
Strengthening Engagement with the International Human Rights Machinery

A Practitioner's Guide

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Preface

This Guide is written for the development practitioner - in particular the non-human rights expert. It aims to provide an overview on how to strengthen engagement with the international human rights machinery, specifically with UN Treaty Bodies and UN Special Procedures. The guide was developed in response to calls from development practitioners for practical guidance in this area, following an online e-discussion held on the UN Human Rights Policy Network- HuriTalk - in 2007. The information provided in the Guide is based upon the views and experiences that UN practitioners shared in the course of the e-discussion.

The 7 week e-discussion on “How to Strengthen Engagement with the International Human Rights Machinery” focused on two of the main pillars of the international human rights machinery: Treaty Bodies and Special Procedures. Participants in the e-discussion explored how development actors (primarily, practitioners from UN agencies and UNCTs) could benefit from the work of the human rights machinery for country programming and development activities. They also looked at how they could better support national actors to engage with these mechanisms. Participants from various UN agencies, countries and regions took part in the discussion.

The examples and case studies shared during the course of the e-discussion illustrate the importance of these mechanisms as tools for addressing national development challenges. They also illustrate a number of practical strategies for translating this framework into concrete action at the national level. These examples, suggestions and insights form the basis of this practitioner’s guide.

For UN staff members wishing to review in detail the structure of the UN human rights bodies and mechanisms, the UN Office of the High Commissioner for Human Rights (OHCHR) has created a handbook that is available for download on the following website: <http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>.

Are you unsure whether or not this information is relevant to the work you are doing in your country? Click on <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx> and find your country’s webpage, including information on which treaties your country has (or hasn’t) signed and ratified, its reporting status, as well as the most recent Treaty Body and Special Procedures visits, reports and observations/recommendations to your government. You may find that many of the issues addressed are similar to your work and programming activities, including CCA/UNDAF. You may also find some new areas to consider.

Introduction to Strengthening Engagement

In the 2005 World Summit, the UN member states in the General Assembly reaffirmed their commitment to “actively protecting and promoting all human rights” and to supporting “the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the High Commissioner for Human Rights and all relevant United Nations bodies.” This commitment requires increasing interaction and strengthened engagement with the existing international human rights machinery.

The term *human rights machinery* in this guide is used to refer to the UN Treaty Bodies and Special Procedures, both of which are supported by the OHCHR.

UN Treaty Bodies are committees of independent experts nominated and elected to monitor implementation of the core international human rights treaties (see section below). Each Committee is linked to the human rights treaty that created them (for example, the Committee on the Rights of the Child was created by the Convention on the Rights of the Child).

UN Special Procedures refers to mechanisms of the Human Rights Council, which are mandated to investigate particular country situations or thematic human rights issues. Special Procedures can be either individuals (called “Special Rapporteurs”, “Special Representatives” or “Independent Experts”) or a working group composed of five members who are leading experts in a particular area of human rights. Special Procedures mandate holders are independent; they do not represent any particular country or region and are not UN staff members.

Strengthening Engagement means ensuring that UN practitioners and UN country teams (UNCTs) understand the role they can play in supporting Treaty Bodies and Special Procedures and vice versa, understanding the relevance of these mechanisms to their own work, and knowing how to use these mechanisms to further human rights and development goals at the national level. This guide provides practical ways to interact with both UN Treaty Bodies and UN Special Procedures.

The guide is divided into two parts: the first deals with UN Treaty Bodies and the second with UN Special Procedures. Each part provides a summary of the mechanism’s activities and how you can best engage directly in that work, with case studies to illustrate examples of *strengthening engagement* . In addition, a practitioner’s checklist and useful weblinks are provided at the end of each section.

UN Treaty Bodies:

What do they do? How are they relevant to my work?

UN Treaty Bodies are committees of independent experts that monitor implementation of the seven international human rights treaties. Each human rights treaty creates its own Treaty Body or monitoring committee. Initially, a country might demonstrate consent or political will by signing a treaty. Once a treaty has been incorporated into national laws (or *ratified*), that country is legally bound by the terms of the treaty and also agrees to be monitored by the committee overseeing that particular treaty. This gives the committee or Treaty Body *legal authority* to monitor a country's performance of its treaty-related obligations. Four of the committees can, under certain conditions, receive communications from individuals who claim that their rights under the treaties have been violated. The committees can, if appropriate, also impose penalties on and seek restitution from a violating government.

The OHCHR in Geneva is responsible for supporting the work of the Treaty Bodies.

Figure 1: Core International Human Rights Treaties and their Committees

Treaty	Since	States ¹	Monitoring Body
International Covenant on Civil and Political Rights (ICCPR)	1976	161	Human Rights Committee**
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1976	157	Committee on Economic, Social and Cultural Rights
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1969	173	Committee on the Elimination of Racial Discrimination**
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1981	185	Committee on the Elimination of Discrimination against Women**
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1987	145	Committee against Torture**
Convention on the Rights of the Child (CRC)	1990	193	Committee on the Rights of the Child
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	2003	37	Committee on Migrant Workers
Convention on the Rights of Persons with Disabilities	NIF*	17	To come post entry into force
International Convention for the Protection of All Persons from Enforced Disappearance	NIF*	3	To come post entry into force

* Not in force ("NIF"); open for signature and will enter into force after the 20th ratification.

** Can receive individual complaints/communications. See <http://www2.ohchr.org/english/bodies/petitions/index.htm>.

You should know that before signing a treaty, countries can enter reservations to particular provisions within the treaty, e.g. a government can exclude certain portions of the treaty if they conflict with that country's religious law or customs. All reservations must be announced at the

¹ Ratifications as of April 2008, see: <http://www2.ohchr.org/english/bodies/ratification/>.

time of signing or ratification – a state cannot add a reservation after it has already joined a treaty. However, any reservations entered must not be incompatible with the fundamental object and purpose of the treaty, and the Treaty Body can give its opinion on whether or not it agrees with a specific reservation. For practitioners, it is important to understand what reservations, if any, a country has made and why. In theory, any reservations made should be temporary, and parties to a treaty should work to bring domestic law closer to the treaty's standards over time. Practitioners can cooperate with governments in ensuring that work is completed to withdraw any reservations that were originally made to a treaty.

How is the Treaty Body System Relevant to Practitioners & UNCTs?

The core international human rights treaties and the work of the Treaty Bodies have far-reaching implications for many aspects of a government's programmes, policies, planning and goals. Practitioners can gain valuable information from reading existing Treaty Body material and from direct participation in Treaty Body activities. Three principle areas of engagement are:

1. Knowing the content of human rights treaties;
2. Reading the Treaty Bodies' recommendations & general comments;
3. Participating directly in Treaty Body reporting process.

1. Human Rights Treaties: what are the benefits of knowing about them?: By signing and ratifying a human rights treaty, States take on a legal obligation to respect, protect and fulfill the rights contained in that treaty. In-country practitioners and UNCTs should know which treaties their government has signed and ratified. Ratified treaties are legal commitments that the government has undertaken. Once a country has ratified a treaty it also assumes the obligation to submit an initial and periodic reports to that Treaty Body detailing the measures it has taken to ensure the enjoyment by all citizens of the rights provided in that treaty.

Practitioners can easily look up which treaties have been signed and ratified by their country, or by the governments of neighboring countries through the OHCHR website. Information is also available on when countries are scheduled to submit a report or are scheduled to be considered (reviewed) by a treaty body.

How is this information useful for local practitioners and UNCTs?

- a. You will know exactly what legally-binding commitments your government has undertaken and will be able to identify potential areas for cooperation or coordination with government and other stakeholders, including civil society, in order to support government in fulfilling its treaty obligations;

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- b. You will know which treaties still need to be ratified by your government and accordingly, where you could focus relevant advocacy efforts;
 - c. Depending on the status of international law in your country, you can assist the government in either reviewing existing legislation, or drafting and adopting legislation which conforms with international human rights standards;
 - d. You can use the standards enshrined in the treaties as a reference source and tool for programming, including setting priorities in the CCA/UNDAF;
 - e. You can help the population understand their rights by raising public awareness on human rights including through:
 - summarising or translating treaties, or the rights contained therein, into local languages;
 - organizing educational and training activities on human rights among different groups of the population, especially the disadvantaged (youth, women, elderly, minorities, etc.);
 - working with the media to disseminate human rights-related information;
 - providing training and education on human rights for public authorities, such as judicial bodies and the police, so that they are better able to respect, protect and fulfill their obligations to all citizens.
2. Treaty Body General Comments: *what are the benefits of reading them?*: Through their General Comments, Treaty Bodies clarify the content of and provide additional information relating to specific rights and the main corresponding State obligations (for example, General Comment 12 on the right to food elaborates on what the State has to do to ensure the right to food. Similarly, General Comment 13 on the right to education details actions the State must take in ensuring education for its people). General Comments provide guidelines for States regarding the interpretation of specific aspects of a right and scope of a treaty. General Comments also may outline actions which would be considered potential violations of rights and offer advice to State Parties on how best to comply with their obligations under the treaties.

It is useful to check the General Comments that have been issued so far by Treaty Bodies (see links in *Useful Links*). You may find that these emphasise certain areas either not addressed or addressed inadequately in governmental/UN programmes. As a result, there may be specific areas of programming that could be further developed to help ensure that a specific right is realized.

How is this information useful to local practitioners and UNCTs?

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- a. You can use a General Comment as an evaluation tool for assessing national governmental programmes and your own programmes. General Comments can also help you define standards and goals for monitoring and measuring implementation (outputs and outcomes);
 - b. If aspects of a General Comment match up with your own programming, this is an excellent “stamp of approval”;
 - c. There may be aspects of a right that you had not considered, and which you might want to include into your programming in the future; recommendations from General Comments provide useful guidance in this respect;
 - d. General Comments can be useful to guide advocacy efforts vis-à-vis your government and to support and promote governmental accountability.

Case Study – UNDP Rwanda - Engaging in Treaty Content

UNDP Rwanda - Building Capacity to Meet Treaty Body Obligations

Although Rwanda is a party to the major international human rights treaties, many of its Treaty Body reports are significantly overdue. One of the reasons for this delay is uncertainty within the government as to which ministries are responsible for reporting to which Treaty Bodies. Nevertheless, Rwanda successfully reported to the CRC in 2003, in large part due to UNICEF’s active support in providing technical support to the ministry of Gender and Family Promotion. Active consultation with all stakeholders in Rwanda (government institutions, local and international NGOs, etc.) enabled the gathering of the necessary information to write the CRC report.

UNDP Rwanda is building on the experience gained during the CRC reporting process to encourage the government to establish closer links with the other human rights treaty bodies. Together with other UN agencies and NGOs, it is raising awareness on reporting requirements and responsibilities within the relevant government departments, including the Ministries of Gender, of Justice, of Foreign Affairs, of Education and of Youth, as well as the Rwandan National Human Rights Commission (HRC). In December 2006, UNDP Rwanda conducted a training session for government officials to develop their reporting capabilities. In collaboration with the UNCT and with support of the Action 2 Global Programme (see <http://www.un.org/events/action2/>), UNDP Rwanda is also working with the HRC to assist the government in preparing overdue reports. A committee made up of representatives from CSO, the HRC and all the relevant ministries will conduct joint training sessions.

In addition to its work with the government, UNDP Rwanda supports (financially and through ongoing consultation) the creation of a coordination framework for human rights: a forum for dialogue and exchange of information to improve the relation between the HRC and CSOs. This framework allows development partners to engage in dialogue and develop capacities in human rights promotion, and implementation as well as in the preparation of “informal reports”.

At the end of May 2007, the High Commissioner for Human Rights Louise Arbour visited Rwanda and met with President Paul Kagame, the Ministers of Justice and Foreign Affairs, the HRC, CSO representatives and the UNCT. Ms. Arbour welcomed the initiatives taken in the country (including the initiative to abolish the death penalty and to ratify the Convention Against Torture) and highlighted the importance of the commitment of the UNCT and various national stakeholders in the remarkable efforts underway in Rwanda. The Commissioner’s visit supported the UNCT’s commitment to the Treaty Bodies and the OHCHR.

3. Treaty Body Reporting: what are the benefits of participating directly?: Treaty Bodies are looking for gaps between a government’s human rights treaty obligations and the actual situation experienced by people in that country’s jurisdiction. Sources of information for Treaty Bodies include the government’s official report (State party report) and other information or independent reports from non-government stakeholders (civil society, press, NGOs, national human rights institutions, UN Agencies / Programmes / Funds, etc.). Once Treaty Bodies have received the report(s), they begin a dialogue with the State that results in “Concluding Observations,” where the Treaty Body makes recommendations to the State for future action.

Practitioners can access more information on the work of Treaty Bodies as well as country reports, reporting due dates and Concluding Observations (see links in *Useful Links*).

How is this information useful to local practitioners and UNCTs?

- a. Knowing when your country is due to report is a good starting point for:
 - i. communicating with the government ministry in charge of reporting and supporting them in the reporting process through training and other means;
 - ii. encouraging the submission of overdue reports;
 - iii. encouraging non-government stakeholders to participate in the Treaty Body reporting process, for example, by building awareness and providing training and guidance on the reporting process, highlighting entry points for civil society input, and providing an opportunity for dialogue between NGOs on the drafting of additional or independent reports;

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- iv. coordinating your UNCT in preparing information that could be useful for the Treaty Bodies when considering your country.
- b. Reading previous Treaty Body reports and Concluding Observations will:
 - i. tell you what has already been reported by your government in the past;
 - ii. tell you which areas the Treaty Bodies have asked your government to focus on and where the government may need support;
 - iii. be important information for your own programming, setting priorities and identifying new areas for programming;
 - iv. be important background for any discussions with your government.
 - c. Following up on official recommendations (Concluding Observations) by Treaty Bodies can also be important given that:
 - i. you can make sure that they are translated into local languages and distributed widely to increase public awareness of the recommendations;
 - ii. you can make the press aware of the recommendations;
 - iii. the recommendations can be focus points for interaction between you and other national stakeholders (government agencies and ministries, the media, national human rights institutions, NGOs, civil society, and specific groups such as minorities, women, young people, etc.)

Case Study – UNCT Philippines - Engaging in the Reporting Cycle

UNCT Philippines “Delivering as One” Treaty Body Recommendations as a Rallying Point

In 2006, UNIFEM, through its CEDAW South East Asia Program, initiated an awareness-raising campaign on CEDAW principles and processes, and supported the capacity development on the preparation of the reports to CEDAW by both the government and NGOs. UNCT Philippines, following the guidelines on submission of UN entity reports to CEDAW² also submitted its own report to the Committee for the first time. This experience helped to create awareness about CEDAW and women’s rights within government and civil society organizations in the country. The iterative process of consultation and feedback before delivering the CEDAW report also resulted in inter-agency ownership of the Concluding Observations.

Training sessions with ministry officials, conducted by local CEDAW experts with UNIFEM support, developed national reporting capacity. The government now has the necessary skills to write its own future report to CEDAW. In addition, the network of women-focused NGOs, a total of 47 domestic organizations, also conducted training workshops on “additional reporting” with the support of

² See guidelines at: http://www.un.org/womenwatch/daw/cedaw/UN_entities_guidelines_FINAL.pdf.

UNIFEM and International Women’s Human Rights Watch. Five NGOs representing women’s legal groups, reproductive rights advocates, rural and Muslim women were not only able to report to CEDAW directly, but were also able to send a delegation, with financial support from various UN agencies, to present their report to the CEDAW Committee in Geneva.

Following receipt of the Treaty Body’s Concluding Observations to the report, UNCT Philippines established a comprehensive UN Joint Programme to Facilitate the Implementation of the CEDAW Concluding Comments that runs from 2007 to 2009. A pooled fund of USD 172,000 for the first year was contributed by UNDP, UNICEF, UNIFEM, UNFPA and UN Habitat. This programme seeks to build capacity within domestic women’s groups, academic and training institutions and women-focused NGOs in order to implement the CEDAW recommendations.

By using the CEDAW Committee’s Concluding Observations as a focus point for cooperation and action, UNCT Philippines has set an example for how national stakeholders, working together, can bring about positive progress in the promotion and protection of women’s human rights. The CEDAW Committee has repeatedly expressed its appreciation for this initiative, which it considers an example of UN best practice. CEDAW has encouraged other entities in the UN system, through their country teams, to cooperate similarly in other Treaty Body reporting processes.

UNCT Checklist for Engaging with Treaty Bodies

Know which treaties our country has signed and ratified.	<input type="checkbox"/>
Know which reservations, if any, our government has made to any treaties.	<input type="checkbox"/>
Know which government ministry and which individuals are responsible for considering any unsigned treaties, and ratifying the treaties that have been signed.	<input type="checkbox"/>
Know which individuals, if any, from our country are members of a Treaty Body or are national experts which could be helpful in training and/or awareness-building.	<input type="checkbox"/>
Read the reports that our government has submitted to the different Treaty Bodies.	<input type="checkbox"/>
Read the additional information reports submitted to Treaty Bodies by civil society and others.	<input type="checkbox"/>
Read the responses and Concluding Observations of the Treaty Bodies to our government’s reports.	<input type="checkbox"/>
Know if there have been any cases brought to the Treaty Bodies against our government.	<input type="checkbox"/>
Know who at the OHCHR can provide contact information for the Treaty Bodies.	<input type="checkbox"/>
Compare our CCA/UNDAF programs with the latest Treaty Body recommendations.	<input type="checkbox"/>
Read any General Comments that deal with our programming priorities.	<input type="checkbox"/>
Know which General Comments or Concluding Observations to include in programming goals.	<input type="checkbox"/>

Useful Links

Treaty Body Activity in Your Country

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

Comprehensive Review of the UN Treaty Body System (Fact Sheet 30):

<http://www2.ohchr.org/english/bodies/docs/OHCHR-FactSheet30.pdf>

Overview of the Treaty Body system:

<http://www2.ohchr.org/english/bodies/treaty/index.htm>

Recent Reporting History by Country as of January 2005 (latest available report):

<http://www2.ohchr.org/english/bodies/docs/RRH.pdf>

Text of Treaties and Conventions related to Human Rights

<http://www2.ohchr.org/english/law/index.htm>

General Comments of all Treaty Bodies

<http://www2.ohchr.org/english/bodies/treaty/comments.htm>

Compilation – Complete Treaty Body General Comments & Recommendations through 2004:

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/ca12c3a4ea8d6c53c1256d500056e56f?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/ca12c3a4ea8d6c53c1256d500056e56f?Opendocument)

UN Special Procedures:

What do they do? How are they relevant to my work?

The term Special Procedures refers to the mechanisms and procedures established by the Human Rights Council (formally the Human Rights Commission) to review specific human rights topics or country situations. Special Procedures are either an individual (called “Special Rapporteur”, “Special Representative of the Secretary-General”, “Representative of the Secretary-General” or “Independent Expert”) or a working group, usually composed of five members³. Mandate holders serve in their personal capacities, and do not receive salaries or other financial compensation for their work. They are not UN staff and their status as independent experts helps to minimize political interference. They depend on government invitations and cooperation to complete their work. Mandate holders are appointed by the Human Rights Council and their work is supported by the OHCHR.

As part of their mandates, Special Procedures are asked to visit particular countries or territories and to examine, monitor, advise and publicly report on human rights situations. Many also send communications directly to governments, and raise public awareness of a specific topic through press releases or other public statements. Mandate holders also increasingly work as a system rather than as individuals, in order to better coordinate with other human rights mechanisms and with each other. Some examples of thematic mandates are given below, and there are also country and “cross-cutting” mandates that are related to these themes. Links to all Special Procedures mandates can be found in the *Useful Links* section. Thematic mandates include:

Figure 2: UN Special Procedures Thematic Mandates

Adequate Housing	People of African Descent
Arbitrary Detention	Minority Issues
Education	Disappearances
Executions	Extreme Poverty
Food	Violence against Women
Freedom of Religion & Belief	Health
Human Rights Defenders	Migrants
Indigenous People	Internally Displaced Persons
Torture	Transnational Corporations
Trafficking in Persons	Contemporary Forms of Racism
Solidarity	Toxic and Dangerous Products
Terrorism and Human Rights	Freedom of Opinion & Expression
Independence of Lawyers and Judges	Economic Reform & Foreign Debt
Child Sale, Prostitution, Pornography	Use of Mercenaries

³ One from each region set by the UN: Africa, Asia, Latin America and the Caribbean, Eastern Europe, Western Group.

How is the Work of Special Procedures Relevant to Practitioners & UNCTs?

The purpose of the work of Special Procedures is to report on the fundamental causes and elements that lead to human rights abuses. As part of their reports, mandate holders then provide specific recommendations that aim to improve the human rights situation for people in a particular territory or to address certain types of human rights abuses. Virtually all phases of a Special Procedures mandate can be valuable for the work of practitioners and UNCTs, in particular:

1. Reading Special Procedures existing recommendations;
2. Participating actively in Special Procedures missions;
3. Being active in the follow-up to a Special Procedures mission.

1. Existing Recommendations: what are the benefits of reading them?: Most of the reports and studies that have been prepared by Special Procedures are public and available for review (see *Useful Links* section below). Through their research and fact-finding missions, Special Procedures mandate holders may identify root causes, patterns and complexities relating to particular human rights violations, highlight good practices initiated by the government and civil society, and issue recommendations. Typically, these recommendations outline measures to be adopted to overcome particular obstacles and to strengthen political, institutional, legal, judicial and administrative frameworks to ensure the promotion and protection of a particular right. These insights can be valuable to UNCTs, particularly in programming activities.

How is this information useful to local practitioners and UNCTs?

- a. You will have detailed information on your country's human rights situation including specific challenges and areas of concern;
 - b. You will gain insight into the elements that contribute to violations of a particular human right, or to its promotion;
 - c. Recommendations can be used to either validate your programming or identify areas where increased measures need to be taken.
2. Missions: what are the benefits of participating actively in country visits?: Through their announcements, presence, reports and press releases, Special Procedures raise awareness both domestically and internationally about particular human rights situations. Because mandate holders are independent and are not affiliated with any particular UN agencies, the preparation and carrying out of the country visit will receive support from a wide range of institutions, though primarily from the OHCHR, which provides administrative and other services.

Information and reports provided by practitioners and UNCTs in mission preparation will be treated as confidential. This input gives Special Procedures mandate holders important additional context for data and information received from other channels. Practitioner insights are helpful in focusing the upcoming mission and assist in identifying persons, sites and material which the mandate holder should visit and consult before and during the mission.

Both the OHCHR and the UNCT have important roles to play in planning and executing visits, including coordinating with government ministries, organizing and scheduling meetings (with NGOs, CSOs, academics, diplomats, etc.), press conferences, and logistics (travel, mobile phones, interpreters, etc.). Members of the UNCT will often accompany the mandate holder during their country visits. In addition, because Special Procedures mandate holders are invited and hosted by governments, close coordination with the relevant government ministries is also required.

How are visits useful to local practitioners and UNCTs?

- a. You can provide information to the Special Procedures mandate holder to regional/thematic areas in your country that you feel need most focus;
- b. You can use the visit to raise awareness and dialogue on human rights and development issues at the local and national level, both within and between a large range of domestic stakeholders;
- c. You can use the visit to create opportunities for dialogue with groups that are typically under-represented (women, elderly, youth, minorities), and ensure that meetings are inclusive and representative of these voices;
- d. You will have the opportunity to benefit from the expertise the Special Procedures mandate holder, who is typically an internationally recognized expert in their field.

Case Study – UNDP Kenya - Engaging in Special Procedures Missions

UNDP Kenya - Special Procedures Mission Preparation & Involvement

In 2006, the two-week visit of the Special Rapporteur on the human rights and fundamental freedoms of indigenous people (IP) came at a time when a number of national processes were taking place in Kenya on the rights of IPs, including the launch of the National Policy and Action Plan on Human Rights. At that time, UNDP Kenya was also supporting a programme that focused on mainstreaming indigenous peoples' rights into development processes.

Following the official invitation by the government of Kenya to the Special Rapporteur, UNDP Kenya facilitated the mandate holder's mission in line with the 1998 OHCHR and UNDP Memorandum of Understanding on cooperation with Special Procedures. In consultation with various stakeholders, two steering committees were established with the goal of making the visit a success, and ensuring that the visit was as inclusive of IPs and other stakeholders as possible.

One committee was formed with the Ministry of Justice to enhance coordination directly with the government and ensure participation of various government agencies. The other was formed with the Kenya National Commission on Human Rights and CSOs focused on indigenous peoples. This participatory process ensured that the most important IP issues were brought to the Special Rapporteur's attention, and also fostered national ownership of the visit.

UNDP Kenya in conjunction with the OHCHR also took the opportunity to organize meetings for the Rapporteur with various government ministries, members of parliament, donors, other UN agencies and the press. These activities significantly raised awareness not only on the topic of IPs, but also on the work and activities of Special Procedures in general. As a result, UNCT Kenya has developed substantial capabilities in engaging with the human rights machinery.

Upon receiving the final report from the Special Rapporteur, UNDP Kenya circulated it widely among the UNCT and externally. Because the recommendations for action included specific proposals for government, and also specifically for the media (more coverage of IP issues) and for development agencies (more promotional programmes on domestic IPs), the final report instigated a larger national dialogue on the issue. As a result, significant proposals for improving the situation of indigenous people in Kenya were put forward. In addition, the visit also provided useful information on how to incorporate IP issues into the formulation of UNCT Kenya's new UNDAF 2009-2013.

Case Study – UNCT Ecuador – Mission Support and Implementation

UNCT Ecuador - Special Procedures Mission Support and Implementation

Following Ecuador's open invitation to special procedures in 2003, the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy, and the Special Rapporteur on Indigenous Peoples, Rodolfo Stavenhagen conducted missions in 2005 and 2006. The context of each visit was different: while Mr. Despouy's took place after civil society's calls for an urgent visit when the National Congress dismissed the Supreme Court of Justice and other courts in late 2004, the present government played a key role in initiating Mr. Stavenhagen's visit.

UNCT Ecuador, mainly through UNDP and OHCHR, supported each visit with background information and documents, a UN support team, Ministry of Foreign Affairs coordination; and meetings with local UN agencies. Each visit ended in a press conference on the Rapporteur's preliminary conclusions and recommendations. Final reports were then widely circulated, mainly through the UNCT website and e-mail. Key recommendations were also the subject of several UN weekly radio programs.

Follow-up of Mr. Despouy's recommendations led to a major UN coordination effort - together with the Organization of American States and the Community of Andean Nations - supporting the complex, lengthy and internationally-monitored process of reconstitution of the Supreme Court of Justice. This UN institution-building initiative was considered by the Secretary General to reflect exemplary coordination and cooperation between UN and regional/sub regional organizations, as well as between UN departments and agencies. Mr. Despouy also highlighted the UN's innovation in supporting national efforts to ensure transparency. Specific follow-up to Mr. Despouy's main recommendations resulted in the National Strategic Plan of the Judicial Function 2007-2012, released by the new Court, as well as specific UN/UNDP programs relating to the re-institutionalization of Ecuador's main courts and increasing access to justice and public defense (UNDP DGTTF).

Mr. Stavenhagen's recommendations have also influenced in-country programming, including support of the UN Interagency Working Group on Intercultural Issues, elaboration of an MDG report on indigenous issues, a project on promoting indigenous rights, and establishment of a Consultative Committee between Ecuador's main indigenous peoples/organizations and the UNCT.

As a result of their experience, members of UNCT Ecuador were asked to contribute to a Rights and Democracy seminar regarding best practices for the implementation of Special Procedures recommendations⁴.

3. Follow-Up: what are the benefits of being active in the follow up to a Special Procedures visit?: It is important to remember that the work of the Special Procedures is not finished when the final report has been released to the press. Typically, the Special Procedures recommendations will require follow up in order to be implemented. Any future visits that the Special Procedures mandate holders conducts will refer directly to whether or not the recommendations from the prior report have been implemented, and to what extent. In addition, particularly for Special Procedures mandate holders with thematic mandates, a visit to a particular country may be followed by visits to other countries to research the same topic before issuing a final report. Especially for practitioners, much of the work begins once the mission is completed!

⁴ The resulting study can be viewed at http://ap.ohchr.org/documents/sdpage_e.aspx?m=73&t=9.

How is following up useful to local practitioners and UNCTs?

- a. Special Procedures' reports and recommendations can be important for your own programming, and can help set priorities and new focus areas;
- b. You can encourage and support the government to implement Special Procedures recommendations or aid in building capacity to do so;
- c. You can encourage the government to issue a standing invitation, if they have not already done so;
- d. Special Procedures' reports and recommendations can be important background information for any discussion with your government on the current human rights situation in your country;
- e. You can encourage wide circulation of the Special Procedures findings and use recommendations as a platform for long-term advocacy and dialogue with other local stakeholders;
- f. You can make the press aware of Special Procedures reports and recommendations.

Case Study – UNDP Niger – Engaging in Follow Up

UNDP Niger - Special Procedures Mission Follow-Up & Awareness Raising

UNDP Niger has a longstanding tradition of collaborating effectively with Special Procedures and is very effective at using reports as awareness raising tools:

In May 2005, the Resident Coordinator of the UNCT in Niger received a list of questions from Special Representative Ms. Hina Jilani regarding the implementation of the Declaration on Human Rights Defenders in Niger. UNDP Niger translated the questionnaire from English to French (administrative language) and distributed it to all national human rights NGOs. It then collected responses and, after adding its own, returned them to the OHCHR.

Because the Special Representative's subsequent report to the UN Human Rights Commission in 2006 mentioned Niger specifically, UNDP Niger utilized it to create domestic dialogue by circulating the report and the Declaration broadly. These efforts brought substantial awareness among national NGOs and the media regarding the Declaration on the Human Rights Defenders, an issue that had not previously been part of the domestic discourse. As a result, several articles appeared in the newspapers about the Declaration. Since then, references to the Declaration are made in public statements each time actors within civil society are arrested or harassed.

In 2001, the Special Rapporteur on the Right to Food (Mr. Jean Ziegler) made his first visit to Niger. His report following this visit continues to be an important reference document for the UN agencies and practitioners trying to understand and address the recurrent food crisis in Niger⁵. Because recommendations made by Mr. Ziegler are concrete and actionable, UNDP Niger and other development agencies have found it helpful both in their programming activities, as well as in coordinating with relevant government ministries in Niger. The report is also useful since it contains clearly-stated recommendations, such as:

“The independence of the Food Crisis Unit and the National Committee for Early Warning and Crisis Management must be established to... promote a rapid response to food crises”

“The privatization of ONPVN [National Office for Basic Foodstuffs in Niger] should be resisted, unless other measures are put in place to ensure that emergency food aid will be transported to isolated villages.”

Case Study – UNCT Uzbekistan – Joint Advocacy and Implementation

UNCT Uzbekistan - Joint Advocacy and Implementation

Responding to widespread allegations of torture made by Human Rights Watch and other NGOs in Uzbekistan, and at the invitation of the Government of Uzbekistan, the then UN Special Rapporteur on Torture, Mr. Theo Van Boven, visited the country in December 2002. The UN Resident Coordinator (UNRC) received guidelines for the mission from OHCHR in sufficient time to review mission goals, seek clarification, brief relevant stakeholders, suggest appropriate field visits and organize non-government activities, including meetings with foreign governments and other donors as well as NGOs. UNDP provided all the required support to facilitate the mission.

The final report of the Special Rapporteur contained 22 specific recommendations, on a wide range of issues, including legal and judicial reforms, safeguards for detainees, internal monitoring and investigation procedures, technical assistance and capacity development support, etc. In early 2003, the Government announced its willingness to cooperate with the international community to implement the recommendations. In April 2003, the UNRC led a meeting of ten Ambassadors, including the Ambassador for the Organisation for Security and Co-operation in Europe (OSCE), and high-level government officials. During this meeting, the Government agreed to develop an Action Plan for Implementation and the donor community asked the UNRC to coordinate the technical assistance strategies of the

⁵ Full text: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/ca8df0882bc79daac1256b76003e37e4/\\$FILE/G0210257.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/ca8df0882bc79daac1256b76003e37e4/$FILE/G0210257.pdf).

international community through a Donor Working Group (WG).

The UNRC coordinated the drafting of a joint position paper for the WG, advocating for participation and approval at the highest Ambassadorial and Government levels, as well as the establishment of a mechanism to coordinate the implementation and monitoring of the Action Plan. Draft versions of the Plan were shared with OHCHR in order to receive input from its experts. The then Deputy High Commissioner for Human Rights was also kept informed of all developments. Through the OSCE and relevant international NGOs (such as Freedom House, the ABA/CEELI, Open Society Institute, and Human Rights Watch), local CSOs were invited to attend WG consultations and provide concrete recommendations on implementation.

Uzbekistan's Prime Minister approved the Action Plan in March 2004 and established an Inter-departmental Working Group, chaired by the Minister of Justice, for monitoring and coordination of all human rights initiatives including implementation of the Action Plan. The Special Procedures visit and subsequent follow-up has also influenced elements of the 2003 CCA, UNDAF (2005-2009), and UNDP's Country Programme Action Plan (2005-2009).

UNCT Checklist for Engaging with Special Procedures

General Checklist	
Read all Special Procedures and reports relating to our country.	<input type="checkbox"/>
Know about existing thematic mandates or crosscutting themes on a subject of interest for our programming.	<input type="checkbox"/>
Know whether our government has issued a standing invitation to Special Procedures.	<input type="checkbox"/>
Know which government ministries & individuals are responsible for issuing standing invitations to Special Procedures.	<input type="checkbox"/>
Know whether our country is on the upcoming mission/visit list for Special Procedures.	<input type="checkbox"/>
Know whether any opportunities exist to invite Special Procedures to in-country events, seminars or discussions (not official mission).	<input type="checkbox"/>
Know who to contact the local OHCHR office to coordinate contact with Special Procedures.	<input type="checkbox"/>
Know who in the local OHCHR office will coordinate Special Procedure visits and ensure representation from civil society and other relevant stakeholders.	<input type="checkbox"/>
Mission Preparation Checklist	
Know how to give feedback to Special Procedures on a report currently being prepared.	<input type="checkbox"/>
Know which individuals will be involved in a mission to our country...	
From the OHCHR (both headquarters and country/regional presence);	<input type="checkbox"/>
From local and national government (which ministries);	<input type="checkbox"/>
From any relevant NGOs and grassroots organizations;	<input type="checkbox"/>
From other related entities (UNICEF, WHO, other);	<input type="checkbox"/>
From the press and other media.	<input type="checkbox"/>
Know what the proposed mission meeting schedule is, including traveling times.	<input type="checkbox"/>
Mission Engagement Checklist	
Know the meeting schedule and in-country contact information for the mandate holder.	<input type="checkbox"/>
Know the names and contact details of the team traveling with the mandate holder.	<input type="checkbox"/>
Follow-Up Checklist	
Request a draft report from Special Procedures for your UNCT's comments prior to publication.	<input type="checkbox"/>
Circulate any draft reports to everyone who should provide comments.	<input type="checkbox"/>
Identify the different channels available for disseminating the results and recommendations of the Special Procedures visit.	<input type="checkbox"/>
Keep in contact with the Special Procedure mandate holder through the OHCHR post visit.	<input type="checkbox"/>

Useful Links

Country Pages including Special Rapporteur Reports and Visits

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

Main Special Procedures Website:

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

Special Procedures Facts & Figures 2007:

<http://www2.ohchr.org/english/bodies/chr/special/docs/SP2007FactsFigures.pdf>

Current Country Mandates of Special Procedures

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

Current Thematic Mandates of Special Procedures

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

Crosscutting Themes

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

Excerpts of Country Recommendations in 2006

<http://www2.ohchr.org/english/bodies/chr/special/docs/2006recommendations.doc>

Excerpts of Thematic Recommendations in 2006

<http://www2.ohchr.org/english/bodies/chr/special/docs/2006compilation.doc>

Visits/Missions by Special Procedures to particular countries (A-E) since 1998:

<http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm>

Visits/Missions by Special Procedures to particular countries (F-M) since 1998:

<http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm>

Visits/Missions by Special Procedures to particular countries (N-Z) since 1998:

<http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm>

Countries having extended a Standing Invitation to Special Procedures:

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

How to contact Special Procedures

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

Frequently Asked Questions

An Introduction United Nations Human Rights Treaty System

<http://www2.ohchr.org/english/bodies/docs/OHCHR-FactSheet30.pdf>

23 Frequently Asked Questions about Treaty Body Complaints Procedures:

<http://www2.ohchr.org/english/bodies/petitions/docs/23faq.pdf>

17 Frequently Asked Questions about United Nations Special Rapporteurs

<http://www2.ohchr.org/english/about/publications/docs/factsheet27.pdf>

30 Frequently Asked Questions on the Human Rights Based Approach to Development

http://www.undg.org/docs/7658/FAQ_en.pdf

Frequently Asked Questions for Using the Universal Human Rights Index

<http://www.universalhumanrightsindex.org/en/about.html>

General Information Sources

Office of the United Nations High Commissioner for Human Rights Country Pages

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

OHCHR Publications available for Download

<http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx>

Fact Sheets available for Download (30 Factsheets provide summaries on human rights topics)

<http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>

Special Issues Papers available for Download (in-depth analysis of human rights topics)

<http://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx>

OHCHR Handbook on Human Rights for UN Staff

<http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>

Human Rights Council Homepage

<http://www2.ohchr.org/english/bodies/hrcouncil/>

United Nations Development Group

<http://www.undg.org/>

Search by Country and by Theme on Treaty Bodies and Cases

<http://www.bayefsky.com>

Annex of Additional Information

UN Human Rights Policy Network (HURITALK)

HURITALK is a virtual network which facilitates dialogue among UN country officers on human rights in a development context. A key objective of HURITALK is to strengthen the capacity of practitioners to integrate human-rights based approaches in their work. Members share information and tools, good practice and lessons learned, and build knowledge on best strategies for integrating human rights norms and principles into development policy and programmes. For more information see: <http://www.undg.org/index.cfm?P=487>.

Regional Human Rights Systems: Summary Overview

Regional Human Rights Systems: Summary Overview

In addition to international treaties and mechanisms, regional human rights regimes have also been established in Africa, the Americas and Europe. While these systems vary in their capacities and impact, they are intended to complement the international human rights machinery. Regional human rights systems allow concerns to be addressed within the particular social, historical and political context of each region and can be important partners for close collaboration with the UN on activities of mutual concern.

I. Selected Regional Human Rights Instruments and Treaties

1. European Convention for the Protection of Human Rights & Fundamental Freedoms
2. American Convention on Human Rights and San Jose pact on Economic, Social and Cultural Rights
3. African Charter on Human and People's Rights
4. Arab Charter on Human Rights

II. Regional Human Rights Mechanisms

5. European Court of Human Rights
6. Inter-American Commission of Human Rights
7. Inter-American Court of Human Rights
8. African Commission on Human and People's Rights
9. African Court on Human and People's Rights

II. Additional Information on Regional Systems

10. <http://www.un.org/esa/socdev/enable/comp300.htm>

UN Treaty Bodies – Activities Summary Overview

1. Reviewing State Reports: when a country ratifies a treaty, it has a legal obligation to make sure that the rights in that treaty are or will be enjoyed in practice by those living under its jurisdiction. To monitor whether and how this obligation is being carried out, the country must submit regular reports to the Treaty Body. States must submit an initial report usually 1 or 2 years after joining and then periodically (usually every 4 or 5 years).

In addition to the government report, Treaty Bodies typically also receive information on a country's human rights situation from other sources, including non-governmental organizations (NGOs), UN agencies (including practitioners), other intergovernmental organizations, academic institutions and the press (this is sometimes referred to as "informal or shadow reporting", since it is in addition to the official government report).

After receiving all available background information, the Committee examines the State's report together with government representatives. Based on this dialogue, the Committee then publishes its concerns and recommendations, referred to as "Concluding Observations". These Observations are very important recommendations given to governments about what actions they should be taking in the future (see table below for an example of a Concluding Observation). In addition, Treaty Bodies may expect governments to give follow-up reports outside of the formal reporting cycle that specifically discuss any progress made on specific Treaty Body recommendations. Therefore, following up on Concluding Observations is often an important task for governments.

2. Publishing General Comments: Independently from State reports, the Committees also publish their interpretation of different human rights provisions in general, known as "General Comments". These Comments can be on particular rights (such as freedom of thought or humane treatment of persons deprived of their liberty, for example) or on methods of work (such as state reporting guidelines or derogations during a state of emergency, for example).

The purpose of the Comments is to give more background and more specific information regarding a particular right or procedure, so that there is more context than just the right that is included in a treaty.

The OHCHR provides additional information regarding Treaty Bodies on their website at <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

Selected Concluding Observations by the Committee on the Rights of the Child (CRC) to Honduras in May 2007⁶

The following is an excerpt from the CRC's 23-page consideration of the report submitted by Honduras in January 2007.

“Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

66. The Committee notes that Honduras has proclaimed 2007 a “Year of Education” and welcomes the adoption of a Basic National Curriculum.... However, it is still concerned about the following:

- (a) Low quality of education in the country;*
- (b) Considerable difference between urban areas and rural and remote areas with respect to quality and accessibility of education, number of inscriptions, level of infrastructure and dropout rates;*
- (c) Low number of annual days of school and effective school hours in comparison with international standards;*
- (d) Low number of teachers and their lack of training;*
- (e) Lack of preschool education, especially in rural areas;*
- (f) High rate of illiteracy in the country.*

67. The Committee recommends that the State party, taking into account the Committee’s general comment No. 1 on the aims of education (2001):

- (a) Increase its efforts to improve school conditions in remote and rural areas and eliminate discrepancies in access between urban and rural areas;*
- (b) Emphasize the quality of education, including vocational education and training, and in the national budget devote more and better-targeted resources to education;*
- (c) Strengthen measures aimed at increasing enrolment and completion rates, as well as reducing dropout rates;*
- (d) Increase educational opportunities for indigenous children, inter alia by continuing to provide bilingual education, where necessary;*
- (e) Increase number of days of school & effective school hours for all children;*
- (f) Increase the number of teachers and improve the quality of teaching, including by investing in their training;*
- (g) Provide opportunities for children outside schools to get as much education as possible through specifically [tailored] programmes;*
- (h) Seek technical assistance from UNESCO and UNICEF.”*

⁶ See full report at http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.HND.CO.3_en.pdf.

***Excerpt from CESCR’s General Comment on the Right to Education
(Dec 1999)⁷***

“8. Primary education includes the elements of availability, accessibility, acceptability and adaptability...”

“12. While the content of secondary education will vary among States parties and over time, it includes completion of basic education and ... prepares students for vocational and higher educational opportunities.”

“14. [P]rogressive introduction of free education’ means that while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education.”

“24. [E]njoyment of the right to fundamental education is not limited by age or gender; it extends to children, youth and adults, including older persons...”

“27. While the Covenant requires that ‘the material conditions of teaching staff shall be continuously improved’, in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels in many States parties in recent years...[The Committee] ... urges States parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role.”

“38. In the light of its examination of numerous States parties’ reports, the Committee has formed the view that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.”

“39. Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing... without discrimination or fear of repression by the State or any other actor... The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds.”

⁷ Full text: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b?Opendocument).

UN Special Procedures – Activities Summary Overview

1. Mission Preparation: mandate holders are chosen for their expertise in a particular area, whether it be in the areas of e.g., health, food or a particular country situation. Mandate holders build their expertise through reading and research, and also through the contacts they and their staff have with governments, local populations, NGOs and development practitioners. Information about what is actually happening to people on the ground and the reasons behind why particular situations are occurring and how human rights violations can be remedied or prevented are the key questions that Special Procedures mandate holders focus on.

Because ground-level information is particularly valuable to mandate holders, country visits and investigations play an important part in their work. To make sure that these visits are effective in terms of information gathering, mandate holders must prepare themselves well before visiting a country. This preparation includes information gathering, and also seeking advice from practitioners on which questions to ask or which areas to focus on.

Mandate holders typically send a letter to the 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 prepared to receive a visit from any special procedures mandate holder. As of October 2007, 57 countries had extended standing invitations to the special procedures.

2. Country Visit: During their missions, Special Procedures mandate holders assess the general human rights situation in a country, as well as the specific institutional, legal, judicial, administrative and *de facto* situation relating to their mandate. During a country visit, mandate holders will meet with national and local authorities, including members of the judiciary and parliament, members of the national human rights institution, NGOs, civil society organizations, victims of human rights violations, UN representatives and those of other inter-governmental agencies, and the press among others. After their visits, mandate holders will issue a mission report to the Human Rights Council including their findings and recommendations and will often hold press conferences.

Although the OHCHR provides Special Procedures mandate holders with administrative and research assistance to support them in their work, UNCTs should also be heavily involved during country visits. UNCTs can accompany the mandate holders during their entire country visit, and have an important role to play in scheduling and suggesting meetings, arranging logistics and ensuring that the visit is as effective as possible.

During fact-finding missions, mandate holders and the United Nations staff, including local staff, accompanying them are given written guarantees by the government that they will be able to move freely within the country, be able to ask questions, visit facilities, review documents, etc. This government guarantee includes assurances that persons who have been in contact with the Special Procedure mandate holder will not face any reprisals before, during and after the visit.

3. Country Visit Follow Up: UNCTs and practitioners can make use of the interest generated following by the Special Procedures visit to expand their current network, both domestically and internationally, as well as keep in contact with the mandate holder as any follow-up items are addressed. This momentum and dialogue can be maintained through progress reports relating to the Special Procedures' findings and recommendations, as well as through submitting comments to draft reports.

4. Non-Mission Visits: Practitioners and UNCTs do not necessarily have to wait for their government to invite Special Procedures on official missions before receiving a visit. Once practitioners know who which mandate holder is working on an issue that is of interest, that person can be invited to participate in local workshops or conferences related to their mandate, but outside the scope of an official mission.

The OHCHR provides additional information regarding Special Procedures on their website at <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

Selected Recommendations to South Africa by Special Rapporteur on Adequate Housing (April 2007)⁸

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, visited South Africa from 12 to 24 April 2007. On 7 May, he issued a press release recognizing that South Africa is one of the few countries which has made legislative and constitutional commitments to socio-economic rights, including the right to adequate housing. However, he expressed regret that few mechanisms are in place to ensure implementation of these commitments.

Mr. Kothari expressed particular concern about evictions which appear to be taking place regularly in South Africa, especially affecting black farm dwellers and backyard shack dwellers. The Special Rapporteur reported that he visited several informal settlements, where people were living in desperate conditions. Although Government plans exist to upgrade these settlements, the Special Rapporteur observed a failure on the part of the Government to provide even the most basic services, including proper sanitation, water, access to schools and access to livelihood options.

The Special Rapporteur also expressed concern about communities affected by mining operations, highlighting that there appears to be insufficient consultation between the Government and these communities about resettlement options. He noted the large scale privatization and out-sourcing of public services with few accountability and monitoring mechanisms. He further drew attention to the situation of indigenous peoples, women-headed households, and persons with special needs, including persons living with HIV/AIDS, persons with disabilities, orphans and young people, and homeless people. He reaffirmed the crucial role of civil society in working with the Government to ensure realization of the right to adequate housing.

⁸ Source: http://www2.ohchr.org/english/bodies/chr/special/docs/spb_bulletin5.pdf.