil Society* (New York and Geneva: UNHCR, 2008), 107–34.

commitment of the Government and the participation of civil society actors, before, during, and after the visit.de

Visit of the Special Rapporteur on the rights of persons with disabilities to Norway

Norway is one of the 128 countries that has an open invitation to Special Procedures mandate-holders. Between October 2 and 11, 2019, the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar went to Oslo, Tromsø, Karasjok, and the municipalities of Asker and Bærum to meet with government officials, a member of the Sámi Parliament and Sámi Council, various ombudspeople, hospitals, residential facilities for persons with intellectual disabilities, schools, civil society organizations, and individuals with disabilities.[53] Prior to and during this fact-finding visit, the Special Rapporteur collected written reports, interviewed individuals, and made her own observations about the situation of Norwegians living with disabilities. Her report identified the areas in which Norway was doing well, as well as the challenges and opportunities in the country.

The Special Rapporteur made 32 recommendations in the areas of legal and policy framework, data collection, inequalities, accessibility, participation, education, work and employment, social protection, living independently in the community, health, coercion, legal capacity, and international cooperation.[54] Some of these recommendations include:

- Conduct a comprehensive review of the national normative framework to fully harmonize it with the Convention, including the Constitution, the Penal Code, the Termination of Pregnancy Act, the Sterilization Act, the Health and Care Service Act, the Patients' and Users' Rights Act, the Mental Health Care Act, the Guardianship Act, the Inheritance Act and the Dispute Act;[55]
- Collect data and statistics on persons with disabilities aged less than 20 and over 67 and use existing data on the situation and living conditions of persons with disabilities to better inform public policies and their implementation;[56]
- Provide access to language and culturally-sensitive services for indigenous persons with disabilities and the necessary resources to support the Sámi population in developing their own disability services;[57]
- Take measures to make digital and online public services accessible to the diversity of persons with disabilities, including older persons;[58]
- Support the creation of organizations of persons with disabilities from underrepresented sectors, including autistic persons and self-advocates with intellectual disabilities, and develop their skills;[59]
- Provide youth and women with disabilities with sexual education programmes and information regarding sexual and reproductive health and rights in accessible formats;[60]
- Enact legislation to prohibit all forms of coercion of persons with psychosocial disabilities, intellectual disabilities and dementia, and guarantee that all mental health and social care services are provided on the basis of free and informed consent;[61] and

Guarantee the exercise of full legal capacity to all persons with disabilities, including those with psychosocial or intellectual disabilities, in all aspects of life, and provide them with access to the support they may require to take informed decisions.[62]

Communications

Individual human rights defenders and civil society organizations can send individual complaints about alleged human rights violations to Special Procedures through the Office of the High Commissioner for Human Rights.[63] Communications are important advocacy tools, in part, because they do not require the individual or organization to have exhausted domestic remedies, nor are they considered ongoing legal actions which might otherwise prevent an individual from bringing a case in a domestic court. These complaints can prompt the Special Procedure to send to the government at issue either:

(i) **Urgent Appeals**: cases where the alleged violations are time-sensitive, meaning there is a risk of loss of life, a life-threatening situation, or other imminent situation of a grave nature to the victims (discussed in greater detail in Chapter 11, Part D); or

(ii) **Allegation Letters:** other requests processed in a timely matter that are not addressed under urgent appeals, such as information about violations that have already occurred or similar requests.

Special Procedures receive information from various sources but typically have no formal procedure to submit complaints. For all Special Procedures communications, the submission should describe clearly and concisely the facts of the incident or specific human rights violation, including the following:

- The alleged victim(s);
- The alleged perpetrators of the violation;
- The person(s) or organization(s) submitting the communication (this information will be kept confidential);
- The date and place of incident; and
- A detailed description of the circumstances of the alleged violation.

Communications should not be based solely on media reports. To be admissible, the communication must: "not be anonymous; not contain abusive language; not convey an overtly political motivation; describe the facts of the incident and the relevant details referred to above, clearly and concisely."[64]

Some Special Procedures may require other details pertaining to the specific alleged violation. Several Special Procedures have their own model questionnaire requiring particular additional details. To facilitate the consideration of reported violations, questionnaires relating to several mandates are available to persons wishing to submit complaints about alleged violations, see: https://www2.ohchr.org/english/bodies/chr/special/questionnaires.htm. Special Procedures will consider communications even when they are not submitted in the form of a questionnaire.

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[53] Human Rights Council, *Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Norway*, (14 January 2020), U.N. Doc. A/HRC/43/41/Add.3, ¶ 1-2.
[54] Ibid. at ¶ 80-92.
[55] Ibid. at ¶ 80(c).
[56] Ibid. at ¶ 81(a).
[57] Ibid. at ¶ 82(b).
[58] Ibid. at ¶ 83(c).
[59] Ibid. at ¶ 84(e).
[60] Ibid. at ¶ 89(b).
[61] Ibid. at ¶ 90(a).
[62] Ibid. at ¶ 91(b).
[63] Communications may be submitted either by completing the relevant form or questionnaire available on http://www2.ohchr.org/english/bodies/chr/special/questionnaires.htm or by e-mail (urgent-action@ohchr.org) or postal mail to: Quick Response Desk, Office of the High Commissioner for Human Rights, UN Office at Geneva, 8-14 avenue de la Paix, 1211 Geneva 10.
[64] Office of the High Commissioner for Human Rights and UN Staff College Program, *Human Rights: A Basic Handbook for UN Staff*, 50. Also available online at http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf.

Individuals and organizations are also encouraged to provide updates on new developments relating to a communication they have brought to the attention of a Special Procedure by sending such information to urgent-action@ohchr.org and to the mandate-holder(s) to which they have addressed their submission. Such updates could relate to the release of a concerned individual from detention, a new court judgment or a measure taken by the concerned authorities to improve the situation, for example.[65]

Special Procedures: General Guidelines for Submitting a Communication

- ✓ Describe clearly and concisely the facts of the incident:
  - Identity of the victims
  - Identity of the alleged perpetrators
  - Identity of the person or organization submitting the allegation letter (this information will be kept confidential)
  - Date and place of incident
  - Detailed description of the circumstances of the incident in which the alleged violation occurred
  - Other documents and details (medical information, places of detention, etc.).
- ✓ Identify the exact UN Special Procedure most closely related to the case and follow any specific requirements it has for allegation letters.
- ✓ Submit the allegation letter in a primary UN language (English, Spanish, or French) and if at all possible, in English.
- ✓ Clearly establish that the incident was a violation of human rights.
- ✓ For communications relating to legislation, submit a copy of the text of the (draft) law, preferably translated into English, French, or Spanish. Provide information why the legal provisions or the application of the law is allegedly incompatible with international human rights standards.
- ✓ Make a clear argument to why rights have been violated.
- ✓ DO NOT leave anything out. The person submitting the communication has far more information about the situation than the United Nations does.
- ✓ DO NOT use any abusive language or language that is obviously politically motivated.
- ✓ DO NOT base the communication solely on media reports.

For more information visit: https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications.

People who are interested in submitting a communication should consult the website of the particular Special Procedure to whom they will submit for further information.

What information should be included in a communication?	
1. GENERAL INFORMATION	• Does the incident involve an individual or a group? • If it involves a group, describe the size and characteristics of the group • Country(ies) in which the incident took place • Nationality(ies) of the victim(s)

[65] Office of the High Commissioner for Human Rights, "Special Procedures – Communications," accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx.

2. IDENTITY OF THE PERSONS CONCERNED	Note: if more than one person is concerned, provide relevant information on each person separately. • Family name • First name • Sex • Birth date or age • Nationality(ies) • Ethnic background (if relevant)

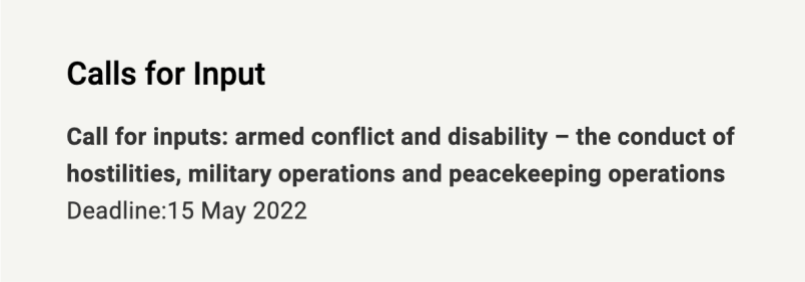
3. INFORMATION REGARDING THE ALLEGED VIOLATION	• Date
	• Place (location country/countries)
	• Time
	• The nature of the incident
	• Identities of the perpetrators, if known
	• Nationality of perpetrator(s)
	• Agents believed to be responsible for the alleged violation
	  ○ State agents (specify)
	  ○ Non-State agents (specify)
	  ○ If it is unclear whether they were state or non-state agents, explain why
	• If the perpetrators are believed to be State agents, describe their government role (military, police, agents of security services, unit, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible
	• If an identification as State agents is not possible, state whether you believe Government authorities or persons linked to them are responsible for the incident, and why
	• Name, age, relationship and contact information for any witness. If the witness wishes to remain anonymous, indicate if the witness is a relative, bypassers, etc.
	• Describe any other available evidence

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?	• Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e., police, prosecutor, court) • Other steps taken • Steps taken by the authorities • Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken? • In case of complaints by the victim or its family, how have those authorities of other competent bodies dealt with them? What has been the outcome of those proceedings?
5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THE COMPLAINT	• Family name • First name • Status: individual, group, nongovernmental organization, intergovernmental agency, Government. Please specify • Contact number or address (please indicate country and area code) • Fax • Telephone • Email • Whether the individual or institution wants their identity to be kept confidential • Date • Signature of author

Identifying other opportunities to engage with Special Procedures

There is no single website with all potential opportunities to contribute to the work of Special Procedures. Civil society groups therefore have to do some homework to see whether such opportunities exist and what the

submission deadlines are. The following examples display some of the ways in which special mechanisms announce opportunities to contribute. Many of the Special Procedures homepages will list their open call for inputs. Below, the Special Rapporteur on the rights of persons with disabilities is asking for information on a thematic issue under its mandate, the intersection of disability and armed conflict. Calls for input can also be tied to an upcoming country visit and address any of the themes under the mandate.



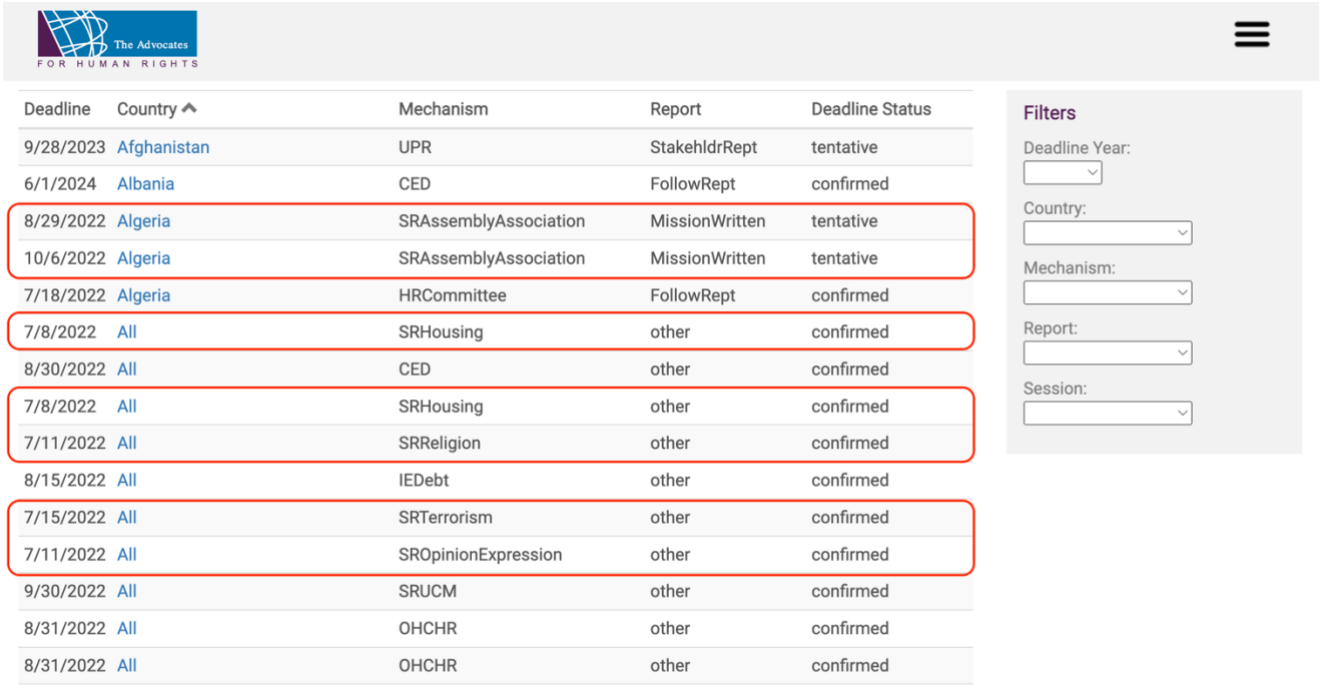
The Special Rapporteur on the rights of persons with disabilities lists its open call for inputs on its homepage.

Each Special Procedure has its own approach to consulting with civil society organizations. Advocates may wish to sign up for the UN Office of the High Commissioner for Human Rights Civil Society Newsletter, a weekly email that summarizes many of the opportunities for civil society participation, including Special Procedures calls for inputs. Advocates can sign up here: https://visitor.constantcontact.com/manage/optin?v=0015de0J6wWFJ5woeZbEcmRY9w-0zZjN0_6.

Screenshot of Civil Society Weekly Newsletter email.

Advocates can also search the OHCHR Calls for Input webpage (https://www.ohchr.org/en/calls-for-input-listing), although this does include all calls for inputs across the OHCHR, not just Special Procedures. It is possible, however, to filter by Special Procedures.

Other Civil Society organizations also compile databases of calls for input, such as The Advocates for Human Rights UN Deadlines database:



Deadline	Country	Mechanism	Report	Deadline Status
9/28/2023	Afghanistan	UPR	StakehldrRept	tentative
6/1/2024	Albania	CED	FollowRept	confirmed
8/29/2022	Algeria	SRAssemblyAssociation	MissionWritten	tentative
10/6/2022	Algeria	SRAssemblyAssociation	MissionWritten	tentative
7/18/2022	Algeria	HRCommittee	FollowRept	confirmed
7/8/2022	All	SRHousing	other	confirmed
8/30/2022	All	CED	other	confirmed
7/8/2022	All	SRHousing	other	confirmed
7/11/2022	All	SRReligion	other	confirmed
8/15/2022	All	IEDebt	other	confirmed
7/15/2022	All	SRTerrorism	other	confirmed
7/11/2022	All	SROpinionExpression	other	confirmed
9/30/2022	All	SRUCM	other	confirmed
8/31/2022	All	OHCHR	other	confirmed
8/31/2022	All	OHCHR	other	confirmed

Contact Information for UN Special Procedures

The United Nations has one common set of instructions for contacting the various UN Special Procedure mandate-holders. All Special Procedures have the same contact information for *urgent appeals*, but each Special Procedure has its own contact information for *non-urgent* questions, communications, and requests (see the visual directory here: https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/VisualDirectory.pdf)

It is important to specify the name of the Special Procedure and the main subject of the communication in the subject line of the e-mail or fax, or on the envelope of a postal communication.

UN Special Procedures have the following contact information:

Email:
- General inquiries and information: SPDInfo@ohchr.org
- Individual cases and complaints only: urgent-action@ohchr.org

Fax: +41 (0) 22 917 90 08
Post:

Insert name of UN Special Mechanism
Office of the United Nations Commissioner for Human Rights
Palais des Nations
8-14, Avenue de la Paix
CH-1211 Geneva 10, Switzerland

All UN Special Procedures have the same mailing address and fax number; communications should specify the targeted mandate-holder.

Special Procedures Resources

Special Procedures of the Human Rights Council Website:
https://www.ohchr.org/en/special-procedures-human-rights-council

Manual of the United Nations Human Rights Special Procedures:
https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/Manual_Operations2008.pdf

Directory of Special Procedures Mandate Holders:
https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/VisualDirectory.pdf

Working with the United Nations Human Rights Programme - A Handbook for Civil Society (Chapter VI - Special Procedures):
http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook6.pdf

ii. The Commission on the Status of Women and UN Women

The Commission on the Status of Women (CSW) was established in 1946, a few days after the inaugural meeting of the UN General Assembly. The CSW is a functional commission of the UN Economic and Social Council (ECOSOC). The CSW is "the principal global policy-making body dedicated exclusively to gender equality and advancement of women."[66] The original mandate of the CSW called for the Commission to submit recommendations and reports to ECOSOC regarding women's rights in political, economic, civil, social, and educational arenas. In addition, this mandate required CSW to make recommendations on "urgent problems" in women's rights.[67] The current mandate calls on the CSW to monitor implementation measures for women's advancement and appraise progress in equality at national and global levels. The CSW also assesses the effect of UN programs to ensure that the principles of gender equality are consistently embedded in all development, peace, and human rights agendas.

The CSW meets annually at the UN headquarters in New York for ten working days in late February and early March. Typically, each annual session focuses on one priority theme, one review theme, and one emerging issue. Priority themes are determined by ECOSOC resolution. For example, a 2018 resolution detailed the priority themes for CSW annual sessions in 2020.[68] Review themes are lifted directly from the priority themes of past annual sessions. The Bureau of the CSW,[69] in consultation with member states, identifies the emerging issue. In deciding the emerging issues, the Bureau considers "trends and new approaches to issues affecting the situation of women, or equality between women and men."[70]

The annual sessions consist largely of interactive panels and roundtables on the session themes.[71] The principal output of the CSW sessions is the adoption of a set of "agreed conclusions" on the year's priority theme. The agreed conclusions contain concrete recommendations for governments and intergovernmental civil society actors, as well as an overview of progress and challenges.[72] The CSW also submits an annual report to ECOSOC

[66] United Nations Entity for Gender Equality and the Empowerment of Women, "Commission on the Status of Women," accessed Jan. 15, 2021, https://www.unwomen.org/en/csw.
[67] Women Watch: Department for the Advancement of Women, "Short History of the Commission on the Status of Women," accessed Jan. 15, 2021, http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf.
[68] UN Economic and Social Council Resolution 2018/8 (June 12, 2018). Also available online at https://undocs.org/en/E/RES/2018/8.
[69] United Nations Entity for Gender Equality and the Empowerment of Women, "Commission on the Status of Women," *supra* note 66. (Bureau members are elected by CSW member states and serve for a term of two years. There are five members of the Bureau at any one time.)
[70] United Nations Economic and Social Council Resolution 2006/9 (July 25, 2006), ¶¶ 8–10. Also available online at http://www.un.org/en/ecosoc/docs/2006/resolution%202006-9.pdf.
[71] United Nations Entity for Gender Equality and the Empowerment of Women, "Commission on the Status of Women," *supra* note 66.
[72] Ibid.

for adoption.[73] The annual report consists of a range of information, including the agreed conclusions, draft resolutions, and summaries of session events.

The CSW does not adopt formal conclusions to address review themes or emerging issues. Instead, the Chairperson of the Bureau prepares a summary of the interactive panel for both the review theme and the emerging issue.[74] The summary is available on the annual session website.

NGOs that are accredited and in good standing with the ESOSOC may attend CSW annual sessions.[75] In preparation for these sessions, the CSW sends invitations to NGOs in consultative status. There are three principal ways in which these NGOs can participate in CSW annual sessions: written statements, oral statements, and oral interventions during interactive panels.

Organizations with special consultative status may submit written statements on subjects about which they have "special competence."[76] Written statements are accepted "on the thematic issues considered by CSW."[77] The Secretary General circulates these written statements to members of the CSW.[78] Many of the written statements pertain to the priority theme. Others address other agenda items for the session.

CSW Requirements and Recommendations for Written Statements

- Written statements from NGOs in consultative status with the Economic and Social Council will be accepted via CSO-Net. Statements sent by email cannot be accepted.
- Written statements should be submitted in one of the official languages of the United Nations.
- If the statement is supported by another NGO(s) in consultative status with the Council, a note to that effect should be added at the end of the document. The names of the NGOs should be in alphabetical order.
- Incomprehensible and/or repetitive text will be deleted.
- Footnotes should be avoided.
- The start of a new paragraph should be indicated with a double line break; paragraphs of the statement should not be numbered.[79]

NGOs without consultative status may not participate in official CSW sessions, but they have several opportunities to get involved in the discussion of the topics of the session. All NGOs, regardless of consultative status, may participate in parallel events held outside UN premises. Permanent Missions and UN entities offer side events on the United Nations premises. NGOs can host parallel events at an off-site location, and any NGO

[73] Ibid.
[74] United Nations Economic and Social Council Resolution 2006/9, *supra* note 70, ¶¶ 7, 10.
[75] All NGOs in consultative status are eligible to designate representatives to attend CSW annual sessions. There is limited space at annual sessions, so the CSW cannot guarantee that all NGO representatives wishing to attend annual sessions may do so. Because of space limitations, live Webcasts of meetings at the 2013 annual session are available on the UN website, at http://webtv.un.org/; Commission on the Status of Women, "NGO Participation in the Commission for the Status of Women," http://www.unwomen.org/en/CSW/ngo-participation.
[76] Written statements submitted by organizations with general consultative status are not limited to subjects on which they have a "special competence." United Nations Economic and Social Council Resolution 1996/31, ¶ 36, https://www.unodc.org/documents/congress/Participation/1996_31._Consultative_re...ernmental_organizations.pdf. (Resolution 1996/31, which sets forth guidelines for written and oral statements by *all* NGOs to the ECOSOC and its subsidiary commissions, does not define "special competence.")
[77] Commission on the Status of Women, "Written and Oral Statements," accessed Jan. 15, 2021, http://www.unwomen.org/en/csw/ngo-participation/written-and-oral-statements.
[78] UN Economic and Social Council, "Resolution 1996/31," ¶ 36, accessed Jan. 15, 2021, https://www.unodc.org/documents/congress/Participation/1996_31._Consultative_re...ernmental_organizations.pdf. Resolution 1996/31 states that "[written] statements shall be circulated by the Secretary-General to members of the commission or other subsidiary organs."
[79] Commission on the Status of Women, "Written and Oral Statements," *supra* note 77.

may participate in or apply to host a parallel event. These events share similar formats to the official meetings and allow for a wide variety of organizations to provide input for the issues addressed during the session.

iii. The UN General Assembly's Third Committee

The UN General Assembly is the main entity of the United Nations. It is comprised of all 193 Member States of the United Nations and works to maintain international peace and security. The UN General Assembly can make recommendations to States on international issues such as peace and security, poverty, human rights, and the environment.

The UN General Assembly is made up of committees that focus on the most important international issues. The Third Committee of the General Assembly is dedicated to Social, Humanitarian, and Cultural Issues affecting people all over the world. Human rights issues make up a substantial portion of the agendas for the Third Committee. For example, the agenda for its 75th Session, held in September 2020, included items related to the promotion and protection of the rights of children and indigenous peoples, the elimination of racism and xenophobia, and consideration of the reports of a number of Special Rapporteurs.[80]

In February 2020, the Third Committee hosted its first informal meeting with civil society to discuss the Third Committee's past, present, and future work regarding human rights.[81] Civil society organizations had the opportunity to recognize successes of the recent Committee session as well as provide recommendations to improve the Committee's protection and promotion of human rights. While there is hope that the success of this meeting will lead to greater inclusion of civil society in future meetings, this has yet to happen.

So far, NGOs are not able to participate directly in the work of the Third Committee in the wide variety of ways provided by the UN's human rights mechanisms in Geneva. A group of NGOs issued a joint statement following the 75th Session in which they expressed continuing disappointment with the "slender opportunities for civil society engagement" with the Third Committee.[82] At the 76th Session of the UN General Assembly, Costa Rica and Denmark led a coalition of 59 other Member States in issuing a joint statement – UNmute – calling on the Third Committee to facilitate greater and more inclusive participation by civil society.[83] There are, however, some opportunities for engagement. Formal meetings of the Third Committee are open to people holding a UN pass, making it possible to attend and observe these meetings. NGOs can only attend informal meetings if invited by a State party. It is also possible to lobby delegates regarding resolutions to be considered by the Committee, by making contact via email similarly to the process described above for Human Rights Council delegations, and bring attention to issues being considered by the Third Committee through actions such as press releases. NGOs may also host side events. If they want the side event to be at the UN Headquarters, however, they must have either a State party or UN entity co-sponsor.[84] NGOs can host side events outside of the Headquarters without a co-sponsor, but they typically draw fewer diplomats.

Another way for civil society to engage with the UN General Assembly is through the Civil Society Conference, hosted by the United Nations on a different international issue each year. The Conference serves as a way for

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[80] General Assembly of the United Nations, Allocation of agenda items to the Third Committee, September 21, 2020, accessed January 15, 2021, https://undocs.org/A/C.3/75/1.
[81] International Service for Human Rights, "Third Committee First ever meeting with civil society," accessed December 23, 2020, http://www.ishr.ch/news/third-committee-first-ever-meeting-held-civil-society.
[82] Joint civil society statement on the outcomes of UNGA 75 Third Committee, accessed January 15, 2021, https://www.apc.org/sites/default/files/Joint_civil_society_statement_on_the_outcomes_of_UNGA_75_Third_Committee.pdf.
[83] International Service for Human Rights, UNmute civil society say 61 States at the UN Third Committee," accessed July 25, 2022, https://ishr.ch/latest-updates/unmute-civil-society-say-61-states-at-the-un-third-committee/.
[84] International Service for Human Rights, *Third Committee of the United Nations General Assembly: A Practical Guide for NGOs,* by Eleanor Openshaw and Madeleine Sinclair (2017), 47-48. Also available at: https://ishr.ch/sites/default/files/article/files/ishr_3rd_com_handbook_eng_web.pdf.

civil society organizations—associated with the Department of Global Communications or with consultative status with ECOSOC—to participate in a global discussion on international best practices.[85] The Conference also emphasizes strategic partnership- and policy-building between Member States and civil society organizations.[86]

iv. UN Office on Drugs and Crime (UNODC)

The UN Office on Drugs and Crime (UNODC) promotes human rights by working to build Member States' capacity through ensuring the rights of individuals under international law and promoting criminal justice reforms.[87] UNODC supports States in addressing crime, drugs, and terrorism, and upholds the human rights norms detailed in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties.[88]

Practitioner's tip: For more details on participating in UNODC Commission sessions, please consult:

"Toolkit on Stakeholder Engagement" https://www.unodc.org/documents/NGO/SE4U/UNODC-SE4U-Toolkit-Interactive-WEB.pdf

NGOs and other civil society organizations can participate in the work of UNODC through its Civil Society Team (CST). The CST creates connections between civil society and UNODC substantive offices, field offices, and Member States. The CST's main functions include facilitating participation of civil society in intergovernmental meetings and building civil society organizations' capacity through knowledge of the UN Convention against Corruption, the UN Convention against Transnational Organized Crime, and international drug policies and protocols.[89] When organizing events intended for NGOs, the CST works primarily through three umbrella organizations: the Vienna NGO Committee on Drugs, the UNCAC Coalition, and the Alliance of NGOs on Crime Prevention and Criminal Justice.[90]

C. UN Treaty-based Mechanisms

When a State ratifies or accedes to a human rights treaty, it becomes a "State Party" to that treaty and assumes the legal obligation to implement the rights set out in it.[91] Presently, there are nine core international human rights treaties that have entered into force, together with a number of "optional protocols" that have been adopted to enhance or extend the provisions of several of those treaties.[92] It is important to note that a State may be party to a core treaty but not to its optional protocols (or, in a few cases, the opposite), so advocates should always check the status of the country being targeted with respect to the treaty of interest.

Each of these core treaties and optional protocols has a treaty monitoring body: a technical body comprised of independent human rights experts, elected on a rotating basis by State Parties, and tasked with monitoring State compliance with obligations under the human rights treaty. Every State Party to a human rights treaty has an obligation to report periodically to the monitoring body on their compliance with the terms of the treaty.[93] Some

[85] United Nations Civil Society, "UN Civil Society Conference," accessed December 23, 2020, https://www.un.org/en/un-civil-society-conference.
[86] Ibid.
[87] United Nations Office on Drugs and Crime, "UNODC and Human Rights – an overview," accessed December 23, 2020, https://www.unodc.org/unodc/en/Human-rights/overview.html.
[88] Ibid.
[89] United Nations Office on Drugs and Crime, "UNODC Engagement with Civil Society on Drugs and Crime," accessed December 23, 2020, https://www.unodc.org/unodc/en/ngos/cst.html.
[90] UNODC, Our main civil society partners, accessed January 15, 2021, https://www.unodc.org/unodc/en/ngos/Civil-Society-partners.html.
[91] Officer of the High Commissioner for Human Rights, "A Handbook for Civil Society," at 31, accessed Jan. 15, 2021, https://www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx.
[92] Officer of the High Commissioner for Human Rights, "Human Rights Treaty Bodies," accessed Jan. 15, 2021, http://www2.ohchr.org/english/bodies/treaty/index.htm.
[93] Ibid.

treaty bodies are also able to take complaints from individuals and others whose human rights have been violated. Usually, the State Party must "opt in" to these individual complaint procedures, either at the time of ratification or at a later date.

MAJOR HUMAN RIGHTS TREATY BODIES

- **Human Rights Committee (International Convention on Civil and Political Rights)***
- **Committee on Economic, Social and Cultural Rights***
- **Committee on the Elimination of Racial Discrimination***
- **Committee on the Elimination of Discrimination against Women***
- **Committee against Torture***
- **Committee on the Rights of the Child***
- **Committee on Migrant Workers**
- **Committee on the Rights of Persons with Disabilities***
- **Committee on Enforced Disappearance***
- **The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

* stars indicate those that can receive individual complaints

The UN treaty body system plays a pivotal role in promoting and protecting human rights. Most committees, in carrying out their activities, interact with civil society on a regular basis for information, contacts, and thematic expertise. Civil society can engage with treaty bodies in a range of ways[94]:

- Promote ratification of a treaty;
- Participate in the treaty body reporting process;
  - Monitor a State Party's compliance with its treaty obligations;
  - Submit shadow (or "parallel") reports as part of the State reporting process;
  - Participate in informal NGO briefings with treaty body members;
  - Participate in treaty body sessions;
  - Follow up on a treaty body's concluding observations for a State Party;
- Participate in General Discussion Days;
- Submit an individual complaint/communication; and
- Provide information to prompt a confidential inquiry into grave or systematic human rights violations.

i. An overview of the treaty body reporting cycle

The reporting process presents an important opportunity for a State Party to evaluate what has been achieved and what more needs to be done to advance human rights. The reporting process consists of multiple stages, many of which provide opportunities for civil society engagement.

Standard Reporting Procedure

[94] Officer of the High Commissioner for Human Rights, "A Handbook for Civil Society," *supra* note 91, at 33.

Standard Reporting Procedure
Treaty Body Reporting Cycle

Step 1: State Party submits a report

The State report includes two parts: (1) a "Common Core" document providing general background information and other relevant information on human rights implementation, including facts, statistical information, and a description of the country's legal framework for protecting and promoting human rights; and (2) a treaty-specific report with information related to the State Party's obligations under the terms of the relevant treaty. Generally, a State Party must submit its first State report one or two years after the treaty enters into force, and then at regular intervals every two to five years thereafter, depending on the treaty. If a State Party to a treaty has not met its reporting obligation and has not responded to a treaty body's requests for a report, the committee may undertake a review procedure to consider the human rights conditions "in the absence of a State report." Sometimes, soon after the committee schedules a review in the absence of a report, the State Party will rush to prepare and submit its overdue report.[95]

Step 2: Treaty body presents State Party with List of Issues (LOI)

Before convening a session to review the State report, most treaty bodies prepare a "List of Issues and questions" (LOI; List of Issues) for the State Party's consideration. Most committees appoint one of its members to serve as a country rapporteur and lead the committee's work on preparing the LOI. Some treaty bodies also establish a "pre-sessional working group" to prepare the LOI. The LOI allows the committee to request from the State Party additional information that was not included in the report and to raise questions on specific issues. It may also indicate the type of questions and issues committee members are likely to raise during the review session. The meeting during which the treaty body decides on the LOI is usually called a meeting of the pre-sessional working group. Some treaty bodies allow civil society groups to participate directly in these meetings. Other treaty bodies do this work in closed sessions.

Step 3: State Party may submit written replies to List of Issues

Some treaty bodies require State Parties to respond to the List of Issues in writing before the session during which the committee considers the State report. The Committee on the Elimination of Racial Discrimination and the Committee Against Torture, however, do not have formal response requirements. When a State Party responds to the LOI, its response is added as a supplement to the State report. These responses can be particularly helpful to committee members when a long period of time has passed before the treaty body committee formally considers the State report during a committee session. This procedure encourages States to use the List of Issues as a guide for meeting reporting obligations by producing more focused submissions. In addition, some committees have adopted a simplified reporting procedure, described in more detail below.

Step 4: Treaty body examines the State Party

States Parties are invited to the committee's session to present their reports, to respond to committee members' questions, and to provide the committee with additional information. The aim of the session is for the committee members and representatives of the State Party to engage in a constructive dialogue in order to assist the State in its efforts to implement the treaty as fully and effectively as possible. The review process typically proceeds as follows:

- The chairperson of the treaty body begins with a formal welcoming statement.
- The head of the State Party delegation makes an opening statement and introduces the State report.
- Committee members then make comments and ask questions.

[95] International Service for Human Rights (ISHR), *Simple Guide to UN Treaty Bodies, (*2010), 19, accessed Jan. 15, 2021, http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf.

- Members of the State Party delegation respond orally to questions and comments.

The examination is based on:

- The State report and Common Core document;
- The List of Issues, along with the State's written responses;
- Information from other UN bodies;
- NGO shadow reports; and
- Any other relevant information available before the session.

If a State Party has not submitted a long-overdue report, the treaty body may evaluate the extent of implementation based on information provided by alternative sources including NGOs, other stakeholder groups, and UN agencies. The treaty body formulates a List of Issues for the State delegation to answer during the session. The committee may convene the review even if the State delegation is absent.

Step 5: Treaty body issues its Concluding Observations and Recommendations

A few weeks after a treaty body's session to consider a State report, the treaty body issues concluding observations and recommendations to the State Party. Concluding observations serve as guides for the State Party's implementation of its human rights obligations under the relevant treaty. They highlight positive aspects of the State Party's implementation of the treaty, identify problems with the State Party's observance of its treaty obligations, and offer recommendations for further action.

The treaty body's country rapporteur for the State Party often drafts the concluding observations and recommendations, and then the full treaty body debates and adopts them during a private session. All concluding observations are available online (http://tb.ohchr.org/default.aspx) to facilitate their wide dissemination. If a State Party fails to submit a report, the treaty body adopts confidential provisional concluding observations.

Step 6: Follow-up on treaty body recommendations

After adopting concluding observations and recommendations, treaty bodies use various procedures to monitor the State Party's progress in implementing the recommendations. All treaty bodies request that the State Party's next report address the concluding observations and the State Party's implementation of the treaty body's recommendations.

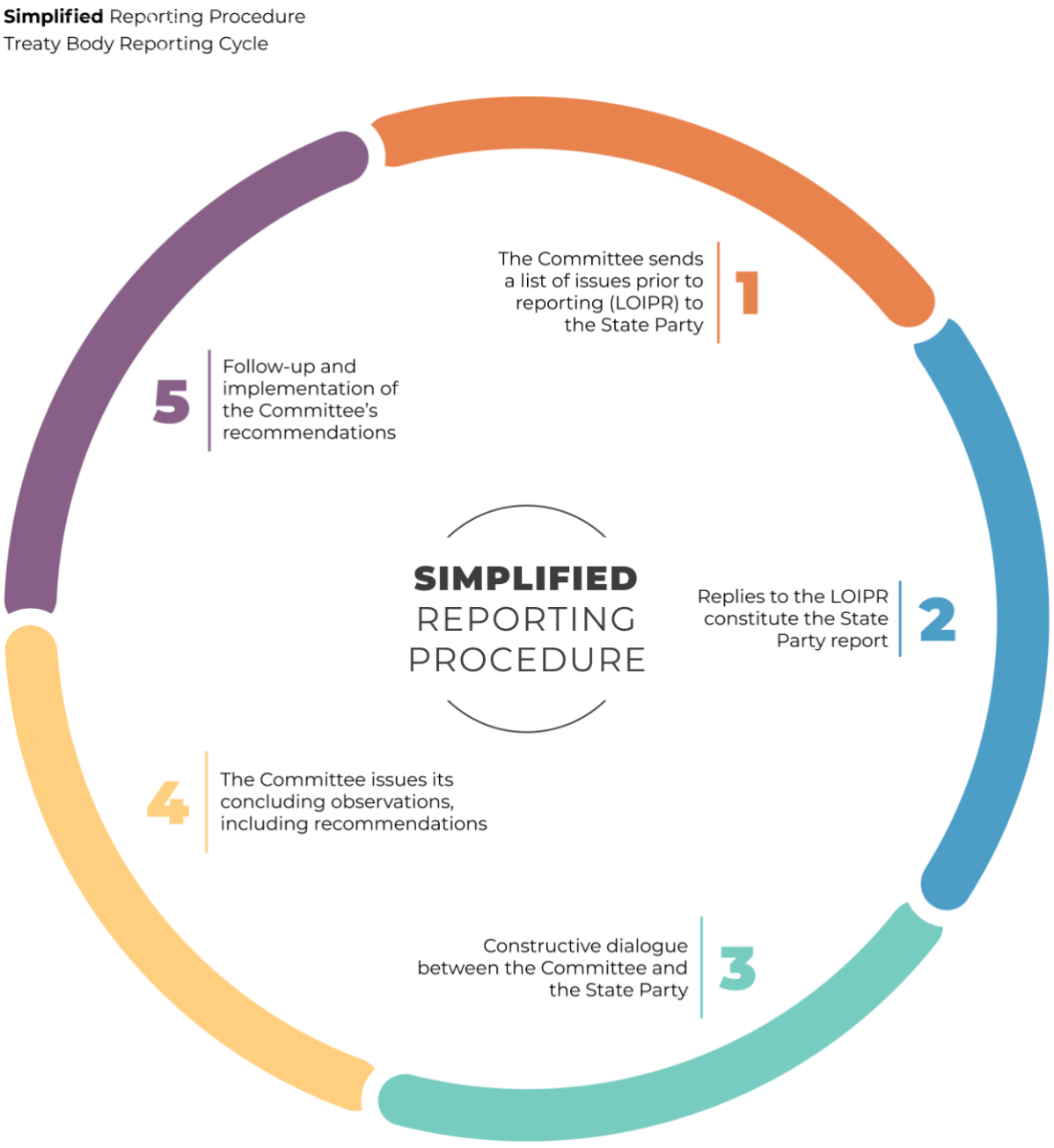
Some treaty bodies (Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee against Torture, and Committee on the Elimination of Discrimination Against Women) identify priority concluding observations and give the State Party a deadline of one to two years to report back about implementation. Similarly, the Committee on Economic, Social and Cultural Rights may request that the State Party provide additional information before submitting its next State report.

To advance their goals, many treaty bodies appoint a committee member to serve as a follow-up rapporteur or coordinator to assume leadership over monitoring a State Party's efforts to implement the recommendations. Treaty bodies have also developed different tools and methods to promote the implementation of their recommendations:

- The Committee on the Elimination of Racial Discrimination offers online guidelines describing how State Parties can implement concluding observations.
- The Committee against Torture undertakes a substantive analysis of the follow-up information provided by States and civil society and makes written requests for further clarification as needed.

- The Committee on Economic, Social and Cultural Rights reviews follow-up information in a pre-sessional working group. Based on that information, the working group can recommend that the treaty body adopt additional concluding observations, request more information, or address specific issues at a later session. If a State Party does not submit information, the committee can request permission to conduct a technical assistance mission to the State Party. If the State Party refuses, the committee may make appropriate recommendations to the Economic and Social Council.
- The Human Rights Committee undertakes a qualitative assessment of follow-up information provided by State Parties and categorizes the information as satisfactory, incomplete, recommendations not implemented, receipt acknowledged, or no response. The committee may also request a meeting with a government representative if the State Party does not submit any follow up information.

Simplified Reporting Procedure



The simplified reporting procedure follows a similar process as the standard procedure, with a few important differences. Instead of a State party submitting a State report to begin the review process, the treaty body prepares a "List of Issues Prior to Reporting" (LOIPR) for the State Party's consideration. The LOIPR allows the Committee to request information from the State and to raise questions on specific issues. Some treaty bodies allow civil society groups to submit written reports for consideration prior to the preparation of the LOIPR. After the submission of the LOIPR, the State party responds to the list of issues in writing. These responses serve as the formal State report. During the interactive session, the committee considers the State's responses. The simplified procedure encourages States to use the List of Issues as a guide for meeting reporting obligations by producing more focused submissions. After the State Party submits its report responding to the LOIPR, the rest of the process follows the same structure as the standard reporting procedure. The treaty body examines the State Party in Committee session, issues its concluding observations and recommendations, and monitors the State Party's implementation of the recommendations in the years to follow. The State Party's next report is requested to address the concluding observations and the State Party's implementation of the treaty body's recommendations.

ii. Opportunities for civil society to participate in the treaty body reporting cycle

Reporting stage	What to do
Before the State Party Submits Its Report	Participate in consultations with the State Party as it prepares its report.
	Raise public awareness about the treaty and the reporting process.
	Lobby the State Party to meet reporting deadlines.
Before the Treaty Body Meets to Adopt Its List of Issues	Prepare a List of Issues report or optional List of Issues Prior to Reporting report identifying key human rights issues that warrant additional attention during the reporting process.
	Write to the Treaty Body to express interest in participating in the Pre-Session Working Group (if permitted).
During the Meeting of the Pre-Session Working Group	Make an oral intervention during the Pre-Session Working Group (if permitted). In some instances, oral interventions may be delivered in person or via video.
Before the Treaty Body's Examination of the State Party	Research, write, and submit a shadow report on a human rights issue in the State Party.
During the Treaty Body's Examination of the State Party	Attend the session in person (if the group has ECOSOC status) or via webcast.
	Make an oral intervention during the examination.
	Participate in informal briefings with committee members.
	Circulate "one-pagers" in person or via email highlighting key concerns identified in the shadow report.

Reporting stage	What to do
After the Treaty Body Publishes Its Concluding Observations	Conduct awareness-raising activities.
	Lobby for legislation and other reforms to implement the treaty body's recommendations and engage in consultation with the government to participate in the implementation of recommendations.
	Monitor and document the implementation of the treaty body's recommendations.
	Submit interim shadow report assessing implementation of priority recommendations.
	Inform treaty body immediately if the State Party engages in reprisals for participation in the review process.

Before the State Party submits its report

National Consultations. Some State Parties, before drafting a State report, convene national consultations and invite NGOs to participate. An NGO can make recommendations to the State Party based on findings and information from its own work.

Public Awareness-raising. Groups can also educate the public by raising awareness about the rights recognized in the treaty, the reporting process, and the State Party's reporting deadlines.

Lobbying. Civil society can monitor a State's reporting obligations and lobby the government to meet reporting deadlines. Civil Society can also lobby experts who serve on the treaty body, bringing specific human rights issues to their attention for consideration during the review.

Before the treaty body meets to adopt its List of Issues

List of Issues (LOI) Reporting. Civil society organizations can submit information to treaty bodies after the State Party submits its report and before the treaty body adopts its List of Issues (LOI). In contrast to shadow reports submitted after the treaty body adopts the LOI, these LOI reports are typically shorter and provide recommendations about particular issues that warrant additional attention. The committee can incorporate the information from the NGO report in the LOI. LOI reports are usually due approximately two months before the session when the treaty body sets the LOI.

Optional List of Issues Prior to Reporting (LOIPR). Some treaty bodies (CCPR, CESCR, CEDAW, CAT, CRC, CMW, and CRPD) have offered States the option of participating in a new simplified reporting procedure. Before the State Party submits its report, the treaty body compiles a List of Issues Prior to Reporting, and the State Party submits a written response that constitutes its State report. For State Parties that elect to use this "LOI Prior to Reporting" procedure, civil society organizations may engage in LOIPR reporting, instead of submitting an LOI report after the State Party submits its periodic report. After the State Party report, these groups will proceed directly to shadow reporting.

During the meeting of the pre-session working group

Pre-sessional working groups. Most treaty bodies do not allow government delegations or NGOs to attend working group meetings. Civil society's written contributions to these working groups may be included in the LOI sent to State Parties.

The Committee on the Rights of the Child uses a different procedure. In the CRC's pre-sessional working group meeting, NGOs can provide additional information and make oral submissions. NGOs interested in participating in the CRC pre-session working group must submit a written report to the Committee at least two months in advance. The Committee then selects and invites NGOs to attend based on the written submissions. NGOs from

the country under review may make introductory remarks of up to 15 minutes; their counterparts from other countries are limited to five minutes. The treaty body allows time for questions and answers.

Before the review session

Shadow Reporting. As part of the reporting process, civil society organizations are invited to supplement or present alternative information, in the form of a report that parallels or "shadows" the State report; depending on the treaty body, these reports are either called "shadow reports," "alternative reports," or "parallel reports." These "shadow" reports provide both reliable and independent information on human rights violations or gaps between law and practice which may have been overlooked in government reports.

A shadow report should analyze a particular problem rather than merely describe it. Some NGOs produce reports that shadow the entire State report, but it is also possible for NGOs that work on particular human rights issues to produce reports that merely shadow one or a few articles of a convention or human rights issues. All shadow reports to the United Nations should be based on factual information, written in clear, simple language, and should comply with the formats, page limitations, and filing schedules that vary among the treaty monitoring bodies. Reports should include specific information such as case studies, anecdotes, or statistical information, and reports should cite the sources of this information.

Although civil society organizations may submit written reports to a treaty body through the secretariat at any time, NGOs are encouraged to make their submissions after the submission of the State Party's report and before the committee session on that report. Some treaty bodies have established page limits and deadlines for submission of NGO reports to ensure committee members can more thoroughly examine the information. Groups that have already submitted a shadow report can send updated information to direct committee members' attention to new developments. For more details on the steps for writing a shadow report, see "10 steps to Writing a Shadow Report," in Appendix M. For more information on reporting guidelines and deadlines, see the submission requirements under the section on treaty body specific information.

During the treaty body's examination of the State Party

Attending sessions. Sessions on State reports are considered public hearings that NGOs are permitted to attend as observers. In order to attend a session of a treaty body, an NGO must have ECOSOC consultative status (see Chapter 11), and must obtain advance accreditation from the secretariat of the relevant committee. NGOs cannot participate in the formal dialogue between the treaty body and the State under review, but by attending the treaty body sessions, NGOs can share relevant information with committee members. NGOs interact with committee members during formal or informal meetings, typically during the week of or the week prior to the formal dialogue.

Making oral interventions. Most treaty bodies designate time during sessions to hear oral submissions from civil society groups speaking about the State under review. These briefings allow NGOs to provide committee members with the most current country-specific information before they formally examine a State Party's report. Treaty bodies usually schedule time to hear these oral statements, or "interventions," at the beginning of the session, a day or two before the State Party's delegation appears before the committee. Government representatives are typically not allowed to attend these meetings.

Informal briefings. Committees may organize informal briefings to hear directly from NGOs on the issues and countries that will be discussed during an upcoming treaty body session. NGOs can also arrange informal meetings with individual committee members during or prior to the sessions. They may also have the opportunity to interact with committee members through side events, other NGO meetings, or in the corridors of the area where the treaty body sessions are held.

One-pagers. Many civil society groups will prepare a one-page handout, often called a "one-pager," highlighting key issues and facts relevant to the upcoming review, emphasizing key recommendations, and identifying recent developments since the group submitted its shadow report. NGOs typically use these one-pagers as part of their advocacy with treaty body members, who may not have time to review an entire shadow report. Groups that are unable to attend a session in-person can email these one-pagers to committee members in advance of the session.

After the treaty body publishes its concluding observations

Raising Awareness. Civil society groups can draw attention to their issues and raise awareness of treaty body recommendations by holding press conferences, issuing press releases, and bringing media attention to their issues; distributing the concluding observations to civil society organizations, courts, and local governments; and publishing short articles in newspapers or other public forums. NGOs can also apply the concluding observations and recommendations to their own work, incorporating them into organizational activities at the local, regional, or national levels.

Lobbying. NGOs can lobby governments to implement the concluding observations by organizing meetings or conferences with the State Party's government officials who will report back to the treaty body or with other officials responsible for implementing the treaty body's recommendations.

Practitioner's tip: For more details on the follow up procedures for each treaty body, please consult:

"Follow-Up to Concluding Observations: Overview of follow-up procedures."

https://www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx#:~:text=Seven%20treaty%20bodies%20have%20follow,a%20period%20of%2024%20months.

Monitoring and documentation. NGOs can monitor the government's implementation of the concluding observations and recommendations, and can report this information back to the treaty bodies formally or informally. An NGO's follow-up report is critical to a treaty body's assessment of the State Party's progress.

Interim reporting. The treaty bodies that identify priority concluding observations and give the State Party a deadline of one to two years to report back about implementation also welcome shadow reports from NGOs at the time the State Party reports back.

Report reprisals. Sometimes governments respond negatively to NGOs or individual human rights defenders who participate in the treaty body review process. Each treaty body requests that any victims of such reprisals promptly report them to the committee for a response.

Indigenous Nepali Women Submit Shadow Report to CEDAW Committee

In 2018, several organizations representing indigenous women, including the National Indigenous Women's Federation (NIWF), brought together a group of Nepali indigenous women to prepare a shadow report for the Fall 2018 session of the Committee on the Elimination of Discrimination against Women (CEDAW). The report, *Situation of the Rights of Indigenous Women in Nepal,* describes the

discrimination Indigenous Nepali women face and offers specific recommendations that the Committee could make to the Nepali Government.[96]

After the review, the CEDAW Committee noted with appreciation that the Government of Nepal had adopted several legislative reforms such as the Safe Motherhood and Reproductive Health Rights Act in 2018 and the Sexual Harassment at the Workplace (Elimination) Act in 2015. The Committee expressed concern, however, with the insufficient implementation of legislation protecting Indigenous and minority women from discrimination and the increasing rates of violence against women despite its resolution to end violence against women and girls. In its recommendations, the Committee suggested that Nepal adopt comprehensive anti-discrimination legislation "that includes a definition of discrimination against women… and guarantees effective remedies for victims."[97]

Another issue raised by the organizations in their shadow report was the need for the participation of women in decision-making mechanisms. The Committee noted the "underrepresentation of women in the judiciary, law enforcement and the foreign service" and recommended that the State party adopt measures to ensure a more equal balance of men and women in decision-making roles and work to "raise the awareness of public officials and society as a whole of the importance of the full and equal participation of women from all groups of society, including Dalit and indigenous women, in decision-making."[98]

Resources for Advocacy with UN Treaty Bodies

Simple Guide to UN Treaty Bodies
http://www.ishr.ch/guides-to-the-un-system/simple-guide-to-treaty-bodies
Provide human rights defenders and their organizations with a broad overview of the UN human rights treaty body system and its functions to support their effective engagement with the treaty bodies.

Working with the United Nations Human Rights Programme - A Handbook for Civil Society (Chapter IV - Human Rights Treaty Bodies)
http://www.ohchr.org/en/AboutUs/CivilSociety/Pages/Handbook.aspx
This chapter provides specific guidance on the functions of treaty bodies and how civil society can engage with them and support their work.

OHCHR Country Pages
http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx
Provides specific details and quick links on each country's status of ratifications, reporting status, concluding observations from treaty monitoring bodies, special procedures reports, and more.

OHCHR Treaty Bodies Database
https://tbinternet.ohchr.org/SitePages/Home.aspx
This database allows users to search for any official UN treaty body documents.

[96] National Indigenous Women's Federation (NIWF), National Indigenous Women Forum (NIWF), National Indigenous Disabled Women Association Nepal (NIDWAN) and Indigenous Women's Legal Awareness Group (INWOLAG), *Situation of the Rights of Indigenous Women in Nepal,* CEDAW/c/NPL/6, 1 October 2018, available online at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fNPL%2f32567&Lang=en
[97] Committee on the Elimination of Discrimination against Women, *Concluding observations on the sixth periodic report of Nepal*, (14 November 2018), U.N. Doc. CEDAW/C/NPL/CO/6, ¶ 4, 20a, and 9a.
[98] Ibid., ¶ 28a, 29d.

OHCHR Treaty Bodies Homepage
http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx
Provides a general overview of the treaty-bodies and their role within the human rights system.

iii. General Discussion Days

Some treaty bodies offer civil society groups additional opportunities for engagement and advocacy. For example, in alternating years the Committee on the Rights of the Child holds a "Day of General Discussion" at the Palais des Nations in Geneva, Switzerland. The Committee selects the topic for discussion, publishes a background paper to guide the discussion, invites civil society organizations to make written submissions on particular topics and to attend the discussion in person, and then issues recommendations based on the discussion. In 2016, for example, the discussion focused on the rights of all children in the context of the environment.[99] In 2018, the topic was "Protecting and Empowering Children as Human Rights Defenders."[100] The 2021 topic will be "Children's Rights and Alternative Care."[101] The Committee on Economic, Social and Cultural Rights,[102] the Committee on the Elimination of Racial Discrimination,[103] the Committee on the Elimination of Discrimination Against Women,[104] and the Committee on Migrant Workers[105] hold similar days of discussion on relevant topics. The Human Rights Committee holds general discussions to seek civil society input when it is drafting general comments.[106]

iv. Individual Communications / Complaints

Eight of the United Nations' human rights treaty bodies currently may, in certain circumstances, receive and consider complaints or communications from individuals. Under most human rights treaties, a State Party must affirmatively "opt in" to be subject to the treaty body's communications procedure. An individual whose rights under a treaty have been violated by a State Party to that treaty may bring a communication before the relevant committee, provided that the State Party at issue has recognized the competence of the committee to receive such complaints and that the individual has exhausted any available domestic remedies.

The complaints procedures associated with each treaty are not identical, but the main steps of the process are similar. For a detailed description, consult the links presented here: https://www.ohchr.org/en/hrbodies/tbpetitions/Pages/IndividualCommunications.aspx#:~:text=Overview%20of%20the%20individual%20complaints%20procedure&text=The%20basic%20concept%20of%20complaint,of%20experts%20monitoring%20the%20treaty.

Civil society organizations can play an important role in the individual communications process. First, they may assist individuals in preparing and submitting their complaints. Second, NGOs sometimes submit amicus briefs in support of an individual communication. Finally, after a committee issues its decision in an individual communication, the individual and the State Party have an opportunity to respond in writing. In some cases,

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[99] Committee on the Rights of the Child, *Days of General Discussion*, accessed Jan. 12, 2021, http://www.ohchr.org/EN/HRBOdies/CRC/Pages/DiscussionDays.aspx.
[100] Ibid.
[101] Ibid.
[102] Committee on Economic, Social and Cultural Rights, *General Discussion Days,* accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/CESCR/Pages/DiscussionDays.aspx.
[103] Committee on the Elimination of Racial Discrimination, *Thematic Discussions*, accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/CERD/Pages/Discussions.aspx.
[104] Committee on the Elimination of Discrimination Against Women, *General Discussion on Rural Women*, Oct. 7. 2013, accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/RuralWomen.aspx.
[105] Committee on Migrant Workers, *General Discussion Days*, accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/CMW/Pages/DiscussionDays.aspx.
[106] Human Rights Committee, *General Discussion on the preparation for a General Comment on Article 9 (Liberty and Security of Person) of the International Covenant on Civil and Political Rights, Palais des Nations, Room XII - 25 October 2012*, accessed Jan. 15, 2021, http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GConArticle9.aspx.

NGOs submit "shadow letters"—similar to shadow reports—providing additional information to supplement the State Party's written response, or to demonstrate inadequacies in how the State Party has responded to the committee's decision. These documents may prompt the committee to issue new outcome documents about the individual communication and the State Party's implementation of the committee's recommendations.

Treaty Bodies with Complaint Mechanisms
The Human Rights Committee may consider individual communications alleging violations of the rights set forth in the International Covenant on Civil and Political Rights by State Parties to the First Optional Protocol to the International Covenant on Civil and Political Rights.
The Committee on Elimination of Discrimination against Women may consider individual communications alleging violations of the Convention on the Elimination of All Forms of Discrimination against Women by State Parties to the Optional Protocol to the Convention on the Elimination of Discrimination against Women.
The Committee against Torture may consider individual complaints alleging violations of the rights set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by State Parties who have made the necessary declaration under Article 22 of the Convention.
The Committee on the Elimination of Racial Discrimination may consider individual petitions alleging violations of the International Convention on the Elimination of All Forms of Racial Discrimination by State Parties who have made the necessary declaration under Article 14 of the Convention.
The Committee on the Rights of Persons with Disabilities may consider individual communications alleging violations of the Convention on the Rights of Persons with Disabilities by State Parties to the Optional Protocol to the Convention.
The Committee on Enforced Disappearances may consider individual communications alleging violations of the International Convention for the Protection of All Persons from Enforced Disappearance by State Parties who have made the necessary declaration under Article 31 of the Convention.
The Committee on Economic, Social and Cultural Rights may consider individual communications alleging violations of the International Covenant on Economic, Social and Cultural Rights by State Parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
The Committee on the Rights of the Child may consider individual communications alleging violations of the Convention on the Rights of the Child by State Parties to the Optional Protocol on Individual Communications. This mechanism entered into force in April 2014.
**The Committee on Migrant Workers also has an individual complaint mechanism, but it has not yet entered into force.*

CEDAW Individual Communication Procedure as a Tool to Advocate for Domestic Violence Reforms in Spain

In 2012, Angela González Carreño, a victim of domestic violence, filed an individual communication with the CEDAW Committee against her country, Spain, for failing to protect her and her daughter as victims of domestic violence. Ms. González Carreño's complaint stated that the Spanish authorities violated her right not to face gender-based discrimination protected by Article 2 of the Convention, disregarded the best interests of

her child (protected under Articles 5 and 16), and acted with prejudice against Ms. González Carreño with regard to her separation and divorce (Article 16).[107] The Committee found that Spain's inaction violated Ms. González Carreño's human rights under CEDAW.

In 1999, Ms. González Carreño divorced her husband after he threatened her with a knife. In the years following, she brought complaints against him to the Spanish legal system in an attempt to protect her three-year-old daughter from having to stay with him. In April 2003, her husband shot and killed their daughter and then committed suicide.[108] In 2012, having exhausted in-country options for relief, Ms. González Carreño brought an individual complaint to CEDAW which ultimately found that Spain had violated her rights under the Convention on the Elimination of All Forms of Discrimination Against Women. The Committee recommended to Spain that they compensate Ms. González Carreño for the moral damages she experienced and make sure that domestic violence acts are considered when determining future child custody cases.[109]

In its written response to CEDAW's recommendations (published in April 2015), Spain noted that its legislature was working on several measures to protect victims of domestic violence including reforming the Criminal Code so that the custody of children in cases of domestic or gender-based violence cannot be given to a parent who has been convicted for crimes of domestic or gender-based violence.[110] CEDAW, in its concluding observations on the combined seventh and eighth periodic reports of Spain, noted with concern "the lack of understanding by the State party of its due diligence obligation and the lack of follow-up to the Committee's views on communication No. 47/2012, González Carreño v. Spain" and reiterated its urgent recommendations to Spain to "train judges and lawyers on the Convention and the Optional Protocol and to integrate their provisions into its legal framework" as well as to inform women (especially women in rural areas and migrant women) of their rights under the Convention.[111]

After the Committee's 2014 decision, Ms. González Carreño had to take her case to the Spanish courts to enforce the recommendations. Her case made it to the Supreme Court in 2018. The Court recognized the violation of her rights by Spanish authorities and ordered the government to pay her 600,000 Euros as compensation.[112] This case served as a milestone for international human rights law.

v. Request for Inquiry

Six UN treaty bodies also have the ability to initiate inquiry procedures when they receive reliable information about serious, grave, or systematic violations of their respective treaties. Unlike individual communications procedures, State parties are typically subject to inquiry procedures unless they opted out of such procedures at the time of ratification of the treaty.[113]

Article 20 of the Convention Against Torture allows confidential inquiries if the Committee Against Torture "receives reliable information which appears to it to contain well-founded indications that torture is being

[107] Committee on the Elimination of Discrimination against Women, List of issues and questions in relation to the combined seventh and eighth periodic reports of Spain: Replies of Spain, (April 21, 2015), U.N. Doc. CEDAW/C/ESP/Q/7-8/Add.1.
[108] UN Office of the High Commissioner, "Spain sets milestone in international human rights law, say UN women's rights experts," accessed January 7, 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23849&LangID=E.
[109] Ibid.
[110] Committee on the Elimination of Discrimination against Women, List of issues and questions in relation to the combined seventh and eighth periodic reports of Spain: Replies of Spain, (April 21, 2015), U.N. Doc. CEDAW/C/ESP/Q/7-8/Add.1.
[111] Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports of Spain,* (July 29, 2015), U.N. Doc. CEDAW/C/ESP/CO/7-8, ¶ 10 and 11.
[112] UN Office of the High Commissioner, "Spain sets milestone in international human rights law, say UN women's rights experts," accessed January 7, 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23849&LangID=E.
[113] UN Committee on Economic, Social and Cultural Rights, Inquiry procedure, accessed January 15, 2021, https://www.ohchr.org/EN/HRBodies/CESCR/Pages/InquiryProcedure.aspx.

systematically practised in the territory of a State Party."[114] Article 8 of the optional protocol to CEDAW allows for confidential inquiries into "grave or systematic violations by a State Party of rights set forth in the [CEDAW] Convention."[115]

To initiate an inquiry under the CEDAW Convention, an individual or organization must submit "reliable information indicating grave or systematic violations." "If the Committee is satisfied that the information received is reliable and indicates grave or systematic violations of rights,"[116] the Committee invites the State Party "to cooperate in the examination" of that information and "to submit observations with regard to the information concerned." The Committee may also "decide to obtain additional information from . . . [n]on-governmental organizations … and [i]ndividuals."[117] Next, the Committee "may designate" one of its members "to conduct an inquiry and to report urgently to the Committee." The member conducting the inquiry may visit the territory of the State Party only if the State Party consents.[118] The Committee then examines the findings of the inquiry and transmits them to the State Party, along with comments and recommendations.[119] The State Party then has six months to submit its own observations to the Committee.[120] At all stages of the inquiry process, the Committee seeks the cooperation of the State Party.[121] The procedures are similar for an Article 20 inquiry under the Convention Against Torture.[122] Rules 76-91 of the Rules of Procedure for the Optional Protocol to CEDAW apply to Article 8 inquiries.[123]

Optional Protocol to CEDAW Article 8 Inquiry Requirements

An Article 8 request for inquiry to the CEDAW Committee should contain:

(1) "reliable information"

(2) from reliable sources, and

(3) such information must indicate "grave or systematic violations of rights."[124]

For further information, consult A Primer on the Inquiry Procedure Under the OP CEDAW, available at https://engenderights.com/resources/womens-rights-cedaw/primer-on-the-inquiry-procedure/, and How To Complain About Human Rights Treaty Violations: The Investigative Mechanisms, Bayefsky.com, available at http://www.bayefsky.com/complain/46_investigations.php.

Colombian Civil Society Organizations Submit Shadow Report to CEDAW Committee

[114] UN General Assembly, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984, Art. 20(1), (5).
[115] Convention on the Elimination of Discrimination Against Women, Optional Protocol, 1999, Art. 8(1), (5).
[116] Convention on the Elimination of All Forms of Discrimination Against Women, *Rules of Procedure for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, Rule 83(1). Available online at http://www.un.org/womenwatch/daw/cedaw/rules/part3/part3E.html.
[117] Ibid. Rule 83(3).
[118] Convention on the Elimination of All Forms of Discrimination Against Women, Optional Protocol, 1999, *supra* note 115, Art. 8(2).
[119] Ibid. Art. 8(3).
[120] Ibid. Art. 8(4).
[121] Ibid. Art. 8(5).
[122] UN General Assembly, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, *supra* note 114, Art. 20.
[123] Convention on the Elimination of All Forms of Discrimination Against Women, Rules of Procedure for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 116.
[124] Rules of Procedure for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Rule 82, available at http://www.un.org/womenwatch/daw/cedaw/rules/part3/part3E.html.

In 2019, several civil society organizations representing the situation of women with disabilities in Colombia, including La Liga Colombiana de Autismo, Asdown Colombia, Programa de Acción por la Igualdad y la Inclusión Social, Profamilia, and Women Enabled International, submitted information for the 2019 session of the Committee on the Elimination of Discrimination against Women (CEDAW).[125] The report, *The Situation of Women with Disabilities in Colombia*, summarizes human rights abuses and discrimination experienced by Colombian women and girls with disabilities. Such abuses include deprivation of legal capacity and standing before the law, unique forms of gender-based violence, discrimination in access to sexual and reproductive rights, and higher rates of forced sterilization.[126] The report included specific suggested recommendations for the CEDAW Committee to make to the Colombian government.

The CEDAW Committee noted with appreciation that Colombia had adopted several measures towards promoting the advancement of women, such as directives for investigating violence against women and resolutions to ensure informed decisions by persons with disabilities regarding reproductive rights. The Committee expressed concern, however, about poor implementation of these measures.[127] The Committee noted that "women with disabilities and women living with HIV/AIDS continue to be victims of forced sterilization." In its recommendations, the Committee suggested Colombia develop a comprehensive strategy to overcoming barriers women and girls face in exercising their legal rights to healthcare, including "ensuring that women and girls...including women with disabilities, have access to high-quality health care...", and taking "legislative steps to remove the barriers in the health system encountered by women who seek to access their legal rights..."[128]

Extreme Poverty and Human Rights in the United States: Using the United Nations' Special Procedures to Advocate for Environmental Justice

At the invitation of Catherine Flowers, Rural Development Manager at the Equal Justice Initiative in Montgomery, Alabama, UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston visited Lowndes County, Alabama, in December 2017 as part of his official tour of the United States to examine and report on the relationship between human rights and extreme poverty. Over 40 poverty and human rights organizations and community groups had submitted reports to the Special Rapporteur prior to his visit, suggesting specific issues and places to investigate.[129] Flowers successfully requested a visit to Lowndes County to investigate the lack of adequate septic tanks and sewage systems and its impact on residents' health and standard of living. She noted that "the experience of living near raw sewage, or recurring sewage backing up into one's home also impacts the ability to live with dignity."[130] Hookworm, a

[125] La Liga Colombiana de Autismo, Asdown Colombia, Programa de Acción por la Igualdad y la Inclusión Social, Profamilia, and Women Enabled International, *The situation of women with disabilities in Colombia*, 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fCOL%2f33707&Lang=en.
[126] Ibid.
[127] Convention on the Elimination of All Forms of Discrimination against Women, *Concluding observations on the ninth periodic report of Colombia,* (14 March 2019), U.N. Doc. CEDAW/C/COL/CO/9.
[128] Ibid.
[129] Human Rights Council, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America*, (4 May 2018), U.N. Doc. A/HRC/38/33/Add.1, ¶ 2.
[130] Alabama Center for Rural Enterprise, *Submission to the UN Special Rapporteur on Extreme Poverty and Human Rights in Preparation for the Official 2017 Visit to the United States,* (2017), accessed on Jan. 19, 2021, https://www.ohchr.org/Documents/Issues/Poverty/VisitsContributions/USA/ACRE.pdf, p.6.

disease thought to have been eradicated in the United States, was prevalent in sewage samples taken from the area.[131]

Lowndes County is a predominantly rural, poor community with a median income of $26,000.[132] Out of its estimated 10,358 residents, 72.4% are Black.[133] Flowers noted in her report that a lack of financial resources is a major impediment to accessing sanitation services, as adequate sewage systems cost as much as $30,000 due to the clay-like soil of the region. An Alabama Department of Public Health report estimated that "40 – 90% of households have either inadequate or no septic system, and of the households with septic systems, 50% are failing."[134] While placing the burden of installing and maintaining septic systems on homeowners, the State has the ability to arrest those that do not comply, criminalizing people for their lack of finances.[135] Flowers' request reported on "the ways that current U.S. laws, policies, and practice intersect with historical discrimination to perpetuate poverty and marginalization."[136]

The Special Rapporteur, after visiting the region, reported, "In Alabama, I saw various houses in rural areas that were surrounded by cesspools of sewage that flowed out of broken or non-existent septic systems. The State Health Department had no idea of how many households exist in these conditions, despite the grave health consequences. Nor did they have any plan to find out, or devise a plan to do something about it."[137] The reports garnered national attention for Flowers' cause, prompting congressional hearings on environmental racism, where Ms. Flowers testified about the racial disparities in wastewater treatment.[138] The Environmental Protection Agency subsequently began a $3 million infrastructure project in 2018 to provide decentralized sewer systems to 100 families in Lowndes County.[139] Flowers' advocacy, and the attention it brought to this abhorrent situation from both the United Nations and the U.S. Government, ultimately helped bring about a solution.

[131] Ibid., p. 4.
[132] Ibid., p. 3.
[133] Ibid., p. 2.
[134] Ibid., p. 3.
[135] Ibid., p. 4
[136] Ibid., p. 2.
[137] UN Office of the High Commissioner, *Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights,* (15 December 2017), accessed on Jan. 19, 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E.
[138] Equal Justice Initiative, "EJI's Catherine Flowers Testifies Before Congress on Environmental Racism," (26 May 2019), accessed on Jan. 19, 2021, https://eji.org/news/ejis-catherine-flowers-testifies-congress-about-environmental-racism/.
[139] Environmental Protection Agency, *EPA Annual Environmental Justice Progress Report FY 2018,* accessed on Jan. 19, 2021, https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf.