

FACTSHEET: THE SPECIAL PROCEDURES OF THE UN HUMAN RIGHTS COUNCIL – AND THEIR RELEVANCE FOR SDC

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Catarina de Albuquerque, former UN Special Rapporteur on the right to water and sanitation, at the „Zaatari“ Refugee Camp in Jordan.

WHAT ARE THE SPECIAL PROCEDURES?

The main UN intergovernmental body dealing with human rights is the Human Rights Council, established in 2006. The Human Rights Council is responsible for promoting universal respect and protection of human rights and fundamental freedoms and for addressing situations of human rights violations and make recommendations on them. Among the instruments available to the Human Rights Council are the Special Procedures.

The Human Rights Council may appoint independent human rights experts to monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries. These Special Procedure mandate-holders work either as individuals (called special rapporteurs, representatives, or independent experts) or as a working group. Candidates can be nominated by Governments, Regional Groups operating within the UN human rights system, international organizations or their offices, NGOs, other human rights bodies or individual nominations. The mandate-holders serve in their person-

al capacities; they are not remunerated by the UN for their work and are not representing any country. Thus, they are expected to be independent and work impartially.

The mandates of these independent experts are created, defined and renewed in resolutions adopted by the Human Rights Council. Country mandates are limited to the human rights situation in a particular country and thematic mandates look at specific human rights topics.

The currently 41 thematic mandates cover a wide range of issues of civil, political, economic, social and cultural rights, for example:

Examples of thematic mandates

Working Group on Arbitrary Detention (1991)

Special Rapporteur on the right to food (2000)

Special Rapporteur on the right to safe drinking water and sanitation (2008)

Special Rapporteur on the situation of human rights defenders (2000)

Special Rapporteur on extreme poverty and human rights (1998)

Special Rapporteur on the situation of internally displaced persons (2004)

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (2000)

Special Rapporteur on violence against women, its causes and consequences (1994)

Special Rapporteur on freedom of peaceful assembly and association (2010)

Special Rapporteur on the independence of judges and lawyers (1994)

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (1993)

The currently 14 country mandates, cover the following countries, including a number of SDC priority countries (in bold): Belarus, **Cambodia**, Central African Republic, Ivory Coast, **Democratic People's Republic of Korea (DPRK)**, Eritrea, **Haiti**, Iran, **Mali**, **Myanmar**, **Somalia**, **Sudan**, **Syria**, and the **Occupied Palestinian Territory (OPT)**.

Special Procedures develop a variety of activities. According to their mandates they may undertake country visits for fact-finding, and may act on individual cases and concerns of a broader, systemic nature by sending communications to States in which they bring alleged violations to their attention. They may conduct thematic studies, convene discussions, participate in expert consultations, provide advice and support for technical cooperation and engage in advocacy and raising public awareness in order to protect and develop international human rights standards.

All mandate-holders report annually to the [Human Rights Council](#) and most also report to the [General Assembly](#), according to their mandate. Country specific mandates must be renewed every year while thematic mandates are renewed every three years.

COUNTRY VISITS

In practice, country visits can be undertaken by Special Procedures only upon agreement with the concerned state, irrespective of whether that state has issued a [general standing invitation](#) to Special Procedures. Visits offer an opportunity to examine in detail the situation, identify problems and make recommendations on how these could be resolved. The visits are intended to provide an independent and impartial assessment, for use by all stakeholders. Often, visits are based on complaints or cases received. In preparing for a country visit, Special Procedures analyze information submitted by civil society and the visit is planned according to concerns raised, in consultation with the authorities of the concerned State.

During the visit of usually around 10 days, Special Procedures typically meet first with Heads of State and the Government and share with them the purpose of the visit, issues of concerns, and the planned approach of the visit. Special Procedures exchange with relevant authorities, in particular law enforcement authorities, representatives of the legislative and the judiciary, and consult with National Human Rights Institutions, NGOs and other representatives of civil society. They often travel beyond the capital and visit cities or rural areas that are of particular relevance to their mandate. Before departure a briefing with the government is organized to share and discuss the preliminary findings, recommendations and follow-up. The visit ends with a public press conference that includes preliminary observations and recommendations.

After the visit, a draft report is submitted to the Government, which is invited to correct factual inaccuracies and provide comments. The report includes an analysis of the situation, observations and a set of conclusions and recommendations directed towards the Government. The final report is publicly available with comments by the Government annexed.

WHY ARE SPECIAL PROCEDURES RELEVANT FOR SDC'S WORK?

According to Art. 54 of the Swiss Constitution, Swiss Foreign Policy (including Swiss development cooperation) has a constitutional mandate to promote human rights. The [Dispatch on Switzerland's International Cooperation 2017–2020](#) shows a firm political commitment to promoting human rights that are seen as a cornerstone of sustainable development, conflict prevention, and democratic governance.

Special Procedures are relevant for SDC's work in different ways, and for different purposes:

Context monitoring and analysis: Special Procedures often examine sensitive human rights issues as well as country situations, and they may address human rights issues in any State – regardless whether or not it has ratified international human rights treaties. Reports by Special Procedures present facts and analyses of current trends, achievements and challenges from an independent expert's point of view. These reports aspire to involve governmental as well as non-governmental perspectives and therefore provide sound human rights context information for SDC.

Accountability Framework: The UN Human Rights Council and its Special Procedures are mandated by the international community to address human rights concerns. Conclusions and recommendations of Special Procedures enjoy considerable legitimacy. By referring to these recommendations in their own statements and positions, donors can thus use them in their own bilateral relations with partner states and in their support to non-governmental actors (National human rights institutions, NGOs, citizen's groups) who take up critical issues and work on improving the human rights situation at the national level.

Setting a common agenda: Human rights standards provide a framework of pro-poor development that is based on non-discrimination and empowerment. The thematic and country specific recommendations help set a common national agenda on pressing human rights issues and provide a set of concrete steps for State authorities to improve situations of concern. Also, international donors may find a common basis for alignment with State authorities and for harmonization and coordination among themselves.

Empowering civil society, particularly marginalized groups: Special Procedures are assessing critical human rights situations from an independent point of view, and they frame human rights concerns in a logic of State obligations. Furthermore, Special Procedures involve civil society in the process and give them a platform to voice their opinions and concerns before, during and after country visits. This may empower

them in voicing their concerns in a constructive manner and it provides scope for a public dialogue on pressing issues with a focus on improvements.

HOW CAN SCOS USE AND ENGAGE WITH SPECIAL PROCEDURES IN PRACTICE?

Using assessments of Special Procedures to feed into SDC's own context analysis. In many partner countries, the MERV (Monitoring of Development-Relevant Changes) includes human rights aspects at political, economic, and social levels. Using information and analysis (where available) from UN Special Procedures will make MERV reporting more relevant and complete. Findings, conclusions and recommendations of Special Procedures may also be relevant for SDC's context analysis when designing and reviewing cooperation strategies, for annual reporting, and for portfolio and program monitoring and evaluation.

In Cambodia SDC relies on the assessments provided by the UN Special Rapporteur on the human rights situation in Cambodia (a country mandate) for the analysis of the political and human rights situation and the relevant context changes for the MERV report. The reports of the Special Rapporteur further serves for SDC and partners as a basis to integrate a human rights based approach in the implementation of rule of law and governance projects.

Strategic orientation: When defining strategic goals and outcomes in areas of human rights, recommendations of thematic or country specific Special Procedures (where available) can help frame adequate results to be expected at domain or sector level as well as at program and project levels.

In Mongolia the Swiss Cooperation Office Mongolia organized a workshop on poverty for SDC staff, project staff and Partner NGOs. The report by the UN Special Rapporteur on Extreme Poverty and human rights, following her visit to Mongolia, was used as a basis to identify, review and refine the categories of vulnerable and marginalized groups. The report by the Special Rapporteur identifies a number of groups that are particularly affected by poverty and exclusion. These groups share common characteristics such as gender, ethnicity, nationality, sexual orientation, age, etc. The report greatly assisted SDC and partner organizations to better take into account these groups in the design and implementation of projects and to integrate a human rights based approach.

In **Haiti** SDC used the findings of the UN Independent Expert on the human rights situation in Haiti for its definition of SDC's programmatic engagement in the rule of law and governance domain. On that basis, several human rights pilot activities in the area of pre-trial detention and sexual and gender-based violence were defined. SDC Haiti further uses the assessment provided by the Independent Expert to analyze development-relevant context changes in the MERV.

Supporting Special Procedures to clarify and advance human rights issues at international and national level: SDC may support Special Procedures in clarifying the content and implementation of specific human rights (see example below). At national level, SDC may support, including through OHCHR offices, visits by Special Procedures by sharing assessments, assisting in the organization of meetings with specific groups, and in supporting follow-up of country visits.

SDC's **Global Program on Water Initiatives** successfully advocated for a Special Procedure mandate on the right to water and sanitation, which in turn was created in 2008. SDC then supported the mandate-holder for several years. The mandate resulted in the development and clarification of the content of the right to water and sanitation at the global level, and in concrete guidance on how to implement this right in development programs. SDC supported the preparation of a handbook on realizing the rights to water and sanitation. Including as a result of that work, SDC proposed a separate goal on water in the 2030 Development Agenda, SDG #6, which includes several human rights dimensions of water and sanitation (accessibility, affordability, etc.).

Supporting State authorities in implementing recommendations: SDC may support State authorities in responding to and implementing the recommendations of Special Procedures particularly in sectors in which SDC is active. Bilateral policy dialogue helps to keep critical issues on the agenda of the partner State, and financial and technical assistance may help to implement reforms that respond to recommendations by special procedures.

Supporting National Human Rights Institutions and civil society organizations: These institutions can be supported by SDC in their key role to provide information to Special Procedures on issues of human rights concerns. Non-governmental actors and their information and engagement are particularly relevant for making country visits of Special Procedures meaningful and effective. Non-governmental actors can be supported in raising awareness of

Special Procedures on issues of concern, preparing individual case documentation, sharing assessments, and provide feedback on findings and conclusions. Non-governmental actors also play a crucial role in the follow-up of recommendations from Special Procedures – and SDC may consider supporting these in such activities.

In **Bangladesh** SDC supports ASK a Bangladeshi NGO that has submitted several communications, information, position papers and urgent appeals to different Special Procedures. It compiled cases from communications sent by Special Rapporteurs to the government, and translated and published best practice fact sheets issued by the Special Rapporteur on Freedom of Peaceful Assembly and Association. ASK in this way contributed to the dissemination of the Special Rapporteurs work. By organizing informal interactions between the Special Rapporteur on Freedom of Peaceful Assembly and of Association as well as an event for open dialogue with stakeholders to better understand the role of the Special Procedures, ASK contributed to the strengthening of the Special Procedures mechanism and to increased Government accountability with regards to critical human rights issues.

Policy dialogue and donor coordination: Reports and recommendations from Special Procedures contribute to building a common understanding of the current situation and facilitate shared approaches among donors (for example, in the framework of UNDAFs) as well as national NGOs. In general, recommendations from the Universal Periodic Review,

Special Procedures as well as treaty bodies can inform messages for coordinated and constructive policy dialogues by donors with State partners, with a view of informing national development plans and sector reform.

CHALLENGES

SDC's engagement on sensitive human rights issues and with human rights defenders may involve certain **political risks** for bilateral relations with partner governments. However, Switzerland can most often count on its reputation as a politically neutral and committed "honest broker" for human rights. In any case, to mitigate these risks, SDC is advised to analyze carefully the potential political interests involved, adopt a conflict sensitive approach, build alliances with other donors, focus on NGO partners that are committed to peaceful and constructive approaches, invest in building bridges, and promote and facilitate national dialogue on key human rights issues.

USEFUL LINKS

- › Publications on Special Procedures, with overview
- › [How to submit information to the Special Procedures](#)
- › [Chronological order of country visits](#)
- › [Current and Former Mandate-Holders for Existing Mandates](#)
- › [Press releases and statements on Special Procedures](#)

NGOs that might be able to provide further advice and support:

- › The Global Initiative for Economic, Social and Cultural Rights [CESCR](#)
- › Center for Civil and Political Rights [HRC](#)
- › World Organisation Against Torture [CAT](#)
- › Child Rights Connect [CRC](#)
- › International Women's Rights Action Watch [CEDAW](#), [CESCR](#), [UPR](#)
- › International Disability Alliance [CRPD](#)

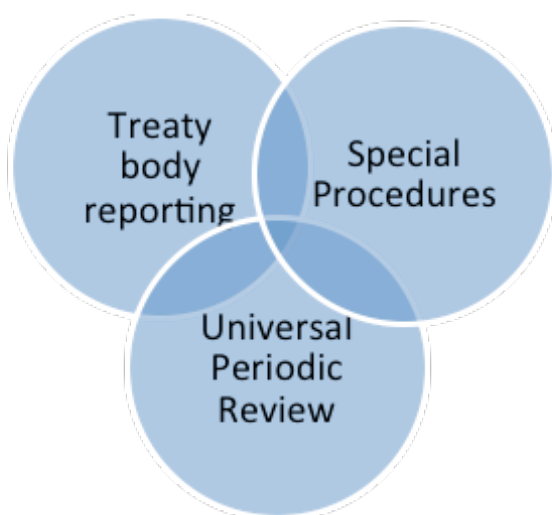


Secretary-General meets Rashida Manjoo, former UN Special Rapporteur on violence against women, its causes and consequences

ANNEX:

The multifaceted system of UN Human Rights Monitoring

Human rights are rights inherent to all human beings without any distinction between nationality, sex, national or ethnic origin, race, religion, language, or other status. Civil, political, economic, social and cultural rights are all interrelated, interdependent and indivisible – equally relevant to human dignity. The UN Charter makes respect for human rights one of the main objectives of international cooperation. International law such as international treaties (or: “conventions”) and customary international law have set human rights standards. According to these standards States have obligations to act in certain ways or to refrain from certain acts, in order to respect, protect and fulfil human rights and fundamental freedoms of all men and women under their jurisdiction.



Human rights monitoring evaluates human rights situations and looks at measures that have been taken to realize given standards. It consists of collecting and analyzing information from different sources and setting up recommendations to improve. Within the UN there are three main types of monitoring procedures: This factsheet relates to “treaty body monitoring” by various expert committees under each of the UN human rights treaties, while “Special Procedures” and the Universal Periodic Review (UPR) (see specific factsheets) are under the responsibility of the UN Human Rights Council. These three mechanisms are not completely self-contained, each has its specificities and limitations and they rather complement each other, by exchanging gathered information, findings and referring back to recommendations or general comments within the respective mechanism. The recommendations of each of the three mechanisms have to be considered by the State as they, together, reflect the human rights challenges in the country.

Other international actors are involved in monitoring, too. The UN General Assembly has an important standard setting role by adopting the human rights conventions’ texts, and it addresses human rights issues and situations in many resolutions. Its third Committee especially examines the human rights situations in several countries and adopts resolutions on many human rights issues. The Security Council is dealing with situations that are considered to be a threat to international peace and security, When serious human rights violations are identified as such a threat, the Security Council gets directly involved in human rights issues. For example, the Security Council established an unprecedented monitoring and reporting mechanism (MRM) on grave violations against children in armed conflict under its [SC Resolution 1612 \(2005\)](#), see also the SC’s activities on women and peace and security under its [SC Resolution 1325 \(2000\)](#) and following resolutions. Specialized UN organizations (UNICEF, UNHCR, UNWOMEN, FAO, UNESCO, WHO, UNWRA and others) are working on specific human rights issues relating to their mandate. At regional level, several inter-governmental organizations have established human rights monitoring procedures, such as the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE), the Organisation of American States (OAS), and the Organization of African Unity (OAU).

IMPRINT

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