

Chapter 9. Advocacy at the United Nations



As part of any advocacy strategy, advocates should evaluate whether to bring the matter to the attention of an international or regional human rights body. The United Nations and regional human rights bodies engage in a variety of activities to protect, monitor, and advance human rights worldwide. 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. Governments that resist or ignore one means of addressing human rights violations might be encouraged or compelled through another mechanism.

International and regional human rights mechanisms allow advocates to present information about local human rights violations directly to the international community. Advocates and activists should, however, think of advocacy as far more than the submission of information to the United Nations. Reports to international bodies can be used effectively as part of a larger advocacy strategy to change laws, policy, and practices. As many advocates have discovered, advocacy before international mechanisms can garner media attention, boosting local advocacy efforts.

The United Nations' international human rights mechanisms serve several functions. They enforce human rights standards, monitor human rights conditions, report on human rights violations, directly improve human rights conditions, and create 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 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 the UN human rights system and procedures can easily take part in international human rights 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 on the international level depend on the specific activities of the mechanism they are targeting. Successful organizations engage with multiple mechanisms.

A. 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 Special Procedures. “Charter-based” human rights bodies have the authority to review human rights practices of all 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 11 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 within the UN system made up of 47 countries responsible for strengthening the promotion and protection of human rights around the world. The Council meets regularly 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.⁶⁶⁶ Council members are representatives of their respective governments and are elected to staggered three-year terms. Seats on the Council are allocated geographically, with each region nominating candidate countries that are then approved by the General Assembly.⁶⁶⁷

The Universal Periodic Review (UPR) is a new human rights process under the auspices of the Human Rights Council. The UPR is a process for reviewing the human rights records of each of the 193 UN member countries once every four and one half years.⁶⁶⁸ The UPR provides the opportunity for each government to declare what actions it has taken to improve the human rights situation in its country and to fulfill its human rights obligations. As one of the main features of the Human Rights Council, the UPR is designed to ensure equal treatment for all countries when their human rights practices are evaluated.

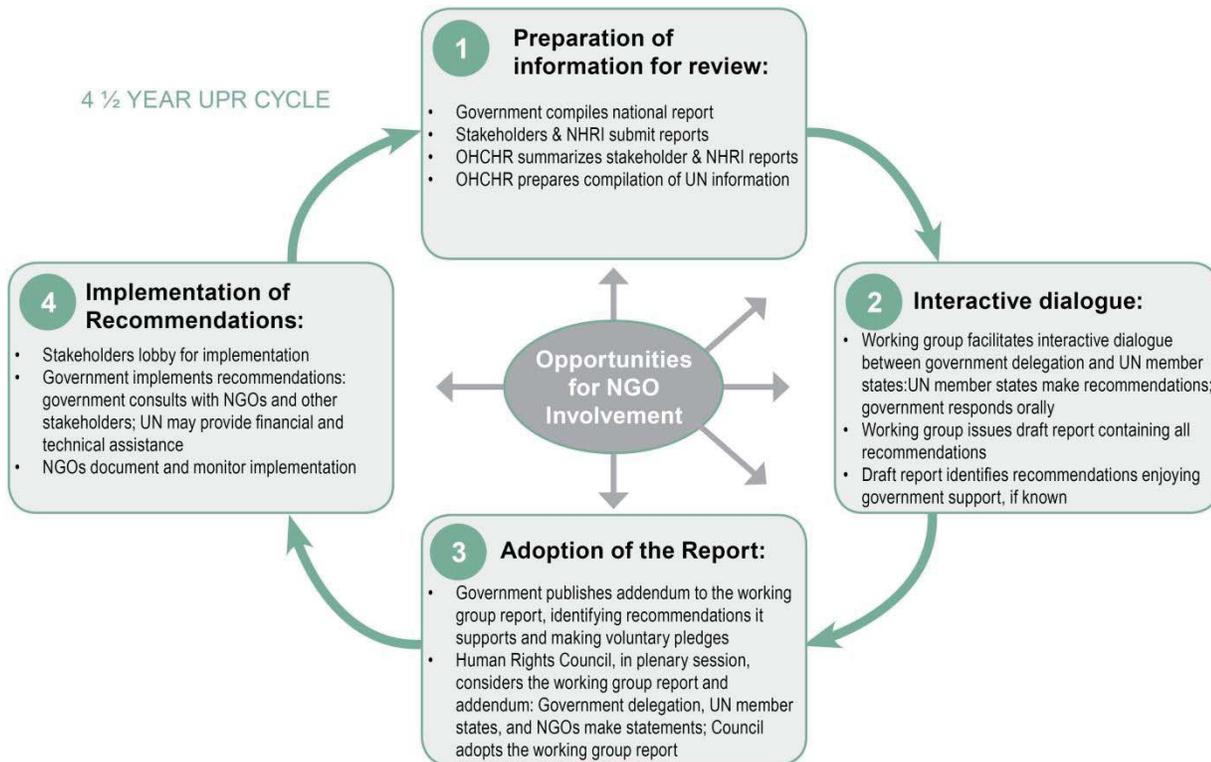
a. An overview of the UPR reporting cycle

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

⁶⁶⁶ UN Human Rights Council, “The Human Rights Council,” accessed Jan. 29, 2014, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

⁶⁶⁷ UN General Assembly Resolution 60/251, A/RES/60/251 (Apr. 3, 2006). Also available online at <http://www.unhcr.org/refworld/docid/4537814814.html>.

⁶⁶⁸ Office of the High Commissioner on Human Rights, “Universal Periodic Review,” accessed Jan. 29, 2014, <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, assessing 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 the country has an independent national human rights institution (NHRI), such as a human rights commission or ombudsman (see Chapter 8), the NHRI submits a separate report. At the same time, civil society organizations prepare stakeholder reports.

Staff at the United Nations' Office of the High Commissioner for Human Rights 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.

Step 2: Interactive dialogue between government delegation and UN member countries

The UPR includes a three-hour interactive dialogue, facilitated by a Human Rights Council working group, between a government delegation from the country under review and other UN member countries. Countries may submit written questions to the government delegation in advance of the in-person dialogue. At the beginning of the review session, members of the government delegation have the opportunity to make introductory statements, which typically describe human rights conditions in the country and respond to any questions submitted in advance.

During the dialogue, any UN member country may pose questions and make comments and recommendations to the country under



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

review. Recommendations are the most important component of these “interventions,” because the country under review must formally respond to each one. Some countries have informally agreed to make no more than two recommendations during each UPR. To take the floor to make a recommendation or other comment, a country must request to speak in advance of the session. 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 countries speak following an alphabetical list that starts with a different country for each UPR. Often, questions and recommendations come directly from reports submitted by non-governmental organizations. 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.

A few days after the interactive dialogue, the working group circulates a draft report containing summaries of all of the statements and 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 the recommendations that enjoy the country’s support. Typically, however, the country under review defers its decision on some or all of the recommendations.

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 rejects each recommendation. It typically does so by publishing an “addendum” to the report of the working group. In this addendum, many countries also include observations 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 submitting a progressive report within two years about the government’s progress in implementing accepted recommendations.

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 countries and NGOs with consultative status 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 has the primary responsibility to implement 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 the recommendations of the final outcome document through advocacy and monitoring. Initial evidence suggests that even if a government rejects a particular UPR recommendation, it sometimes implements some or all of it.⁶⁶⁹

b. Opportunities for civil society to participate in the UPR reporting cycle

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

⁶⁶⁹ Universal Periodic Review, *On the Road to Implementation* (Geneva, Switzerland: UPR-Info, 2012), 13, http://www.upr-info.org/IMG/pdf/2012_on_the_road_to_implementation.pdf (“[E]ven rejected recommendations are implemented, since action is taken for 15% of them (both fully and partially implemented).”).

UPR	What to do
Before the Review	Participate in consultations with the government of the country under review as it prepares its national report.
	Research, write, and submit a stakeholder report on a human rights issue in the country under review
	Lobby UN member countries to educate their representatives on issues and concerns to be raised during the review. Outreach may target embassies, consulates, and missions to the United Nations in Geneva.
During the Review	Attend the interactive dialogue in person (if the group has ECOSOC status) or monitor it 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 the Human Rights Council during the plenary session when it adopts the report of the working group (if the group has ECOSOC status)
	Release a written statement
	Report reprisals
Between Reviews	Advocate for legislation and other reforms to implement recommendations
	Engage in consultation with the government to participate in the implementation of recommendations
	Monitor the implementation of recommendations
	Contribute to UPR-Info's Mid-Term Implementation Assessment
	Document human rights conditions relating to accepted recommendations and any emerging human rights violations in preparation for the next UPR cycle

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. 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. Groups 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.” 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.⁶⁷⁰ 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 footnotes, and only if necessary.⁶⁷¹ In these reports, NGOs can provide real-life examples of the government’s failure to respect human rights obligations.

To learn more about applying for ECOSOC status, see Chapter 11.

⁶⁷⁰ Office of the High Commissioner for Human Rights, *Universal Periodic Review: Information and Guidelines for Relevant Stakeholders’ Written Submissions*, accessed Oct. 17, 2013, <http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>, ¶¶ 6(c), (e), 9.

⁶⁷¹ *Ibid.* ¶ 12.

One advantage of the UPR process is that organizational submissions do not have to be detailed. The Human Rights Council limits submissions from a single organization to 2,815 words (approximately five pages) and from joint stakeholders to 5,630 words (approximately ten pages).⁶⁷² The reports are due approximately eight 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.

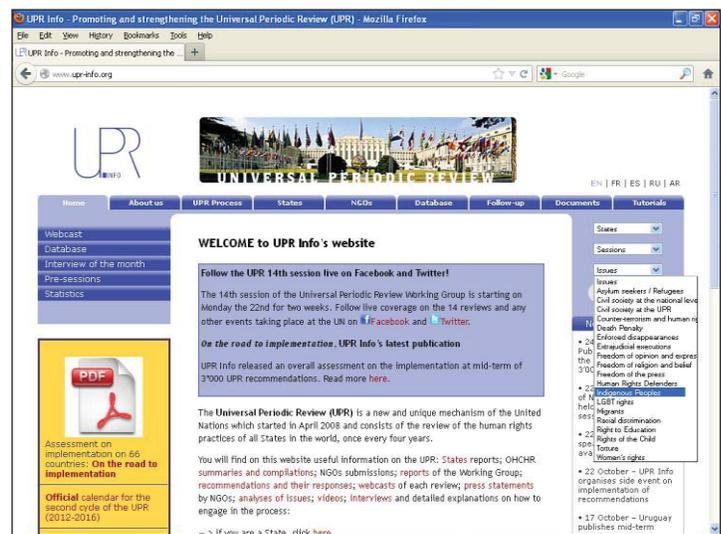
UPR Stakeholder Report Checklist

- ✓ 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 11:59 pm Geneva time (CET) on the day of the given deadline. For deadlines, see www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx.
- ✓ Reports should follow the structure of the General Guidelines for the preparation of information under the UPR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>.
- ✓ Reports should cover no more than the 4 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.
- ✓ Reports may include an introductory paragraph or executive summary highlighting the main points in the report.

Lobby UN member countries. Civil society groups can also lobby UN member countries 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.

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. But in other cases, staff at the country’s embassy in the country under review will play the lead role in writing the statement.

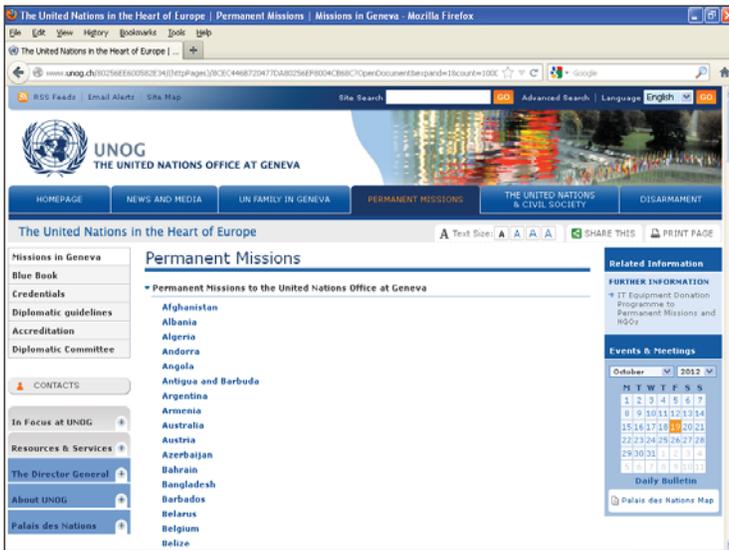
A civil society group that wants to lobby UN member countries should target its outreach to countries that may be receptive to the issues that the group’s stakeholder report addresses. The group may target countries that made



UPR-Info database issue search menu

⁶⁷² Ibid. (Word limits exclude footnotes, the substance of which are not considered during the review.)

relevant interventions during the country's previous UPRs, or countries that have made interventions on similar issues in the UPRs of 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.⁶⁷³ Civil society organizations can use the database to identify potentially receptive countries.



Permanent Mission contact information

further by email or telephone if any questions arise.

During the Review

Hold a press conference. Civil society organizations can also hold a press conference about the review, issue a press release highlighting any key recommendations or any relevant statements from the government delegation.

Host a side event. NGOs attending the session in Geneva can organize side events to publicize their stakeholder reports and any recent developments relating to issues of concern.

Attend the interactive dialogue. NGOs with ECOSOC status can attend the interactive dialogue in Geneva, and anyone can watch the dialogue via live webcast. Many organizations use social media to share recommendations as they are made on the floor.

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 United Nations Office at Geneva (www.unog.ch) includes a database of mission contact information,⁶⁷⁴ and some missions have their own websites as well. Groups that are based inside the country under review can also contact the embassies of the targeted countries to request a meeting with a human rights officer there. In either 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, along with any recent developments. They should also request a meeting, if possible, and offer to communicate

Welcome Desk for NGOs

Mandat International maintains a Welcome Desk for NGOs at the Human Rights Council in Geneva. The Welcome Desk assists with on-the-ground logistics and helps NGOs establish contacts with other organizations.

www.welcomedesk.org, welcome@mandint.org, +41 (0)22 546 23 05.

⁶⁷³ UPR-Info, "Database of UPR Recommendations," accessed Oct. 17, 2013, <http://www.upr-info.org/database/>.

⁶⁷⁴ United Nations Office at Geneva, "Permanent Missions to the United Nations Office at Geneva," accessed Oct. 17, 2013, <http://www.unog.ch/80256EE600582E34/%28httpPages%29/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000#1>.

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 a standing invitation to all special mechanisms of the Human Rights Council to visit the country.

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. For guidelines and submission forms for these statements, consult <http://www2.ohchr.org/english/bodies/hrcouncil/guidelines.htm>.

Release a written statement. Groups can release a written statement 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.

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. These monitoring efforts can be incorporated into a stakeholder report for the next UPR cycle.

Contribute to Mid-Term Implementation Assessment. UPR-Info 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.⁶⁷⁵

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.

⁶⁷⁵ UPR-Info, "The Follow-Up Programme," accessed Oct. 17, 2013, <http://www.upr-info.org/followup/>.

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

The Karen people are an ethnic group residing in the southeastern region of Myanmar along the border with Thailand. The Karen Human Rights Group (KHRG) is a multi-faceted diaspora organization based in Thailand that documents and reports on human rights violations committed against the Karen people. KHRG also works to build villagers' capacity to stand up for their own human rights.

Started in 1992 by a Canadian teacher, KHRG has grown to 80 paid staff members, interns, researchers, and volunteers. Its workforce is now over 90% Karen, including top-level administrators.⁶⁷⁶ KHRG has established itself as a leading source of information; governments, non-governmental organizations, diplomats, and human rights experts—including the UN Human Rights Special Rapporteur for Myanmar and the International Labour Organization (ILO)—turn to the group for information and advice. KHRG has twice been nominated for the Nobel Peace Prize.

KHRG's primary aim is to give the Karen people a voice in the international human rights community. KHRG accomplishes this goal through the collection of data and reports from villagers on the ground in Myanmar. By compiling first-hand accounts, the group has been able to create a database of valuable, verifiable information. KHRG uses this information to issue regular updates on specific human rights violations in the region and then incorporates both the updates and the individual reports into major reports on human rights conditions. These updates and reports are important not only as a record of international human rights violations but also as a platform for individuals in the region to speak for themselves. Their voices become a source of information for media, non-governmental organizations, community based organizations, and the diplomatic community. This on-the-ground information can create pressure on the Government of Myanmar to improve human rights conditions.⁶⁷⁷



A forced laborer belonging to the Karen ethnic group

In 2010, KHRG submitted a stakeholder report for the Universal Periodic Review of Myanmar.⁶⁷⁸ During the interactive dialogue at the Human Rights Council, many countries expressed concern about the issues KHRG raised in its report.⁶⁷⁹ Italy, for example, “was concerned about human rights violations and impunity, specifically regarding the death penalty, child soldiers, torture, forced labour, sexual violence, restrictions on freedom of expression, ethnic minorities’ and detainees’ rights.”⁶⁸⁰ Many countries recommended that Myanmar ratify human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Several States recommended that the government halt the use of child soldiers.⁶⁸¹ Slovenia called for an end to the use of forced labor.⁶⁸² Additionally, several countries specifically mentioned the need for protection of the rights of ethnic and religious minorities.⁶⁸³

⁶⁷⁶ Email correspondence from The Advocates for Human Rights to Karen Human Rights Group (Oct. 14, 2013).

⁶⁷⁷ *Ibid.*

⁶⁷⁸ Karen Human Rights Group, “Myanmar: Submission UN Universal Periodic Review,” Burma: KHR6, (July 5, 2010), http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/KHRG_KarenHumanRightsGroup_eng.pdf.

⁶⁷⁹ Office of the High Commissioner for Human Rights, *Universal Periodic Review Myanmar*, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MMsession10.aspx>.

⁶⁸⁰ *Ibid.*, ¶ 85.

⁶⁸¹ *Ibid.*, ¶¶ 104.35, 105.9.

⁶⁸² *Ibid.*, ¶ 104.33.

In addition to giving villagers a voice on the international stage, KHRG has successfully collaborated with the ILO to reduce the use of forced labor, a major problem that villagers had identified. In biennial reports, KHRG keeps the ILO abreast of the situation in Myanmar, allowing the ILO to maintain pressure on the authorities to reduce the prevalence of forced labor. Forced labor is still a problem in some areas, but between September 2012 and September 2013, Myanmar notably ended the use of forced labor in the Bilin Township of the Thaton District.⁶⁸⁴

Indian American Muslim Council Lobbies at the UPR of India

In May 2012, Jawad Khan of the Indian American Muslim Council (IAMC) joined The Advocates for Human Rights in attending the interactive dialogue for the UPR of India. They lobbied delegates from dozens of countries to make recommendations for changes to India's anti-terrorism law to eliminate targeting of Muslims by law enforcement. The voice of the IAMC did not go unheard. The United States urged India to fully enforce laws protecting religious minorities.⁶⁸⁵ Iran urged India to improve measures preventing violence against members of religious minorities.⁶⁸⁶ In its response to the UPR, the Government of India accepted Iran's recommendation but did not respond to the recommendation from the United States.⁶⁸⁷



Jawad Khan of the IAMC (right) meeting with a delegate from the Government of Denmark before the UPR of India in 2012

The Advocates for Human Rights submits stakeholder report on the rights of ethnic minorities for the UPR of Ethiopia

The Advocates for Human Rights submitted a report on the promotion and protection of human rights of ethnic minorities for the UPR of Ethiopia, scheduled for April 2014. The report documents the Government of Ethiopia's failure to meet its international human rights obligations, particularly with respect to the rights to equality, life, liberty, security, privacy, and the freedom of expression and association. Ethnic groups such as the Oromo and the Annuak, among others, suffer the greatest consequences of policies that fail to protect, and even infringe upon, these basic human rights.

⁶⁸³ Ibid., ¶¶ 104.29, 104.49, 104.52, 104.53, et al.

⁶⁸⁴ Karen Human Rights Group, "Forced Labour and Indiscriminate Firing in Hpapun District, June and July 2012," Oct. 11, 2013, <http://www.khrg.org/2013/10/13-13-nb1/forced-labour-and-indiscriminate-firing-hpapun-district-june-and-july-2012>; Karen Human Rights Group, "Persistent Forced Labour Demands Stop in Six Villages in Vilin Township as of September 2012," July 4, 2013, <http://www.khrg.org/2013/07/13-6-nb1/persistent-forced-labour-demands-stop-six-villages-bilin-township-september-2012>.

⁶⁸⁵ UN Doc. A/HRC/21/10, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-10_en.pdf, ¶ 138.72.

⁶⁸⁶ Ibid., ¶ 138.79.

⁶⁸⁷ UN Doc. A/HRC/21/10/Add.1, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.10.Add.1_en.pdf.

The Advocates' stakeholder report draws on information gathered from the Oromo diaspora in the United States. The Oromo people endure sustained persecution by the Ethiopian Government. The Oromo are subject to arbitrary arrests, detention without charge, and torture. Oromos who live in rural areas are also subject to the Government's "Villagization Program," which relocates indigenous people from their homes to other rural lands that are not suitable for agriculture and lack vital infrastructure, including schools.

Additionally, the Government maintains several laws suppressing many types of government opposition. Regulations of charities so severely limit international funding of non-governmental organizations—particularly those working in the area of human rights—that, during the 2009 UPR, Canada, the Netherlands, and the United Kingdom all called for amendments to Ethiopia's charities law. An anti-terrorism law also drew criticism because it allows the Government to target groups under the pretext that they are associated with terrorist organizations. Ethiopia has not amended or repealed either of these laws, despite recommendations by the international community.

Oromos also report experiencing ongoing prejudice. They commonly suffer from employment discrimination. Oromos who do not overtly express support for the Government are often transferred to undesirable posts or are unable to find employment at all. The Oromo frequently face limited access to food assistance and other state-distributed resources. International human rights standards prohibit these kinds of discrimination based on race and ethnicity.



Submission to the United Nations Human Rights Council
Nineteenth Session of the Working Group on the UPR (Second Cycle) (Apr-May 2014)
Ethiopia

Written statement submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
pursuant to HRC resolution 5/1 of 18 June 2007

I. BACKGROUND INFORMATION

The Advocates for Human Rights (AHR) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. AHR 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. AHR holds special consultative status with the Economic and Social Council.

AHR has worked extensively with members of the Ethiopian diaspora, both in the context of asylum and other immigration proceedings, and for purposes of documenting human rights conditions in Ethiopia. Since 2004, AHR has documented reports from members of the Oromo ethnic group living in diaspora in the United States of human rights abuses they and their friends and family experienced in Ethiopia.¹ AHR conducted over 70 interviews of Ethiopians, including Oromo and other ethnic group members: scholars; immigration attorneys; medical professionals; and other service providers working with Ethiopians in the United States. In addition, AHR monitors news and human rights reporting on events in Ethiopia.

Based on this information, AHR is gravely concerned about the continued human rights violations against the Oromo people committed by the Government of Ethiopia, as reported by Ethiopian nationals living in diaspora in the United States and by news media and human rights organizations monitoring conditions in Ethiopia. Despite credible, sustained reports of human rights abuses committed by the Ethiopian Government since coming to power in 1991, and a change in the elected prime minister in 2012, the Government of Ethiopia continues practices that violate its international human rights obligations and, in the view of many in the diaspora community, conditions have deteriorated since Ethiopia's initial UPR.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations:

1. Equality and non-discrimination

In practice, the Government of Ethiopia directly and indirectly discriminates against several disadvantaged ethnic groups, including but not limited to, the Oromo and the Amhara. This discrimination is often related to discrimination on the basis of real or perceived political opinions. Despite constituting a large portion of the Ethiopian population, the Oromo people face discrimination on the basis of ethnicity. While Ethiopia's Common Core Document contends that "[t]he Ethiopian legal system unequivocally guarantees equality before the law and the equal

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Kachin women in traditional dress

Kachin Women's Association Thailand (KWAT)

The Kachin people, a group native to north Myanmar, have suffered extensive human rights violations by the country's government. Consequently, a growing number of Kachin are escaping to Thailand. A group of women recognized growing social and economic problems in the Kachin community, and created the Kachin Women's Association Thailand (KWAT). The founders saw an "urgent need for women to organize themselves to help solve these problems both in Kachin State and in Thailand."⁶⁸⁸

KWAT uses a multi-pronged approach to address human rights violations against the Kachin. Among its service programs, KWAT works to increase awareness of human trafficking issues and provides support to trafficking victims. It has established a health program, including a clinic, in Myanmar for the Kachin people and it has a migrant worker support program in Thailand.

KWAT engages in advocacy as well. It collects data and documents human rights abuses in Myanmar through interviews of members of the diaspora community. It then incorporates that information into published reports. Recently KWAT released two publications, one on human trafficking and another on violence against civilians by the Myanmar military.⁶⁸⁹ The organization uses these reports to assist in its international advocacy by providing concrete data to support its positions—data on which policymakers can rely in their decision-making.

KWAT also contributes to reports submitted to the United Nations.⁶⁹⁰ In January 2011, KWAT coauthored a stakeholder report for the Universal Periodic Review of Myanmar. Several of KWAT's concerns—including limitations on the freedom of expression, discrimination against the Rohingya ethnic group, and the use of child soldiers—were echoed in the interactive dialogue by delegates from the governments of Canada, Indonesia, and Norway, among others.⁶⁹¹

c. 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 consistent patterns of gross human rights violations. After receiving a communication from an individual or group claiming to be a victim or having direct knowledge of a human rights violation, the Working Group on Communications assesses the admissibility and merits of the communication. That group may then pass the communication along to the Working Group on Situations, which determines whether there is a pattern of "gross and reliably attested violations of human and fundamental freedoms," considers the country's reply, and presents a report and recommendations for action to the full Human Rights Council.⁶⁹²

⁶⁸⁸ Kachin Women's Association Thailand, "About Us," accessed Jan. 14, 2014, <http://www.kachinwomen.com/about-us.html>.

⁶⁸⁹ Kachin Women's Association Thailand, "Publications," accessed Jan. 14, 2014, <http://www.kachinwomen.com/publications.html>.

⁶⁹⁰ Burma Forum on Universal Periodic Review, "Joint Submission," July 5, 2010, http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/JS3_JointSubmission3_eng.pdf.

⁶⁹¹ *Report of the Working Group on the Universal Periodic Review: Myanmar*, (May 27, 2011), UN Doc A/HRC/17/9/Add.1. Also available online at http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/A_HRC_17_9_Add.1_Myanmar_E.pdf.

⁶⁹² 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

Any group or individual who is the victim of human rights violations may submit a complaint under this procedure, as may any other group or individual with direct and reliable knowledge of such violations. The council's complaint procedure is the only universal complaint procedure covering all human rights and all fundamental freedoms in all countries.

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

Complaint Procedure Form and Format

The Human Rights Council has a Complaint Procedure form, replicated in Appendix J.

To be admissible,⁶⁹³ 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 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 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, consult

<http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>.

d. Special Procedures of the UN Human Rights Council

The United Nations has “Special Procedures” to address specific country situations and broad human rights themes. “UN Special Procedures” is a generic term designating a series of human rights protection mechanisms

Human Rights, “Human Rights Council Complaint Procedure,”

<http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>.

⁶⁹³ Office of the High Commissioner for Human Rights, “Human Rights Council Complaint Procedure,” *supra* note 692.

under the Human Rights Council. Special Procedures are made up of experts investigating thematic or country-specific international human rights issues.⁶⁹⁴



Rita Izsák, UN Independent Expert on minority issues, addresses the Human Rights Council on Human Rights Day in 2013.

Like the UPR, 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. 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.⁶⁹⁵

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).

Special Procedures mandate-holders are either an independent 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.⁶⁹⁶ 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.⁶⁹⁷ Special Procedures conduct investigations through country visits or expert consultations. They promote human rights by developing human rights standards, engaging in advocacy, conducting awareness raising, giving technical advice to states and other international bodies, 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 2008, UN Special Procedures sent more than 900 communications to 118 countries.⁶⁹⁸ Each Special Procedure reports annually to the Human Rights Council and/or the UN General Assembly.

⁶⁹⁴ Track Impunity Always, “The UN special procedures,” accessed Sept. 12, 2013, <http://www.trial-ch.org/en/resources/international-law/human-rights-and-impunity/existing-mechanisms/the-united-nations-system/the-un-special-procedures.html>.

⁶⁹⁵ Anne Bayefsky, “How To Complain About Human Rights Treaty Violations: Choosing a Forum,” § 3(j), http://www.bayefsky.com/complain/44_forum.php.

⁶⁹⁶ Amnesty International, “The ‘Job’ of a UN Special Procedure mandate-holder,” accessed Sept. 12, 2013, <http://www.amnesty.org/en/united-nations/special-procedures/the-job>.

⁶⁹⁷ Office of the United Nations High Commission for Human Rights, “Special Procedures of the Human Rights Council,” <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

⁶⁹⁸ *Ibid.*

Special Procedures work closely with non-governmental organizations, human rights institutions, and victims. Mandate-holders work on a volunteer basis; the United Nations pays for only travel and living expenses. The Office of the High Commissioner for Human Rights provides Special Procedures with some administrative and research support.

Special Procedures with Thematic Mandates	
Special Rapporteurs:	Independent Experts on:
in the field of cultural rights	the effects of foreign debt
on adequate housing as a component of the right to an adequate standard of living	human rights and international solidarity
on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
on contemporary forms of slavery, including its causes and consequences	minority issues
on extrajudicial, summary or arbitrary executions	the promotion of a democratic and equitable international order
on extreme poverty and human rights	Working Groups on:
on freedom of religion or belief	arbitrary detention
on the human right to safe drinking water and sanitation	enforced or involuntary disappearances
on the human rights of internally displaced persons	the issue of discrimination against women in law and practice
on the human rights of migrants	the issue of human rights and transnational corporations and other business enterprises
on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	people of African descent
on the independence of judges and lawyers	the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
on the promotion and protection of human rights and fundamental freedoms while countering terrorism	
on the promotion and protection of the right to freedom of opinion and expression	

Special Rapporteurs:
on the promotion of truth, justice, reparation and guarantees of non-recurrence
on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
on the right to education
on the right to food
on the rights of indigenous peoples
on the rights to freedom of peaceful assembly and of association
on the sale of children, child prostitution and child pornography
on the situation of human rights defenders
on torture and other cruel, inhuman or degrading treatment or punishment
on trafficking in persons, especially women and children
on violence against women, its causes and consequences

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

Appendix K contains a table with the contact information for each UN Special Procedure, as well as for special procedures at the regional human rights mechanisms.

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.⁶⁹⁹ 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 in September 2013.

Special Procedures: Country Visits

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 <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx>).

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 United Nations country team, academics, the diplomatic community, and the media.



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

⁶⁹⁹ 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.

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

Allegation letters

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.⁷⁰⁰ These complaints may be 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.

Allegation letters should not be based solely on media reports. To be admissible, the allegation letter 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.”⁷⁰¹

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:

www.ohchr.org/EN/HRBodies/SP/Pages/QuestionnairesforsubmittingInfo.aspx. Special Procedures will consider communications even when they are not submitted in the form of a questionnaire.

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

⁷⁰⁰ 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.

⁷⁰¹ 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>.

could relate to the release of a concerned individual from detention, or a new court judgment or a measure taken by the concerned authorities to improve the situation, for example.⁷⁰²

Special Procedures: General Guidelines for Submitting an Allegation Letter

- ✓ 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 allegation letters 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 allegation letter 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 allegation letter solely on media reports.

For more information visit: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>.

People who are interested in submitting an allegation letter should consult the website of the particular Special Procedure for further information. For example, the main website for the Special Rapporteur on adequate housing has a sidebar with information on individual complaints, which individuals and groups may submit at any time:

The screenshot shows the United Nations Human Rights website. The main header includes the UN logo and the text 'United Nations Human Rights Office of the High Commissioner for Human Rights'. Below the header is a navigation menu with links like 'Home', 'Your human rights', 'Countries', 'Human rights bodies', 'News and events', 'Human rights - New York', 'Publications and resources', and 'About us'. The main content area is titled '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'. It contains introductory text about the role of the Special Rapporteur and a section titled 'The human right to adequate housing' with a small image of a slum. On the right side, there is a sidebar titled 'In this section' with a list of links: 'Introduction', 'Overview of the mandate', 'International Standards', 'Individual Complaints', 'Annual Reports', 'Country Visits', 'Documents', 'Links', and 'Feature stories'. A red arrow points to the 'Individual Complaints' link.

Special Rapporteur on Housing: Individual Complaint information

⁷⁰² Office of the High Commissioner for Human Rights, “Special Procedures – Communications,” <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>.

The Special Rapporteur on the sale of children, child prostitution and child pornography offers a checklist of information to include in an allegation letter:

1. GENERAL INFORMATION	<ul style="list-style-type: none"> • Does the incident involve an individual or a group? • If it involves a group please state the number of people involved and the characteristics of the group: • Number of boys/adolescents: • Number of girls/adolescents: • Country(ies) in which the incident took place: • Nationality(ies) of the victim(s):
2. IDENTITY OF THE PERSONS CONCERNED	<p>Note: if more than one person is concerned, please attach relevant information on each person separately.</p> <ul style="list-style-type: none"> • Family name: • First name: • Sex: • Birth date or age: • Nationality(ies): • Ethnic background (if relevant):
3. INFORMATION REGARDING THE ALLEGED VIOLATION	<ul style="list-style-type: none"> • Date: • Place (location country/countries): • Time: • The nature of the incident (please describe the circumstances with reference to the categories listed under General Information): • Number of perpetrator(s): • Are the perpetrator(s) known to the victim? • 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, please explain why. • If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, 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, do you believe that Government authorities or persons linked to them, are responsible for the incident, why? • If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, bypassers, etc.; if there is evidence, please specify.
4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF?	<ul style="list-style-type: none"> • 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?

<p>5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM</p>	<ul style="list-style-type: none"> • 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: • Please state whether you want your identity to be kept confidential: • Date you are submitting this form: • Signature of author:
<p>http://www.ohchr.org/EN/Issues/Children/Pages/IndividualComplaints.aspx</p>	

See Appendix I to determine whether a particular special procedure has a model questionnaire or checklist for urgent appeals and allegation letters.

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.

The screenshot shows the UN Human Rights Council website page for 'Business and human rights'. The navigation bar includes links for Home, Your human rights, Countries, Human rights bodies, News and events, Human rights - New York, Publications and resources, and About us. The main content area is divided into three columns:

- Overview:** A text block explaining the process of globalization and the role of non-state actors like transnational corporations. It mentions the UN 'Protect, Respect and Remedy' Framework.
- Latest news:** A list of recent news items, including 'India: Urgent call to halt Odisha mega-steel project amid serious human rights concerns' (1 October 2013) and 'The impact of businesses on human rights in Latin American and the Caribbean - First regional debate' (26 August 2013).
- Highlights:** A list of key events, such as the 'Regional forum on business and human rights for Latin America and the Caribbean' (28-30 August 2013) and a 'Summary of discussions of the Forum on Business and Human Rights'.
- In this section:** A vertical sidebar menu with various links. A red arrow points to the 'Submissions' link at the bottom of this menu.

The Working Group for business and human rights has a separate section on its webpage for all “submissions.”

The screenshot shows the United Nations Human Rights Office of the High Commissioner for Human Rights website. The main navigation bar includes links for Home, Your human rights, Countries, Human rights bodies, News and events, Human rights - New York, Publications and resources, and About us. The page is titled "Democratic People's Republic of Korea" and contains several sections: "Useful Information" (News archives, Universal Review, Calendar of Events, Publications), "Democratic People's Republic of Korea" (Status of Ratifications, Reporting Status, Open invitation to Special Procedures, Commission on Human Rights Resolutions, Decisions and Chairperson's Statements, Voluntary Pledges and Commitments), "Contact Information" (Headquarters, Field Operations and Technical Cooperation Division, Asia Pacific Section), and "Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea" (Introduction, Call for submissions, Links). A red arrow points to the "Call for submissions" link.

The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea occasionally has a "call for submissions" on a particular topic or for a particular inquiry.

Each Special Procedure has its own approach to consulting with civil society organizations. For example, the Working Group on the issue of human rights and transnational corporations and other business enterprises has a separate "submission" page that provides basic background and further instructions.

The screenshot shows the United Nations Human Rights Office of the High Commissioner for Human Rights website. The page is titled "Submissions" and contains the following text: "As per its mandate and working methods, the Working Group can seek and receive information from all relevant sources, and welcomes information related to its mandate. Information received from relevant stakeholders will be used as appropriate by the Working Group to inform its work and strategy, to identify barriers to the effective implementation of the Guiding Principles and gaps in the protection of human rights in the context of business activities, and to inform recommendations made to States, business, and other actors, on the implementation of the Guiding Principles. It should be noted that the Working Group is not in a position to investigate individual cases of alleged business related human rights violations. Submissions are therefore welcomed at all times by the Working Group, and can be sent to the Secretariat at the address wg-business@ohchr.org and will be passed on to the Working Group. Receipt of submissions will be acknowledged, though there may be delays at times due to high volumes of information received. All information reaches the Working Group and will be taken into consideration as appropriate by members of the Working Group, as per its working methods. From time to time, the Working Group may also issue separate calls for inputs or submissions on specific subjects, and will publish such calls for inputs on this website as well as through appropriate channels. Specific calls for submissions: 4 November 2011 - "Have your say! Help a new UN body ensure respect for human rights by business". Pursuant to the above call for suggestions for the programme of the new Working Group on the issue of human rights and transnational corporations and other business enterprises, the following contributions were received:

That link leads to a webpage containing detailed information about the opportunity to contribute and the relevant deadlines:

Have your say! Help a new UN body ensure respect for human rights by business

GENEVA (4 November 2011) – A new United Nations expert body[™] charged with the promotion of respect for human rights by business of all sizes, in all sectors, and in all countries, is inviting governments, companies, trade unions, international agencies, national human rights institutions and NGOs to share their thoughts to help it establish its work programme.

The UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises will take into account proposals by all relevant actors in advance of its first session (16-20 January 2012), during which its five independent experts will determine the Group's key thematic priorities and activities. Let them know what you think at wg-business@ohchr.org. Deadline for submissions is 8 december 2011.

The new expert body started its activities this week focusing on a set of internationally accepted UN guidelines, which provide for the first time a global standard for preventing and addressing the risk of adverse human rights impacts linked to business activity. The UN Framework and Guiding Principles on business and human rights outline what States and business enterprises should do to ensure that human rights are respected by business, and to ensure access to effective remedies for those whose rights have been adversely affected by business activity.

Besides promoting and disseminating these Guiding Principles, the Working Group must ensure that they are effectively implemented by both governments and business, and that they result in improved outcomes for individuals and groups around the world whose rights have been affected by business activity. How best to achieve this complex task? Share your views at wg-business@ohchr.org.

The Working Group on Discrimination against women in Law and Practice uses an online questionnaire to solicit input on particular topics:

Call for submission: good practices in the elimination of discrimination against women in economic and social life

As indicated in its annual report (see A/HRC/20/28 paras. 32-35), the Working Group on Discrimination against Women in Law and Practice intends to address the issue of discrimination against women in law and in practice in economic and social life, in particular during time of economic crisis. The research undertaken on this topic will inform the annual report of the Working Group to the Human Rights Council in 2014 as well as the compendium of good practices.

To solicit information from a wide range of stakeholders, the Working Group has developed a questionnaire. The questionnaire is comprised of the following five sections:

- Section 1 Employment in Formal and Informal Labour Markets
- Section 2 Economic Occupations (i.e. non Employer Employee Relationships)
- Section 3 State Services and Benefits, Pensions and Poverty
- Section 4 Access to Capital Resources, Housing, Land and Family Property
- Section 5 Focus Economic Crisis

The Working Group on Discrimination against Women had invited stakeholders to contribute to its 2014 report by taking an online survey on discrimination against women in economic and social life. The web link to the survey has now closed. However, the questionnaire is still available in PDF format and replies to it are very much welcomed.

Should you wish to respond to the questionnaire, and depending on your expertise and experiences, you might want to respond to only some of the questions or some of the sections of the survey. Please see the survey's introduction for further details.

Kindly sent your responses at : wgdiscriminationwomen@ohchr.org

The Working Group thanks you very much for your time and efforts.

UN Working Group on Discrimination against Women in Law and Practice

Demographic information

1. Organization name (optional)

***2. My organization is based in**

***3. My organization works primarily at the**

- National level
- Regional level
- International level

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, allegation letters, and requests, as set forth in Appendix I.

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: +47 (0) 22 917 90 06

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:

<http://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx>

Manual of the United Nations Human Rights Special Procedures:

<http://www2.ohchr.org/english/bodies/chr/special/manual.htm>

Directory of Special Procedures Mandate Holders:

http://www.ohchr.org/Documents/HRBodies/SP/SPVisualDirectory2013_en.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

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 United Nations Economic and Social Council (ECOSOC). The CSW is “the principal global policy-making body dedicated exclusively to gender equality and advancement of women.”⁷⁰³ 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

⁷⁰³ United Nations Entity for Gender Equality and the Empowerment of Women, “Commission on the Status of Women,” <http://www.un.org/womenwatch/daw/csw/>.

women's rights.⁷⁰⁴ 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; most recently, a 2009 resolution detailed the priority themes for CSW annual sessions for 2010–14.⁷⁰⁵ Review themes are lifted directly from the priority themes of past annual sessions. The Bureau of the CSW,⁷⁰⁶ 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.”⁷⁰⁷

The annual sessions consist largely of interactive panels and roundtables on the session themes.⁷⁰⁸ 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.⁷⁰⁹ The CSW also submits an annual report to ECOSOC for adoption.⁷¹⁰ 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.⁷¹¹ The summary is available on the annual session website.

NGOs that are accredited and in good standing with the ECOSOC may attend CSW annual sessions.⁷¹² 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.”⁷¹³ Written statements are accepted “on the thematic issues considered by CSW.”⁷¹⁴ The

⁷⁰⁴ Women Watch: Department for the Advancement of Women, “Short History of the Commission on the Status of Women,” <http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf>.

⁷⁰⁵ UN Economic and Social Council Resolution 2009/15 (July 28, 2009). Also available online at <http://www.un.org/en/ecosoc/docs/2009/resolution%202009-15.pdf>.

⁷⁰⁶ United Nations Entity for Gender Equality and the Empowerment of Women, “Commission on the Status of Women,” *supra* note 703. (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.)

⁷⁰⁷ 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>.

⁷⁰⁸ United Nations Entity for Gender Equality and the Empowerment of Women, “Commission on the Status of Women,” *supra* note 703.

⁷⁰⁹ *Ibid.*

⁷¹⁰ *Ibid.*

⁷¹¹ United Nations Economic and Social Council Resolution 2006/9, *supra* note 707, ¶¶ 7, 10.

⁷¹² 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://www.un.org/webcast>; Commission on the Status of Women, “NGO Participation in the Commission for the Status of Women,” <http://www.unwomen.org/en/CSW/ngo-participation>.

⁷¹³ 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, <http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>. (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.”)

⁷¹⁴ Commission on the Status of Women, “Written and Oral Statements,” accessed Jan. 15, 2014, <http://www.unwomen.org/en/csw/ngo-participation/written-and-oral-statements>.

Secretary General circulates these written statements to members of the CSW.⁷¹⁵ 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.⁷¹⁶

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 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.

B. 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.⁷¹⁷ Presently, there are ten core international human rights treaties that have entered into force.⁷¹⁸ Each of these core treaties has a treaty monitoring body which is a legal, technical body comprised of independent human rights experts, elected on a rotational basis by State Parties, 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.⁷¹⁹ Some 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.

⁷¹⁵ UN Economic and Social Council, “Resolution 1996/31,” ¶ 36, accessed Jan. 15, 2014, <http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>. Resolution 1996/31 states that “[written] statements shall be circulated by the Secretary-General to members of the commission or other subsidiary organs.”

⁷¹⁶ Commission on the Status of Women, “Written and Oral Statements,” *supra* note 714.

⁷¹⁷ Officer of the High Commissioner for Human Rights, “A Handbook for Civil Society,” at 31, accessed July 24, 2013, [http://www.ohchr.org/EN/AboutUs/Civil Society/Documents/Handbook_en.pdf](http://www.ohchr.org/EN/AboutUs/Civil%20Society/Documents/Handbook_en.pdf).

⁷¹⁸ Officer of the High Commissioner for Human Rights, “Human Rights Treaty Bodies,” accessed July 24, 2013, <http://www2.ohchr.org/english/bodies/treaty/index.htm>.

⁷¹⁹ *Ibid.*

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 ways⁷²⁰:

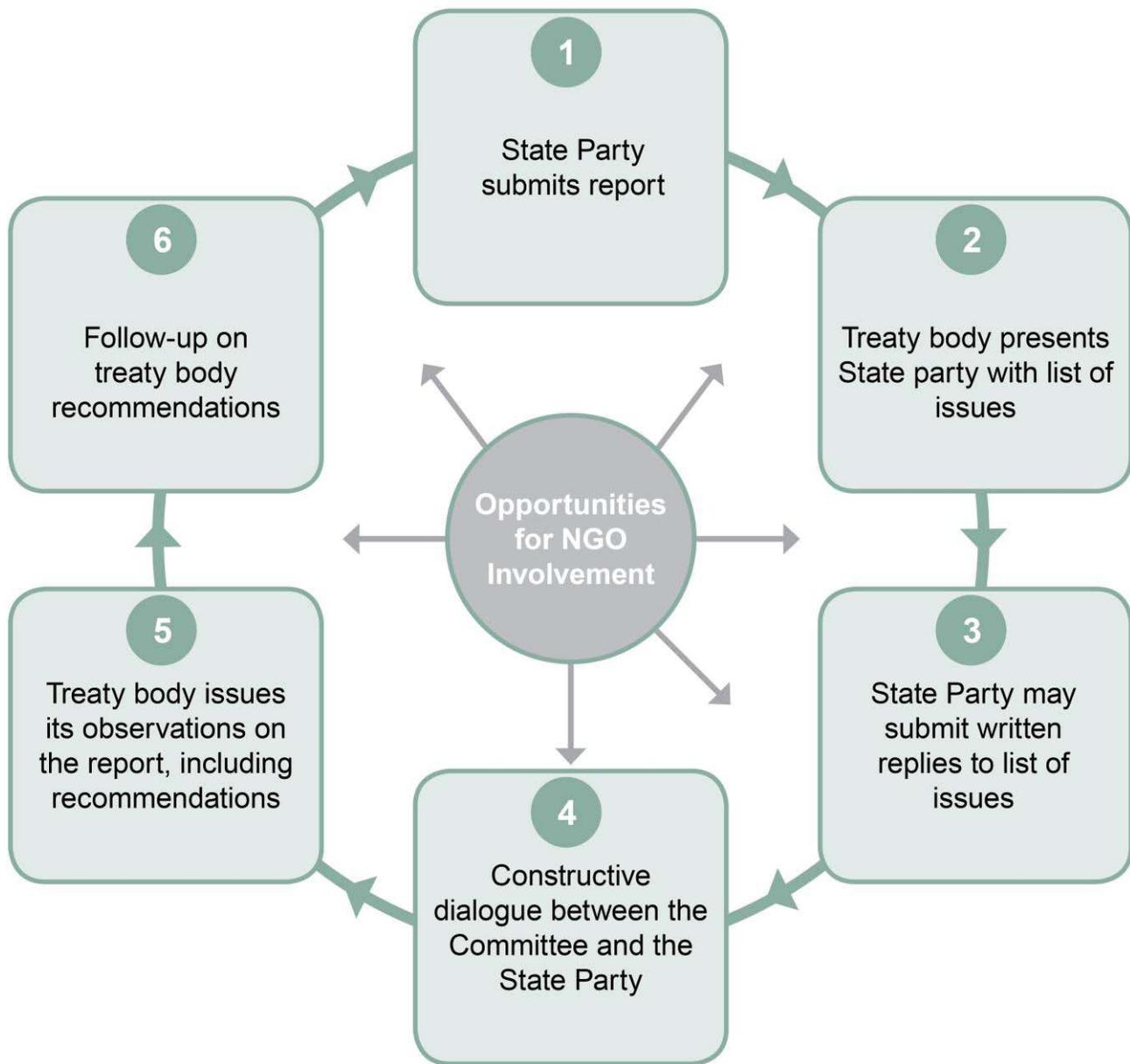
- Promote ratification of a treaty;
- Participate in the treaty body reporting process:
 - Monitor a State Party's compliance with its treaty obligations;
 - Submit shadow (or "parallel") reports as part of the State reporting process;
 - Participate in treaty body sessions;
 - Follow up on a treaty 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 in a country. The reporting process consists of multiple stages, many of which provide opportunities for civil society engagement.

⁷²⁰ Officer of the High Commissioner for Human Rights, "A Handbook for Civil Society," *supra* note 717, at 33.

Treaty Monitoring Bodies Reporting Cycle



Adapted from Faculty of Law at the University of New South Wales, *Guide to Parallel Reporting: Diplomacy Training Program* (2011), 2, <http://www.ohchr.org/SiteCollectionImages/Bodies/ReportingCycle.gif>.

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.⁷²¹

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 do not have a formal response requirement. 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. In addition, the Committee Against Torture and the Human Rights Committee have an optional reporting procedure that allows State Parties to submit a written response to the LOI instead of submitting a periodic State report. This procedure encourages States to use the List of Issues as a guide for meeting reporting obligations by producing more focused submissions.

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.
- 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;

⁷²¹ International Service for Human Rights (ISHR), *Simple Guide to UN Treaty Bodies*, (2010), 19, <http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf>.

- 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.

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 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).
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.
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 LOI Prior to Reporting. Some treaty bodies have offered States the option of participating in a new procedure. Before the State Party submits its report, the treaty body compiles a List of Issues, and the State Party submits a written response. For State Parties that elect to use this new procedure, civil society organizations engage in LOI reporting before the State Party submits its report. For State Parties that elect to use this "LOI Prior to Reporting" procedure, civil society organizations do not have the opportunity to submit a second LOI report after the State Party submits its periodic report. Instead, these groups 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. 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. NGOs can also individually or jointly organize informal briefings with committee members on issues and countries that will be discussed during an upcoming treaty body session. NGOs can also plan informal meetings with 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.

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.

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."
<http://www2.ohchr.org/english/bodies/icm-mc/docs/10th/HRI.ICM.2009.6.pdf>

Indigenous Colombian Women Submit Shadow Report to CEDAW Committee

In 2013, several organizations representing indigenous people, including the National Indigenous Organization of Colombia and the Women, Family and Children's process of the Organization of Indigenous Peoples of the Colombian Amazon, brought together a group of Colombian indigenous women to prepare a shadow report for the fall 2013 session of Committee on the Elimination of Discrimination against Women. The report, *A Look at the Human Rights of Indigenous Women in Colombia*, describes the discrimination indigenous Colombian women face and offers specific recommendations that the committee could make to the Colombian Government.⁷²²

After the review, the CEDAW Committee noted with appreciation that the Government of Colombia had passed several legal reforms supporting women's rights.⁷²³ The committee expressed concern, however, about the poor implementation of these laws. The committee also noted with concern the issue of stereotypes that the indigenous Colombian



⁷²² Forest Peoples Programme, *Colombian Indigenous Women Inform the CEDAW of the Multiple Forms of Discrimination they Face*, (Bogota, Colombia: CEDAW, Aug. 2013). Available online at <http://www.forestpeoples.org/topics/un-human-rights-system/news/2013/10/colombian-indigenous-women-inform-committee-elimination-d>.

⁷²³ Forest Peoples Programme, *A Look at the Human Rights of Indigenous Women in Colombia*, (Bogota, Colombia, Aug. 2013), <http://www.forestpeoples.org/sites/fpp/files/news/2013/10/REPORT%20CEDAW%20INDIGENOUS%20WOMEN%20IN%20COLOMBIA.pdf>

women had raised: “the State party has not taken sufficient sustained and systematic action to eliminate stereotypes, in particular those against indigenous and Afro-Colombian women.”⁷²⁴ In its recommendations, the Committee suggested that Colombia develop a comprehensive strategy to overcome gender-based stereotypes through the cooperation of civil society organizations, “with a view to enhancing a positive . . . portrayal of Afro Colombian and indigenous women.”⁷²⁵

Another issue raised by the group of indigenous women was that of a lack of an adequate response by the two justice systems, indigenous and formal. The committee noted that there was a poor response by both systems as well as a “persistence of barriers to their [the women’s] effective access to formal justice.”⁷²⁶ The committee recommended that Colombia establish measures to give indigenous women access to justice in both the indigenous and formal legal mechanisms.⁷²⁷

Resources for Advocacy with UN Treaty Bodies

A Guide to International Human Rights Mechanisms

http://www.theadvocatesforhumanrights.org/international_human_rights_mechanisms_2.html

A basic tool for international human rights advocacy with the UN and regional 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

<http://tb.ohchr.org/default.aspx>

This database allows users to search for any official UN treaty body documents.

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.

⁷²⁴ OHCHR, “CEDAW: Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Colombia,” accessed Jan. 22, 2014, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/535/21/PDF/N1353521.pdf?OpenElement>, ¶ 13.

⁷²⁵ *Ibid.*, ¶ 14.

⁷²⁶ *Ibid.*, ¶ 33.

⁷²⁷ *Ibid.*, ¶ 34.

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 2012, for example, the discussion focused on the rights of all children in the context of international migration. In 2014, the topic will be “Media, Social Networks and the Rights of the Child.” The 2016 topic will be “Access to Justice and Effective Remedies to Child Rights Violations.”⁷²⁸ The Committee on Economic, Social and Cultural Rights,⁷²⁹ the Committee on the Elimination of Racial Discrimination,⁷³⁰ the Committee on the Elimination of Discrimination Against Women,⁷³¹ and the Committee on Migrant Workers⁷³² 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.⁷³³

iv. Individual Communications / Complaints

Seven 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 more detailed description, see Appendix N, OHCHR’s Fact Sheet on CEDAW communications.

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, 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.

⁷²⁸ Committee on the Rights of the Child, *Next Days of General Discussion*, accessed Jan. 17, 2014, <http://www.ohchr.org/EN/HRBodies/CRC/Pages/DiscussionDays.aspx>.

⁷²⁹ Committee on Economic, Social and Cultural Rights, *General Discussion Days*, accessed Nov. 7, 2013, <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/DiscussionDays.aspx>.

⁷³⁰ Committee on the Elimination of Racial Discrimination, *Thematic Discussions*, accessed Nov. 7, 2013, <http://www.ohchr.org/EN/HRBodies/CERD/Pages/Discussions.aspx>.

⁷³¹ Committee on the Elimination of Discrimination Against Women, *General Discussion on Rural Women*, Oct. 7, 2013, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/RuralWomen.aspx>.

⁷³² Committee on Migrant Workers, *General Discussion Days*, accessed Nov. 7, 2013, <http://www.ohchr.org/EN/HRBodies/CMW/Pages/DiscussionDays.aspx>.

⁷³³ 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*, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GConArticle9.aspx>.

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 enters 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 Hungary

In 2003, A.T., a victim of domestic violence, filed an individual communication with the CEDAW Committee against her country, Hungary, for not protecting her from severe violence and abuse at the hands of her common law husband. A.T. alleged that her husband was violent and physically abusive, threatened sexual abuse, and refused to pay child support. She provided supporting medical certificates corroborating her allegations. A.T.'s communication was the first case the Committee heard on domestic violence. The Committee found that Hungary's inaction violated A.T.'s human rights under CEDAW.

A.T.'s husband had successfully sued in a Hungarian court for the right to access the family apartment, which they jointly owned, arguing that no abuse was substantiated and that the court could not restrict his property

rights. Protection orders were not available, so A.T. sought relief from civil courts, criminal courts, and child protection authorities, all to no avail. Having exhausted in-country options for relief, she sought recourse by filing an individual communication with the CEDAW Committee.

After the CEDAW Committee found in favor of A.T. and issued its recommendations, Hungary submitted its response in writing. Hungary maintained that the Governmental Office of Equal Opportunities had made contact with A.T., provided her with legal counsel, and arranged for appropriate housing for her family. Further, Hungary noted that its legislature was working on several measures to protect victims of domestic violence.

In 2004, A.T. and two Hungarian NGOs submitted a “shadow letter” to the CEDAW Committee responding to Hungary’s position. The letter contained two parts: first, A.T.’s personal reflections on Hungary’s response; and second, the NGOs’ review of the measures the Hungarian Government had taken. A.T. explained that Hungary’s response was misleading at best, that she had been offered only temporary housing, that she had not been provided with counsel, and that the government had never discussed the possibility that she could receive compensation for the violation of her rights. The NGOs explained that Hungary’s response did not reflect the substance or the spirit of the CEDAW Convention. Hungary’s response, the NGOs pointed out, had not even mentioned “domestic violence,” had referenced general laws that did not address domestic violence, and had discussed remedies that are not regularly available to victims of domestic violence.⁷³⁴

The Hungarian Government subsequently confirmed much of what the NGOs said in the shadow letter, admitting that most of the domestic violence legislation had not moved forward or had not been implemented and that the legal system was not prepared to provide appropriate support to victims of domestic violence. The CEDAW Committee in 2005 reiterated its earlier recommendations, finding that Hungary should “Respect, protect, promote and fulfill women’s human rights, including their right to be free from all forms of domestic violence, including intimidation and threats of violence, . . . provide victims of domestic violence with safe and prompt access to justice, including free legal aid where necessary, in order to ensure them available, effective and sufficient remedies and rehabilitation . . . [and] [p]rovide offenders with rehabilitation programmes and programmes on non-violent conflict resolution methods.”⁷³⁵

v. Request for Inquiry

The Committee Against Torture and the CEDAW Committee allow individuals to request an inquiry into particular treaty violations. Countries that have ratified the Convention against Torture and Cruel, Inhuman and Degrading Treatment or Punishment are subject to its inquiry procedure unless they opt out under Article 28 of the Convention. Countries that have ratified the optional protocol to the Convention on the Elimination of all forms of Discrimination Against Women are subject to the CEDAW inquiry procedure unless they opt out under Article 10 of the optional protocol.

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 systematically practised in the territory of a State Party.”⁷³⁶ Article 8 of the optional protocol to CEDAW allows for

⁷³⁴ Shadow letter to CEDAW, at 7, on file with The Advocates for Human Rights.

⁷³⁵ *Views of the Committee on the Elimination of Discrimination Against Women Under Article 7, paragraph 3, of the Optional Protocol to the Convention Committee on the Elimination of Discrimination Against Women*, CEDAW/C/36/D/2/2003, Jan. 26, 2005, http://www2.ohchr.org/english/law/docs/Case2_2003.pdf.

⁷³⁶ UN General Assembly, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984, Art. 20(1), (5).

confidential inquiries into “grave or systematic violations by a State Party of rights set forth in the [CEDAW] Convention.”⁷³⁷

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,”⁷³⁸ 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.”⁷³⁹ 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.⁷⁴⁰ The Committee then examines the findings of the inquiry and transmits them to the State Party, along with comments and recommendations.⁷⁴¹ The State Party then has six months to submit its own observations to the Committee.⁷⁴² At all stages of the inquiry process, the Committee seeks the cooperation of the State Party.⁷⁴³ The procedures are similar for an Article 20 inquiry under the Convention Against Torture.⁷⁴⁴ Rules 76-91 of the Rules of Procedure for the Optional Protocol to CEDAW apply to Article 8 inquiries.⁷⁴⁵

OPCEDAW 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.”⁷⁴⁶

For further information, consult A Primer on the Inquiry Procedure Under the OP CEDAW, available at http://cedaw-seasia.org/docs/Primer_on_Inquiry_Procedure_EnGenderRights.pdf, and How To Complain About Human Rights Treaty Violations: The Investigative Mechanisms, Bayefsky.com, available at http://www.bayefsky.com/complain/46_investigations.php.

Equality Now and Casa Amiga Initiate Article 8 Inquiry Under CEDAW

In October 2002, two civil society organizations, Equality Now and Casa Amiga, submitted a letter to the CEDAW Committee requesting an inquiry under Article 8 into the abduction, rape, and murder of women in

⁷³⁷ Convention on the Elimination of Discrimination Against Women, Optional Protocol, 1999, Art. 8(1), (5).

⁷³⁸ 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>.

⁷³⁹ *Ibid.* Rule 83(3).

⁷⁴⁰ Convention on the Elimination of All Forms of Discrimination Against Women, Optional Protocol, 1999, *supra* note 737, Art. 8(2).

⁷⁴¹ *Ibid.* Art. 8(3).

⁷⁴² *Ibid.* Art. 8(4).

⁷⁴³ *Ibid.* Art. 8(5).

⁷⁴⁴ UN General Assembly, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, *supra* note 736, Art. 20.

⁷⁴⁵ 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 738.

⁷⁴⁶ 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>.

Ciudad Juarez, Mexico. Equality Now works to advance the human rights of women and girls around the world. Founded in 1992, the civil society organization is based in the United States and collaborates with other grassroots organizations to document violence and discrimination and to mobilize international action.⁷⁴⁷ Casa Amiga Crisis Center is a Mexican NGO working to create a culture free of violence and striving to protect the rights and physical and emotional well-being of women and children. Casa Amiga was founded in 1998 as part of the growing activism against the femicides in Ciudad Juarez.⁷⁴⁸ On June 3, 2003, Casa Amiga and Equality Now, along with the Mexican Committee for the Defence and Promotion of Human Rights, provided the Committee with additional information on new murders, ongoing impunity, and growing frustration about violence against women in Ciudad Juarez.⁷⁴⁹ Three hundred other civil society organizations joined their campaign, which highlighted Mexican authorities' failure to seriously respond to these abuses and their complicity in protecting perpetrators and obstructing the justice process.⁷⁵⁰



Crosses erected where the bodies of eight murdered women were found outside the city of Juarez in 1996

In July 2003, the Committee examined the information submitted by the Mexican Government as well as by

⁷⁴⁷ Equality Now, "About Us," accessed Nov. 14, 2013, <http://www.equalitynow.org/about-us>.

⁷⁴⁸ Casa Amiga, "Quiénes Somos," accessed Nov. 12, 2013, <http://www.casa-amiga.org.mx/index.php/Contenido/quienes-somos.html>.

⁷⁴⁹ Committee on the Elimination of Discrimination against Women, *Report on Mexico produced by the Committee on the Elimination of Discrimination Against Women Under Article 8 of the Optional Protocol to the Convention, and Reply from the Government of Mexico*, Jan. 27, 2005, <http://www.un.org/womenwatch/daw/cedaw/cedaw32/CEDAW-C-2005-OP.8-MEXICO-E.pdf>.

⁷⁵⁰ Ibid.

Casa Amiga, Equality Now, and the Mexican Committee for the Defence and Promotion of Human Rights. The Mexican government accepted the Committee's request for a country visit, and two human rights experts visited Mexico in October 2003.⁷⁵¹ The experts met with representatives of many civil society organizations and state agencies.

In January 2005, the Committee published its report, which concluded that the Mexican Government had committed grave violations of human rights.⁷⁵² The report detailed the inadequacies of the authorities' response to the violence against women. These inadequacies included errors and irregularities such as obstruction of investigations, falsification and disappearance of evidence, delays in searches, irregularities in procedure, harassment of relatives and other activists, torture of witnesses and suspects by State officials, as well as a tendency of authorities to downplay the severity of these violations. The report concluded that the Mexican State had violated CEDAW Articles 1, 2, 3, 5, 6, and 15.⁷⁵³

The Committee recommended that Mexico take all appropriate measures to eliminate discrimination against women. To this end, the Committee recommended capacity-building measures such as strengthening coordination between authorities at the federal, state, and municipal level as well as strengthening cooperation between government authorities and civil society organizations. The Committee also recommended that all aspects of investigations incorporate a gender perspective. The Committee further recommended that the Government of Mexico to punish negligence and complicity on the part of public authorities, establish early warning and emergency mechanisms, provide gender training to all public officials on violence against women, establish a national register of murdered and abducted women, and organize awareness-raising campaigns with civil society.

In 2007, the Mexican Government acted upon the Committee's recommendations and passed the Mexican General Law on Women's Access to a Life Free from Violence (GLAWLFV). The law requires federal and local authorities to prevent, punish, and eradicate violence against women, giving specific responsibilities to municipal, state, and federal authorities such as victim assistance and access to government-run shelters. Notably, the law defines three types of protection orders: emergency, preventative and



A 2007 protest by victims' families to call for the perpetrators to be held accountable

⁷⁵¹ Ibid.

⁷⁵² Ibid.

⁷⁵³ Ibid.

civil. Emergency and preventative protection orders must be issued within 24 hours. Emergency orders allow authorities to intervene by removing aggressors from the home and prohibiting them from being present in the victim's workplace or home. Preventative orders allow authorities to seize the aggressor's firearms and to offer aggressor treatment services. The law has received mixed reviews. Some civil society organizations regard it as a "breakthrough," as federal governments finally see violence against women as a priority issue. Other civil society actors recognize implementation challenges, including the need for more funding and the lack of sufficient infrastructure, such as shelters.⁷⁵⁴

In August 2008, Amnesty International released a report detailing how women in Mexico continue to be let down by the failures in the country's justice system. The report noted that many Mexican counties have approved similar legislation, which is a positive first step, the law is not yet properly funded and enforced, and the lives of many women are still at risk.⁷⁵⁵ In January 2009, Amnesty released a second report concluding that, two years on, the "law had no impact in the majority of Mexico's 32 states."⁷⁵⁶ The report cited the Mexican Government's lack of effectiveness in preventing and punishing violence against women. For instance, as of early 2009, only 5 out of 30 counties in one state had established an implementation mechanism, only 20 had agency coordination mechanisms, and state authorities had built only two new shelters. (Amnesty observed in total only 60 shelters in Mexico, including those run by civil society organizations.)

By the end of 2009, all 32 states had adopted GLAWLFV.⁷⁵⁷ In July 2012, Observatorio Ciudadano Nacional del Femicidio (OCNF - National Citizens' Observatory on Femicide) presented a report to the CEDAW Committee. OCNF is a coalition of 43 Mexican human rights organizations seeking to strengthen access to justice to women victims of gender-based violence, femicide, and discrimination. It engages in research and advocacy, including monitoring, gathering, and analyzing evidence on the inadequacies of the justice system. This report concluded that despite the new legal framework of the GLAWLFV, more than five years after its adoption, the Mexican Government had failed to implement and enforce the law and had not significantly improved or guaranteed the protection of women against violence.⁷⁵⁸

The Campaign to Restore National Housing Rights: Using the United Nations' Special Procedures to Advocate for Change

The UN Special Rapporteur on the Right to Adequate Housing, Raquel Rolnik, made an official visit to the United States between October 23 and November 6, 2009. The Special Rapporteur is appointed by the UN Human Rights Council under Special Procedures to examine and report back on the housing situation of a given country. The first official mission to the United States by a UN Special Rapporteur on Housing, this visit focused primarily on gathering information about concerns around public housing and Section 8 (social housing),

⁷⁵⁴ Immigration and Refugee Board of Canada, *Mexico: The New federal Law to Combat Violence Against Women (2007)*, June 7, 2007, <http://www.refworld.org/docid/469cd68d8.html>.

⁷⁵⁵ Amnesty International, *Women in Mexico Let Down by Failures in Justice System*, <http://www.amnesty.org/en/news-and-updates/report/women-mexico-let-down-failures-justice-system-20080801>.

⁷⁵⁶ *Ibid.*; Press Release, Amnesty International, Mexico: Two years on: The Law to Protect Women has had no Impact at State Level (Jan. 29, 2009). Also available online at <https://www.amnesty.org/en/for-media/press-releases/mexico-two-years-law-protect-women-has-had-no-impact-state-level-2009012>.

⁷⁵⁷ CEDAW2014.org, *Frequently Asked Questions: What Success Has CEDAW Had in Other Countries?*, accessed Nov. 18, 2013, <http://www.cedaw2011.org/index.php/about-cedaw/faq>.

⁷⁵⁸ Católicas por el Derecho a Decidir (CDD) and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), "Femicide and Impunity in Mexico: A context of structural and generalized violence," (Report presented before the Committee on the Elimination of all forms of Discrimination Against Women). Also available online at http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CDDandCMDPDH_forthesession_Mexico_CEDAW52.pdf.

homelessness, and the foreclosure crisis.

The National Economic and Social Rights Initiative (NESRI) and the National Law Center on Homelessness and Poverty (NLCHP) coordinated the Special Rapporteur's visit. The Campaign to Restore National Housing Rights, a national coalition of housing rights organizations and community groups, worked in partnership with NESRI to organize city visits and collaborate nationally, which included site visits, town halls, and the participation of over 70 community-based organizations in five cities across the country, as well as Pine Ridge Indian Reservation in South Dakota. NESRI also presented an overview of the issues in a 42-page Primer for the United Nations Special Rapporteur on Adequate Housing Official Visit to the United States. NLCHP facilitated a meeting in Washington, D.C. with federal officials, including individuals from the Obama administration and members of Congress, and collected testimony (both written and video) from communities the Special Rapporteur was unable to visit.

The Special Rapporteur's visit to the U.S. received widespread media coverage, including an article in the *New York Times*, which helped draw attention to the issues of housing and homelessness. The Special Rapporteur's report of her findings, released in March 2010, reflected many of the concerns of the organizations who presented information to the Special Rapporteur. Organizations continue to build upon the momentum provided by the Special Rapporteur's U.S. visit. For example, one year after the Rapporteur's visit, the Campaign to Restore National Housing Rights published its own report, *Our Voices Must Be Heard: A Grassroots Report on the U.S. Mission of the UN Special Rapporteur on Adequate Housing*.⁷⁵⁹



Special Rapporteur on Housing,
Raquel Rolnik

⁷⁵⁹ Compiled from: Movement Blog for the Campaign to Restore National Housing Rights, <http://restorehousingrights.org>; Special Rapporteur on the Right to Adequate Housing Visit 2009, National Law Center on Homelessness and Poverty, <http://wiki.nlchp.org/display/Manual/Special+Rapporteur+on+the+Right+to+Adequate+Housing+Visit+2009>; UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING VISITS U.S., National Economic and Social Rights Initiative, http://www.nesri.org/programs/housing_rapporteur_visit.html.

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