

August 2008

Manual of Operations of the Special Procedures of the Human Rights Council

This Manual aims to provide guidance to the mandate-holders appointed under the various United Nations human rights Special Procedures. It also seeks to facilitate a better understanding of their work by other stakeholders. The Manual endeavours to reflect best practice and to assist the mandate-holders in their efforts to promote and protect human rights. It does so in light of the relevant mandates by which the various Special Procedures have been established and of the overall mandate given to the Human Rights Council in General Assembly resolution 60/251.

This Manual was originally adopted at the 6th Annual Meeting of Special Procedures mandate-holders, in 1999. It has been revised to reflect the changing structure of the United Nations human rights machinery, new developments in relation to mandates, and the evolving working methods of the mandate-holders. It is a living document, subject to periodic review and updating by the mandate-holders. They are responsible for its content and for its revision. This Manual has been revised to ensure consonance with the provisions of the Code of Conduct¹ and to take account of comments received by States and NGOs. The current version of the Manual was adopted by the mandate-holders in June 2008 at the 15th Annual Meeting of Special Procedures.

¹ According to Article 2 of the Code of Conduct, the provisions of the Code complement those of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Missions. The provisions of the draft manual of United Nations Human Rights Special Procedures should be in consonance with those of the Code.

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I. Role and functions of Special Procedures

A. Definition and scope of Special Procedures

1. The term Special Procedures has been developed in light of the practice of the Commission on Human Rights (CHR), the Economic and Social Council (ECOSOC), the General Assembly (GA) and the Human Rights Council (HRC) to describe a diverse range of procedures established to promote and to protect human rights and to prevent violations in relation to specific themes or issues, or to examine the situation in specific countries. While the specific mandates and methods of work of the various Special Procedures differ, there are many commonalities in the ways in which they work. The purpose of this Manual is to explain and elaborate upon these methods of work with a view to assisting the mandate-holders themselves, Governments, civil society and all other interested parties.

2. As of May 2008 there are 30 thematic mandates² and 9 country-specific mandates.³ The thematic mandates range across the full spectrum of civil, cultural, economic, political and social rights.

3. Until June 2006 most mandates had been created at the initiative of the CHR on Human Rights, with the subsequent approval of the ECOSOC. On 19 June 2006, the HRC was established, as mandated in GA resolution 60/251, replacing the CHR on Human Rights. The Council was called upon to assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the CHR on Human Rights in order to maintain a system of Special Procedures. At the fifth session of the Council, Resolution 5/1 was adopted, which included provisions on the selection of mandate holders and the review, rationalization and improvement of all special procedures mandates. The Council also adopted Resolution 5/2 which contained a Code of Conduct for Special Procedures.

² These are: enforced or involuntary disappearances (established in 1980), extrajudicial, summary or arbitrary executions (1982), torture (1985), freedom of religion or belief (1986), sale of children, child prostitution and child pornography (1990), arbitrary detention (1991), freedom of opinion and expression (1993), racism, racial discrimination (1993), independence of judges and lawyers (1994), violence against women (1994), toxic wastes (1995), right to education (1998), extreme poverty (1998), migrants (1999), right to food (2000), adequate housing (2000), human rights defenders (2000), effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights (2000), indigenous people (2001), people of African descent (2002), physical and mental health (2002), internally displaced persons (2004), trafficking in persons (2004), mercenaries (2005), minority issues (2005), international solidarity (2005), countering terrorism (2005), transnational corporations (2005), contemporary forms of slavery (2007), and right to water (2008),

³ These are: Myanmar (1992), Cambodia (1993), Palestinian Occupied Territories (1993), Somalia (1993), Haiti (1995), Liberia (2003), Burundi (2004), Democratic People's Republic of Korea (2004), Sudan (2005).

The review process began at the sixth session of the Council in September 2007, and continued at subsequent sessions.⁴

B. Main characteristics of Special Procedures

4. Thematic Special Procedures are mandated by the HRC to investigate the situation of human rights in all parts of the world, irrespective of whether a particular government is a party to any of the relevant human rights treaties. This requires them to take the measures necessary to monitor and respond quickly to allegations of human rights violations against individuals or groups, either globally or in a specific country or territory, and to report on their activities. In the case of country mandates, mandate-holders are called upon to take full account of all human rights (civil, cultural, economic, political and social) unless directed otherwise. In carrying out their activities, mandate holders are accountable to the Council.

5. The principal functions of Special Procedures include to:

- **analyze** the relevant thematic issue or country situation, including undertaking on-site missions,;
- **advise** on the measures which should be taken by the Government(s) concerned and other relevant actors;
- **alert** United Nations organs and agencies, in particular, the HRC, and the international community in general to the need to address specific situations and issues. In this regard they have a role in providing “early warning” and encouraging preventive measures;
- **advocate** on behalf of the victims of violations through measures such as requesting urgent action by relevant States and calling upon Governments to respond to specific allegations of human rights violations and provide redress;
- **activate** and mobilize the international and national communities, and the HRC to address particular human rights issues and to encourage cooperation among Governments, civil society and inter-governmental organizations.
- **Follow-up to recommendations**

In carrying out these functions under their mandate, mandate holders should take account of gender, child/life cycle and disability perspectives and fully integrate these into their work.

C. Establishment of mandates

1. Terminology and duration of mandates

6. The term “Special Procedures” includes individuals variously designated as “Special Rapporteur”, or “Independent Expert”, Working Groups usually composed

⁴ As of May 2008, all thematic mandates that have been reviewed have been extended. Most country mandates that have been reviewed have also been extended, with the exception of the Democratic Republic of the Congo. Two country mandates, on Belarus and Cuba, were discontinued in June 2007.

of five independent experts, “Special Representative of the Secretary-General” and “Representative of the Secretary-General”.⁵

7. Mandate-holder’s tenure in a given function, whether a thematic or country mandate, will be no longer than six years (two terms of three years for thematic mandate-holders). The President of the Human Rights Council will convey to the Council information brought to his or her attention including inter alia, by States and/or by the Coordination Committee of Special Procedures, concerning cases of persistent non compliance by a mandate-holder with the provisions of the HRC resolution 5/2, especially prior to the renewal of mandate-holders in office. The Council will consider such information and act upon it as appropriate. In the absence of the above-mentioned information, the terms in office of the mandate-holders shall be extended for a second three year term by the Council.⁶

2. Appointment of mandate-holders

8. According to HRC resolution 5/1, the following entities may nominate candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c) international organizations or their offices (e.g. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations. A Consultative Group was established to propose to the President, at least one month before the beginning of the session in which the Council will consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements. On the basis of the recommendations of the Consultative Group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President will present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments. The appointment of the special procedures mandate-holders will be completed upon the subsequent approval of the Council.

9. The individual mandate-holders are selected on the basis of their expertise, experience, independence, impartiality, integrity and objectivity. The requisite independence and impartiality are not compatible with the appointment of individuals currently holding decision-making positions within the executive or legislative branches of their Governments or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate. The principle of non-accumulation of human rights functions at a time shall be respected. While overall regional diversity among mandate holders is important, any link between a mandate and a mandate holder from a particular region would seem to be inappropriate. The appointment of individuals holding a decision making position in

⁵ Although the titles vary, there are no major differences in the general responsibilities and methods of work of Special Rapporteurs, Independent Experts, Working Groups, Representative of the Secretary General and Special Representatives of the Secretary-General.

⁶ Statement of the President of the Human Rights Council entitled "Terms in Office of Special procedure mandate-holders" adopted by the Council on 18 June 2008.

Government may undermine the impartiality of special procedures. It is, however, important that a gender balance and an appropriate representation of different legal systems be achieved in relation to the overall number of mandate-holders.

10. Mandate-holders serve in their personal capacities, and are not staff of the UN. They do not receive salaries or any other financial rewards for their work, although their expenses are defrayed by the UN.

D. Status of mandate-holders

1. Independence

11. Mandate-holders are selected on the basis of their expertise and experience in the area of the mandate, personal integrity, independence and impartiality and objectivity. The independent status of the mandate-holders is crucial in order to enable them to fulfill their functions in all impartiality. As observed by the Secretary-General, “in the absence of complete independence, human rights mandate-holders and special rapporteurs would hesitate to speak out against and report violations of international human rights standards”.⁷ This independence is, however, in no way inconsistent with mandate-holders right to engage in dialogue with, and to seek information, and financial and other support from, a wide range of actors.

2. Privileges and Immunities

12. The Charter of the United Nations empowers the General Assembly (GA) to make recommendations with a view to determining, *inter alia*, the privileges and immunities of “officials” of the Organization or to propose conventions to Member States for this purpose.⁸ Accordingly, the Assembly adopted the Convention on the Privileges and Immunities of the United Nations on 13 February 1946.⁹

13. Mandate-holders are legally classified as “experts on mission” for the purposes of the Convention. While they are working on their mandates, experts enjoy functional privileges and immunities that are specified, *inter alia*, in article VI, section 22 of the Convention. These include:

- (a) Immunity from personal arrest and detention and from seizure of their personal baggage;
- (b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity is to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

⁷ “Written statement submitted to the International Court of Justice on behalf of the Secretary-General of the United Nations” in the Advisory Opinion on *Difference Relation to the Immunity From Legal Process of a Special Rapporteur of the United Nations Commission on Human Rights*, para. 55.

⁸ Article 105, para. 3.

⁹ The full text is available in Annex 6 below.

- (c) Inviolability for all papers and documents;
- (d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

The Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission adopted by the GA apply to mandate-holders. Mandate-holders shall carry out their mandate while fully respecting the national legislation and regulations of the country wherein they are exercising their mission. Where an issue arises in this regard, mandate-holders shall adhere strictly to the provisions of Regulation 1 (e) of these Regulations.¹⁰

14. In 1989 and 1999 issues relating to the privileges and immunities of experts were the subject of advisory opinions given by the International Court of Justice (ICJ). The case of Mr. D. Mazilu concerned a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of the Minorities who had been denied permission to travel to Geneva by the then Romanian Government to attend the Sub-Commission in order to present a report prepared in his capacity as Special Rapporteur. The ICJ, in its advisory opinion of 15 December 1989, confirmed that Article VI, Section 22 of the 1946 Convention:

is applicable to persons (other than United Nations officials) to whom a mission has been entrusted by the Organization and who are therefore entitled to enjoy the privileges and immunities provided for in this Section with a view to the independent exercise of their functions. During the whole period of such missions, experts enjoy these functional privileges and immunities whether or not they travel. They may be invoked as against the State of nationality or of residence unless a reservation to Section 22 of the General Convention has been validly made by that State.

¹⁰ Regulation 1 (e): “The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of its Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to those who are covered by them to fail to observe the laws and police regulations of the State in which they are located; nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, an official or an expert on mission shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived, in accordance with the relevant instruments. The Secretary-General should inform and may take into account the views of the legislative bodies that appointed the officials or experts on mission.”

15. The case of Dato' Param Cumaraswamy concerned the Special Rapporteur on Independence of Judges and Lawyers who was sued for having used allegedly defamatory language in an interview concerning his work as an expert which was published in the November 1995 issue of *International Commercial Litigation*. In its Advisory Opinion of April 1999 the ICJ re-affirmed the integrity of the work of the rapporteurs and experts of the CHR. It held that article VI, Section 22, of the Convention was "applicable" in the case of Mr. Cumaraswamy, and that he was "entitled to immunity from legal process of every kind" for the words spoken by him during the interview. The Court also stated that Mr. Cumaraswamy should be "held financially harmless for any costs imposed upon him by the Malaysian courts, in particular taxed costs". The Court found that the Government of Malaysia was obligated "to communicate the advisory opinion to the Malaysian courts, in order that Malaysia's international obligations are given effect and Mr. Cumaraswamy's immunity be respected".¹¹

3. Security and insurance arrangements

16. The UN's comprehensive Security Management System encompasses all United Nations Departments, Agencies, Programs and Funds and aims to ensure the safety and security of all staff worldwide and to eliminate as much risk as possible from their work. For the purposes of the Security Management System, anyone who has any kind of contractual status or travels on official business for the United Nations is considered as "staff", and mandate-holders are thus covered.¹² Concerning security while on field missions, mandate-holders shall have access upon their own request, in consultation with the Office of the High Commissioner for Human Rights and after a common understanding between the host Government and the mandate-holder, to official security protection during their visit, without prejudice to the privacy and confidentiality that mandate-holders require to fulfill their mandate.

17. As for insurance coverage, the United Nations has entered into an agreement with an agency to obtain life/accident insurance from Lloyds of London for staff required to serve at hazardous duty stations. In 1980 the ILO Administrative Tribunal adjudged that international organizations bear responsibility for the assignment or travel of staff members to potentially dangerous areas, and ruled that an employee is not obliged to run abnormal risks for the benefit of his employer, at any rate, unless he/she is given adequate insurance coverage.

18. The coverage provided applies to malicious acts, i.e. for death or disability caused directly or indirectly by war, invasion, acts of foreign enemies, revolution, rebellion, insurrection, military or usurped power, riot or civil commotion, sabotage, explosion of war weapons, terrorist activities (whether terrorists are the country's own nationals or not), murder, or assault by foreign enemies or any attempt thereat.

19. As from 1 April 1990, coverage for malicious acts extends to professional experts, including mandate-holders, on official mission/travel/Daily Subsistence Allowance (DSA) status and other official visitors in the designated countries.

¹¹ See Annex 7 below for a summary of the Advisory Opinion.

¹² See Annex 4 below on Security briefing.

Coverage and benefits are identical to that for Professional staff members assigned to the duty station. Since it is the Organization that bears responsibility for the travel of experts on mission, the cost of obtaining the malicious acts insurance policy is absorbed by the United Nations.¹³ Experts must ensure that they have other relevant medical insurance.

E. OHCHR support

20. In 2002, “Guiding principles regarding the working relations between Special Procedures mandate-holders and OHCHR staff” were adopted to determine the division of work and responsibilities between OHCHR and mandate-holders. This document details all aspects of the working relationship between mandate-holders and staff of OHCHR. (see Appendix II to this Manual).

21. The Special Procedures Division (SPD) provides support to thematic Special Procedures with thematic, fact-finding, policy and legal expertise, research and analytical work, and administrative and logistical services. In addition to the specific support provided to each mandate, SPD provides a number of common services to enhance the effectiveness of Special Procedures. SPD supports the development of system wide strategies vis-à-vis the HRC, and services the Coordination Committee of Special Procedures. In the area of communications, the Quick Response Desk processes communications sent by mandate-holders through the database on communications and the dedicated e-mail urgent-action@ohchr.org, which centralizes incoming information to be submitted to the attention of mandate-holders. The Division assists mandate-holders in the development of tools and methodologies to improve coordination among mandate-holders and to strengthen linkages between Special Procedures and OHCHR, the United Nations system and other partners. The Division develops tools to raise awareness about Special Procedures and to analyze and present in a reader-friendly way the work of mandate-holders.

22. Several other parts of OHCHR contribute to and benefits from the work of Special Procedures. The Field Operations and Technical Cooperation Division (FOTCD) supports the work of country Special Procedures and links the work of all mandate-holders to country engagement strategies of OHCHR. The Research and Right to Development Division (RRDD) provides direct assistance to three mandates, namely the mandates of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, the Independent Expert on human rights and international solidarity, and the Working Group on people of African Descent. The collaboration between Special Procedures and RRDD is mutually beneficial for the strengthening of thematic expertise. The Human Rights Council and Treaties Division (HRTCD) facilitates the interaction between Special Procedures and the HRC and treaty-bodies. The Communications Section assists mandate-holders in their contact with the media. The Programme Support and Management Services process the administrative arrangements linked to the activities of mandate-holders.

¹³ See Annex 5 below on the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission (ST/SGB/2002/9).

II. Methods of work

A. Sources of information

23. Mandate-holders are called upon to take account of all available sources of information that they consider to be credible and relevant. This includes information emanating from Governments, inter-governmental organizations, international and national non-governmental organizations, national human rights institutions, academic community, the victims of alleged human rights abuses, relatives of victims, and witnesses. Wherever feasible and appropriate mandate-holders should endeavour to consult and meet with such sources, and they should seek to cross-check information received to the best extent possible.

24. Because of the sensitivity of many of the issues that arise mandate-holders should be guided in their information-gathering activities by the principles of discretion, transparency, impartiality, and even-handedness. They should rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up. Appropriate opportunities should be provided for Government representatives to comment on allegations made against them and for those alleging violations to comment on Governmental responses thereto.

25. Mandate holders may acknowledge receipt of information from individuals and organizations and provide an indication of outcomes or follow-up. Mandate-holders are not required to inform those who provide information about any subsequent measures they have taken. They may, however, choose to provide some information, but this would normally not involve disclosure of the specific contents of communications with Governments, unless an issue has been definitively dealt with by the government in question.

26. In the case of country visits full details of the action taken will be provided in the mandate-holder's official report on his or her visit. In the case of communications a summary of the exchange of information will be provided in reports on communications submitted periodically to the Council.

27. Mandate-holders will take all feasible precautions to ensure that sources of information are not subjected to retaliation (Specific examples are contained in the sections below on Communications and Country Visits). Mandate-holders shall invite individuals and groups which have provided information and have suffered any form of reprisals or retaliation as a result to report all such incidents to the mandate-holder so that appropriate follow-up action can be taken.

B. Communications

1. Definition and purpose

28. Most Special Procedures provide for the relevant mandate-holders to receive information from different sources and to act on credible information by sending a communication to the relevant Government(s). Such communications are sent through diplomatic channels, unless agreed otherwise between individual Governments and the Office of the High Commissioner for Human Rights, in relation to any actual or anticipated human rights violations which fall within the scope of their mandate.

29. Communications may deal with cases concerning individuals, groups or communities, with general trends and patterns of human rights violations in a particular country or more generally, or with the content of existing or draft legislation considered to be a matter of concern. Communications related to adopted or draft legislation may be formulated in various ways, as required by the specificities of each mandate.

30. Communications do not imply any kind of value judgment on the part of the Special Procedure concerned and are thus not per se accusatory. They are not intended as a substitute for judicial or other proceedings at the national level. Their main purpose is to obtain clarification in response to allegations of violations and to promote measures designed to protect human rights.

31. The Quick Response Desk (QRD) of the Special Procedures Division of OHCHR coordinates the sending of communications by all mandates. Information available to the Office is provided to relevant mandate-holders in order to ascertain whether they wish to take action on them. In the case of an affirmative response, a draft communication is prepared and circulated for approval. The Quick Response Desk also provides information on any previous action taken in relation to the case in question.

32. Mandate-holders are encouraged to send joint communications whenever this seems appropriate. Communications by thematic mandate-holders in relation to a State for which a country rapporteur exists shall be prepared in consultation with the latter. Where agreement between the thematic and country Special Procedures cannot be reached the advice of the Coordination Committee shall be sought.

33. OHCHR desk officers and relevant United Nations field offices should also be consulted, in the preparation of communications concerning the areas of their responsibility. In order to ensure necessary coordination they should also be provided with copies of any relevant communications which have been sent.

34. Each communication must be expressly authorized by the relevant mandate-holder(s).¹⁴ Communications usually take the form of a letter transmitted by the

¹⁴ The procedures for sending communications of the Working Group on arbitrary detention and the Working Group on enforced or involuntary disappearances has several specificities which are reflected in their methods of work. See fact Sheet No. 26, Annex IV and E/CN.4/2002/79, Annex I.

OHCHR to concerned Governments through diplomatic channels. This means that communications are sent to the Permanent Representative of the country concerned to the Office of the United Nations in Geneva. In the absence of such representation the letter shall be transmitted to the relevant Permanent Representative at United Nations Headquarters in New York, or to the Ministry of Foreign Affairs of the country or countries concerned, as agreed between OHCHR and the country concerned.

35. In communications sent to Governments, the source is normally kept confidential in order to protect against reprisals or retaliation. An information source may, however, request that its identity be revealed.

36. In light of information received in response from the Government concerned, or of further information from sources, the mandate-holder will determine how best to proceed. This might include the initiation of further inquiries, the elaboration of recommendations or observations to be published in the relevant report, or other appropriate steps designed to achieve the objectives of the mandate.

37. The text of all communications sent and responses received thereon is confidential until such time as they are published in relevant reports of mandate-holders or mandate-holders determine that the specific circumstances require action to be taken before that time. Periodic reports issued by the Special Procedures should reflect the communications sent by mandate-holders and annex the governments' responses thereto. They may also contain observations of the mandate-holders in relation to the outcome of the dialogue with the Government. The names of alleged victims are normally reflected in the reports, although exceptions may be made in relation to children and other victims of violence in relation to whom publication of names would be problematic.

2. Criteria for taking action

38. Information submitted to the Special Procedures alleging violations should be in written, printed or electronic form and include full details of the sender's identity and address, and full details of the relevant incident or situation. Information may be sent by a person or a group of persons claiming to have suffered a human rights violation. NGOs and other groups or individuals claiming to have direct or reliable knowledge of human rights violations, substantiated by clear information, may also submit information so long as they are acting in good faith in accordance with the principles of human rights and the provisions of the UN Charter, free from politically motivated stands. Anonymous communications are not considered. Communications may not be exclusively based on reports disseminated by mass media.

39. Allegations should ideally contain clear and concise details regarding the name of individual victim(s) or other identifying information, such as date of birth, sex, passport number and place of residence; ethnic or religious group when appropriate; the name of any community or organization subject to alleged violations; information as to the circumstances, including available information as to the date and place of any incident(s); alleged perpetrators; suspected motives; contextual information; and any steps already taken at the national, regional or international level in relation to the case.

40. A decision to take action on a case or situation rests in the discretion of the mandate-holder. That discretion should be exercised in light of the mandate entrusted to him or her as well as the criteria laid out in the Code of Conduct. The criteria will generally relate to: the reliability of the source and the credibility of information received; the details provided; and the scope of the mandate.

41. Each mandate-holder may adopt criteria or guidelines governing the acceptance of information or the taking of action. A number of Special Procedures have developed standard requirements/questionnaires to facilitate the collection of relevant information. It is up to mandate-holders to seek additional information from the original source or from other appropriate sources in order to clarify the issues or verify the credibility of the information.

42. Unlike the requirements of communication procedures established under human rights treaties, communications may be sent by the mandate holder even if local remedies in the country concerned have not been exhausted. The Special Procedures are not quasi-judicial mechanisms. Rather, they are premised upon the need for rapid action, designed to protect victims and potential victims, and do not preclude in any way the taking of appropriate judicial measures at the national level.

3. Urgent Appeals

43. Urgent appeals are used to communicate information in cases where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a human rights violation.

44. Urgent appeals are addressed to concerned Governments through diplomatic channels, unless agreed otherwise between individual Governments and the Office of the High Commissioner for Human Rights.

45. Urgent appeals also generally follow a standard format consisting of four parts: (i) a reference to the resolution creating the mandates concerned; (ii) a summary of the available facts, and when applicable an indication of previous action taken on the same case; (iii) an indication of the specific concerns of the mandate-holder in light of the provisions of relevant international instruments and case law; and (iv) a request to the Government to provide information on the substance of the allegations and to take urgent measures to prevent or stop the alleged violations. The content of the questions or requests addressed to the Government will vary significantly according to the situation in each case. Governments are generally requested to provide a substantive response within thirty days. In appropriate cases mandate-holders may decide to make such urgent appeals public by issuing press releases.

4. Letters of Allegation

46. Letters of allegation are used to communicate information about violations that are alleged to have already occurred and in situations where urgent appeals do not apply.

47. Letters of allegation generally follow a standard format consisting of four parts: (i) a reference to the resolution creating the mandate(s) concerned; (ii) a summary of the available facts, and when applicable an indication of previous action taken on the same case; (iii) an indication of the specific concerns of the mandate-holder in light of the provisions of relevant international instruments and case law; and (iv) a request to the Government to provide information on: (a) the substance of the allegations; (b) measures taken to investigate and punish alleged perpetrators; (c) compensation, protection, or assistance provided to the alleged victims; (d) legislative, administrative and other steps taken to avoid the recurrence of such violations in the future; and (e) other relevant information. The content of the specific questions or requests addressed to the Government may vary considerably according to the substance of the allegations.

48. Governments are usually requested to provide a substantive response to communication letters within two months. Some mandate-holders forward the substance of the replies received to the source for its comments.

5. Public and Press Statements

49. In appropriate situations, including those of grave concern or in which a Government has repeatedly failed to provide a substantive response to communications, a Special Procedure mandate-holder may issue a press statement, other public statement or hold a press conference, either individually or jointly with other mandate-holders.

50. In general, mandate holders should engage in a dialogue with the Government through the communications procedure before resorting to a press release or other public statement. When a mandate holder sends a communication with the intention of issuing a press release shortly thereafter, such intention could be indicated to the Government in the communication. Mandate holders should indicate fairly the responses provided by concerned States.

51. Standard practice is that press releases are shared with the Permanent mission sufficiently in advance. Press releases and statements are processed by the Communications Section of the OHCHR and posted on the OHCHR's web-site.

C. Country visits

1. Definition and purpose

52. Country visits are an essential means to obtain direct and first-hand information on human rights violations. They allow for direct observation of the human rights situation and facilitate an intensive dialogue with all relevant state authorities, including those in the executive, legislative and judicial branches. They also allow for contact with and information gathering from victims, relatives of victims, witnesses, national human rights institutions, international and local NGOs and other members of civil society, the academic community, and officials of international agencies present in the country concerned.

53. Country visits generally last between one and two weeks but can be shorter or longer if the circumstances so require. The visit occurs at the invitation of a State. Its purpose is to assess the actual human rights situation in the country concerned, including an examination of the relevant institutional, legal, judicial, and administrative aspects and to make recommendations thereon in relation to issues that arise under the relevant mandate.

54. Country visits by mandate-holders provide an opportunity to enhance awareness at the country, regional and international levels of the specific problems under consideration. This is done, *inter alia*, through meetings, briefings, press coverage of the visit and dissemination of the report.

2. Invitations and requests for visits

55. A Government may take the initiative to invite a mandate-holder to visit the country. Alternatively a mandate-holder may solicit an invitation by communicating with the Government concerned, by discussions with diplomats of the country concerned, including especially the Permanent Representative to the United Nations Office in Geneva or at Headquarters, or by other appropriate means. The GA, the HRC, or the High Commissioner for Human Rights might also suggest or request that a visit be undertaken.

56. When a State does not respond to requests for an invitation to visit, it is appropriate for a mandate-holder to remind the Government concerned, to draw the attention of the Council to the outstanding request, and to take other appropriate measures designed to promote respect for human rights. An updated table of the status of requests for country visits is maintained on the website of the OHCHR.

57. Considerations which might lead a mandate-holder to request to visit a country include, *inter alia*, human rights developments at the national level (whether positive or negative), the availability of reliable information regarding human rights violations falling within the mandate, or a wish to pursue a particular thematic interest. Other factors which might be taken into account in determining which visits to undertake at any particular time might include considerations of geographical balance, the expected impact of the visit and the willingness of national actors to cooperate with

the mandate-holder, the likelihood of follow-up on any recommendations made, the recent adoption by one or more treaty bodies of relevant concluding observations, the upcoming examination of the situation by one or more treaty bodies, recent or proposed visits by other Special Procedure mandate-holders, the list of countries scheduled for consideration under the Council's Universal Periodic Review (UPR) mechanism, follow up to the recommendations and conclusions of the UPR mechanism, and the priorities reflected in OHCHR's country engagement strategy.

58. In 2004, the CHR on Human Rights strongly encouraged all States to extend a "standing invitation" to all thematic Special Procedures. By extending such an invitation States announce that they will automatically accept a request to visit by any of the Special Procedures.¹⁵ The extension of a standing invitation, and the overall cooperation afforded to Special Procedures,¹⁶ are appropriately taken into account by the GA in considering the "pledges and commitments" made by States seeking election to the HRC. Additionally, the Code of Conduct "urges all States to cooperate with, and assist, the special procedures in the performance of their tasks".

59. Where appropriate country visits might be undertaken by several mandate-holders acting together, or by mandate-holders in conjunction with other representatives of the international community.

3. Preparation

60. Mandate-holders are expected to ensure that their visit is conducted in compliance with the terms of reference of their mandate. The minimum standards that Governments are expected to apply in the context of a country visit by mandate-holders are reflected in the 'Terms of reference for fact-finding missions by Special Rapporteurs/Representatives' which are reproduced in Annex 3 of this Manual. These

¹⁵ A list of states that have extended a standing invitation to thematic procedures can be found on the OHCHR's web-site: <http://www.ohchr.org/english/bodies/chr/special/invitations.htm>

¹⁶ CHR on Human Rights Resolution 2004/76 reiterated states' obligations to cooperate with Special Procedures:

Urges all Governments to cooperate with the Commission through the pertinent Special Procedures, including by:

(a) Responding without undue delay to requests for information made to them through the Special Procedures, so that the procedures may carry out their mandates effectively;

(b) Considering Special Procedures to visit their countries and considering favourably accepting visits from Special Procedures when requested;

(c) Facilitating follow-up visits as appropriate in order to help to contribute to the effective implementation of recommendations by the Special Procedures concerned;

3. *Calls upon* the Governments concerned to study carefully the recommendations addressed to them by Special Procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation;

4. *Calls upon* all States to protect individuals, organizations or groups of persons who provide information to, meet with, or otherwise cooperate with the Special Procedures from any type of violence, coercion, harassment, or other form of intimidation or reprisal (...)"

The Code of Conduct also mentions cooperation between States and special procedures in operative paragraph 1:

"*Urges* all States to cooperate with, and assist, the special procedures in the performance of their tasks and to provide all information in a timely manner, as well as respond to communications transmitted to them by the special procedures without undue delay [...]"

standard terms of reference and possible additional guarantees related to the specificities of the particular situation or mandate need to be addressed and agreed upon between the mandate-holder and the Government in advance of the mission.

61. The preparation of country visits is carried out on the basis of close consultation and cooperation between the mandate-holder(s) and the Permanent Mission of the concerned State in Geneva, as well as with OHCHR, and other relevant United Nations entities.

62. The OHCHR will make the necessary arrangements to ensure that mandate-holders have the staff support needed to conduct their mission effectively. Mandate-holders are usually accompanied in their meetings by OHCHR staff.

63. In advance of their visit, mandate-holders are provided with a “country assessment” prepared by OHCHR, which is a briefing document on the situation in the country covering legislation, relevant policies and programmes, institutions, administrative practices, and case law, as well as specific information relating to alleged violations or particular situations of concern.

64. The actual agenda for a country visit is a matter to be determined by the mandate-holder.

65. Those parts of the programme involving meetings with public authorities and institutions are negotiated between the mandate-holder and the Government concerned, usually through their mission to the United Nations. These discussions usually cover the timing of the mission, the list of official meetings requested with relevant authorities, and the nomination of an official from the host country as focal point throughout the visit (usually from the Ministry of Foreign Affairs or the Office of the Prime Minister or President). In this connection Governments must offer appropriate guarantees, preferably in writing, to ensure the protection of witnesses and the absence of all reprisals against any person cooperating with the mission in any way.

66. Those parts of the programme involving meetings with civil society are prepared by the mandate-holder with the support of the United Nations Country Team (UNCT) and OHCHR field presence as well as NGOs and national institutions. The details of this part of the programme may be shared with state authorities at the discretion of the mandate-holder. As specified in the Terms of Reference (see Annex 3.b, iii and iv of this Manual), the authorities commit to allow the mandate-holder to meet with NGOs and witnesses and to refrain from creating obstacles in that regard. Any person or group who cooperates with a Special Procedure is entitled to protection by the State from harassment, threats or any other form of intimidation or retaliation.

67. United Nations security regulations and assessments should be consulted in the preparatory stages of planning a country visit. Mandate holders shall have access to official security protection during their visit, but this shall be provided in ways which do not prejudice the privacy, confidentiality or freedom of movement that mandate-holders require to fulfill their mandates. This should be arranged in consultation with the OHCHR, and after an agreement between the host Government and the mandate holder, in light of an objective assessment of the security situation.

Careful consideration should be given to offers for security measures that may have an impact on the conduct of the mission. Advice in this regard should be sought from the local United Nations official in charge of security questions. Should the host Government be unable to provide the requisite security, under rare and exceptional circumstances, the United Nations system may protect experts on mission by employing security service companies providing armed guards. In the alternative, armed United Nations security officers may accompany a mandate-holder. The United Nations Security Coordinator must authorize such protection well in advance of the mission.

68. In terms of logistics, OHCHR works closely with the United Nations Resident Coordinator or Representative in the country. Where specific agencies have a major role in relation to the human rights situation, they are also consulted and may be requested to provide support. In addition, mandate-holders sometimes request one or more NGOs to coordinate some or all meetings with NGOs and individuals.

69. The necessary visas for the countries to be visited are to be obtained by mandate-holders, usually in their places of residence. When needed, the OHCHR shall cooperate with the appropriate authorities to facilitate the obtaining of a visa for the mandate-holder. Visa fees incurred will be reimbursed as part of the final settlement of travel expenses. In cases in which mandate-holders propose to undertake a mission in their countries of origin or residence, visas are not required. In such cases, they should simply notify their Government of nationality or residence.

70. In most cases mandate-holders will issue a brief media advisory, perhaps one week before the start of the mission, through the Communications Section of OHCHR, providing essential information on the mandate, the mandate-holder and the objectives of the visit. This media advisory should be made available on the website of the OHCHR and publicized in the country to be visited.

4. Conduct of the visit

71. At the beginning and at the end of their visit, mandate-holders usually organize a meeting with the Government authority in charge of the visit, which is normally the Ministry of Foreign Affairs. During the initial briefing the Government should be informed about the purpose of the visit, the most significant issues to be addressed and the anticipated approach of the mandate-holder. During the departure briefing, the mandate-holder shares with the Government his or her preliminary findings and recommendations. The process for preparing the report, as well as the means of follow-up, may also be discussed.

72. At the end of a visit, mandate-holders will generally organize a press conference during which they will make a press statement and share their preliminary conclusions. They may also indicate fairly any responses received from the concerned State in the meantime. The organization of the press conference is facilitated by the UNCTs.

73. When conducting interviews with victims and witnesses of human rights violations mandate-holders will be guided by principles of objectivity, respect,

confidentiality, verifiability, discretion, transparency, impartiality, and even-handedness. They should explain the mandate and avoid raising unrealistic expectations. They should also assess the reliability of the information and of the person(s) providing the information. Interviews should always be private and confidential. The premises of the United Nations should be used for interviews where available and appropriate. Government authorities, military or civilian, should not be present during interviews with victims, NGOs, or other non-governmental entities. Testimonies should not be reproduced in such a way that they can be attributed and real names should not be cited in the report without the explicit consent of the person concerned. Mandate-holders should preserve the confidentiality of sources of testimonies if their divulgation or publication¹⁷ could cause harm to individuals involved.

5. Reporting on the visit

74. The mission report prepared by a mandate-holder will generally contain details of the itinerary and of the principal meetings, an analysis of the situation, and a set of conclusions and recommendations directed towards the Government and other relevant actors. The draft report is first submitted to the Government to correct any misunderstandings or factual inaccuracies. Ideally, six weeks should be allowed for Government comments to be taken into account, but in any case no less than four weeks unless specifically agreed with the Government concerned. Mandate-holders might also opt to solicit comments on the draft report from UNCTs and other appropriate sources. The final reports are generally published as a separate document but might also be included as a part of a general report by the mandate-holder. Comments by the Government concerned on the substance of the report should be annexed to the report, in accordance with applicable United Nations documentation rules. They may, upon request of the Government concerned, also be issued as an official document.

D. Other activities

1. Thematic studies

75. In addition to any other reports, mandate-holders may opt to devote a separate report to a particular topic of relevance to the mandate. Such studies may be initiated by the mandate-holder or undertaken pursuant to a specific request by relevant bodies. The practical arrangements in relation to the drafting and publication of these reports will be determined in consultation with OHCHR.

76. Such studies should be thoroughly researched and where appropriate take account of replies to questionnaires or other requests for information transmitted to governments, United Nations agencies, NGOs, treaty bodies, regional organizations, other experts, or partners.

¹⁷ According to Article 8 (b) of the Code of Conduct.

2. Participation in seminars and conferences

77. Mandate-holders are frequently invited in their official capacity to participate in conferences, seminars and other events. OHCHR staff should be kept informed about such activities and should, both as a matter of courtesy and for reasons of transparency, inform the state concerned of the visit.

3. Dissemination

In order to alert the United Nations organs and agencies and the international community to the need to address specific situations and issues, mandate holders are expected to play a proactive role

78. Dissemination of information is an important element in relation to the conduct of most Special Procedures, but the precise nature of measures taken will vary from one mandate to another. All mandate-holders have a webpage on the OHCHR website that provides information about the mandate as well as links to their reports and other relevant documents. The main Special Procedures website provides information on the system of special procedures, developments at the HRC, and features on information and communication tools. In addition, the Coordination Committee webpage provides information on its activities and relevant information that concerns all mandate holders.

79. Four times each year the OHCHR publishes the “Special Procedures Bulletin”, and annually, the “Facts and Figures”, aimed at providing a general overview of the main activities of Special Procedures.

80. The Communications Section of OHCHR issues press releases and responds to questions in relation to the activities and reports of mandate-holders. Special procedures also issue press releases in honor of international days and to announce or draw attention to important research initiatives and other themes. In addition, the Special Procedure Division, and other Divisions, of OHCHR undertake appropriate promotional and informational activities to make the work of the Special Procedures better known and understood.

E. Relations with Non-State actors

81. International law focuses upon the legal responsibility of the State for violations of human rights committed on its territory or within its jurisdiction, whether by State agents, other concerned authorities or by non-State actors ranging from national liberation movements to private corporations or other actors. In appropriate circumstances, however, non-State actors can also be held to account for human rights violations and may be relevant interlocutors in the quest to restore respect for human rights and to establish accountability for violations. It might thus be appropriate for mandate-holders to engage in a dialogue with such actors.

82. In a State in which a peace process is under way, a cease-fire has been proclaimed by all relevant parties, or where territory is de-facto controlled by a non-

State actor or de-facto authority, interaction between the mandate-holder and representatives of the non-State actor or de-facto authority might take place within the country concerned. The context of such meetings and the conditions under which they are held should seek to ensure that the involvement of the mandate-holder is not understood as an endorsement of any particular claim made by the non-State actor or de-facto authority as to representativity, legitimacy, or other matters. In other contexts, such contacts should preferably be organized outside the territory of the State concerned and should avoid the appearance of a clandestine meeting. Practice indicates that many mandate-holders have made recommendations addressed to non-State actors or de-facto authority and that some have sent communications to such actors.

83. In addition, mandate-holders also communicate regularly with a range of other non-State actors including international organizations such as the World Bank, business entities, and other entities such as United Nations mandated peacekeeping forces.

F. Reporting on activities and interaction with Governments

84. Mandate-holders report on their activities on a regular basis to the relevant United Nations bodies, and particularly the HRC and the GA. With regard to the recommendations contained in their reports, mandate holders should ensure that they recommendations do not exceed their mandate or the mandate of the HRC. Recommendations may also serve to bring to the attention of the Council any suggestions of the mandate holder which will enhance his or her capacity to fulfill the mandate.

85. The relevant deadlines and word limits are determined by applicable United Nations documentation rules in light of the relevant legislative mandates. This will be generally 10 weeks before any given session of a United Nations body. Advanced edited versions of reports are posted on the OHCHR's web-site as soon as they are available.

86. An inter-active dialogue constitutes an important element in the presentation of reports by mandate-holders. Mandate holders present their reports to the HRC, and in some cases to the GA, and States are given the opportunity to respond to the contents of the reports and to pose questions to the mandate holders. Such dialogues are considered to be an integral part of cooperation between mandate holders and States.

87. Mandate-holders also maintain contact with relevant Governments through meetings and consultations in Geneva, New York, or elsewhere. Such meetings might focus on requests for visits, follow-up to visits, individual cases, or any other question related to the mandate. Such contacts are designed to facilitate smooth and fruitful cooperation between Governments and mandate-holders.

III. Follow-up and interaction with other international and regional human rights mechanisms

88. Follow-up to the work of the Special Procedures includes the full range of “measures taken to encourage, facilitate and monitor the implementation of recommendations by any of the Special Procedures”.¹⁸ It is considered to be a crucial element in ensuring that appropriate measures are taken in response to the work of the Special Procedures. The precise approach adopted varies from one mandate to another.¹⁹

89. One of the most important forms of follow-up consists of the interactive dialogue between mandate-holders who are presenting their reports and the HRC. Around one third of the mandate-holders also report to the GA, and some have informally briefed the Security Council.²⁰

A. Follow-up to communications

90. Follow-up to communications is undertaken in several ways, including: (i) through reporting to the HRC and other appropriate bodies on communications sent and replies received, and on observations on the relevant information; (ii) through the analysis of general trends, including the documentation of positive developments; and (iii) by maintaining a systematic and constructive dialogue with Governments concerned, the sources of communications and other partners. The main principle is that of effectiveness, and this will often call for going beyond a straightforward exchange of correspondence.

1. Reporting

91. Summaries of communications and the essence of Governments’ replies to communications are compiled in reports submitted to the Council²¹. In addition, although the approach varies from mandate to mandate, the general practice is for the mandate-holder to provide some response to, or evaluation of, the exchange. Mandate holders may provide regularly qualitative and quantitative assessments of cooperation on communications and will formulate strategic and precise recommendations indicating time frames for implementation.

¹⁸ Report of the 12th Annual meeting of Special Procedures mandate-holders, E/CN.4/2006/4, Paragraph 85.

¹⁹ Examples of well-developed follow-up arrangements can be found, for example, in the work of the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on the question of torture, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

²⁰ Under the Arria formula, Special Procedures mandate-holders may be invited by the President of the Security Council in order to provide informal briefings to interested Security Council members in relation to thematic and specific country situations.

²¹ Many mandate-holders issue a separate report on communications as an addendum to their main report.

2. Statistical information and tools for analysis

92. The OHCHR database on communications can be used to provide statistical information that allows for qualitative and quantitative analysis of trends of communications. This serves as a basis to plan and monitor initiatives to follow-up on communications.

93. OHCHR produces a variety of reports which gives information on the number of communications, the mandate(s) involved, the number of individual situations addressed, disaggregated by sex, region and country, the responsiveness of governments, further information received from the sources; and follow-up. The OHCHR Special Procedures Division (SPD) also provides qualitative analysis of several aspects of the communications system, including: a) Country analyses of the main trends reflected in communications, as a means of assisting the activities of mandate-holders and informing the country engagement activities of the Office; b) Thematic analyses illustrating how particular cross-cutting themes, such as the situation of women, children, minorities, and counter-terrorism, have been dealt with in communications, and c) “Good news stories” (positive developments) arising out of communications sent by mandate-holders. Such information may come from different sources including the Government concerned, the original source, the UNCT, reliable media, or from those affected by the alleged violation.

3. Constructive dialogue with Governments, sources, and other partners

94. The aim of the communications procedure is to ensure a constructive dialogue with Governments in order to promote respect for human rights. It is thus appropriate that reminders be sent to Governments in relation to unanswered correspondence. Similarly, where it would enhance the quality of the dialogue and understanding of the situation, mandate-holders can follow-up on replies provided by Governments in order to request further clarification or information.

95. Information on the communications procedure for each mandate is available on the OHCHR website, and this information should be kept as up to date as possible. Mandate-holders are encouraged to share reports on communications on a regular basis with the relevant sources and to inform them of positive or negative developments in relation to the relevant cases. This provides important feedback to those concerned and encourages follow-up by local or national actors.

96. Efforts to raise awareness and understanding of the procedure and to build an expanded network of sources of information are an essential component of the activities of the OHCHR and mandate-holders. Mandate holders are encouraged to work with OHCHR, including its field presences, to identify additional means by which to promote follow-up.

B. Follow-up to country visits

97. Mandate-holders can seek to enhance the effectiveness of their country visits in various ways, including by: 1) formulating their recommendations in ways that facilitate implementation and monitoring; 2) undertaking follow-up initiatives through communications and further visits; and 3) cooperating with relevant partners.

1. Shaping recommendations

98. Recommendations, whether addressed to governments, inter-governmental organizations or non-governmental organizations, should be SMART: specific, measurable, attainable, realistic, and time-bound. Not all issues that arise in the context of a visit may be best addressed through a specific recommendation, and mandate-holders should generally give priority to those proposals which meet the SMART criteria.

99. In formulating recommendations advice should be sought from a wide range of sources, including in particular those who might be in a position to contribute to following up in relation to implementation and monitoring. The identification of actors who might play a specific role in this regard is also important.

2. Follow-up initiatives

100. Follow-up to reports is of central importance to the cooperation and dialogue between mandate holders and States. For this purpose mandate-holders can request information from the Government(s) concerned, from civil society, and from other appropriate sources, in order to assess the status of implementation of the recommendations made following recent country visits. A questionnaire, or other tools, can be used for the purpose of obtaining the information necessary to enable a mandate-holder to evaluate the extent to which recommendations have been implemented. The information gathered on follow up might be issued in a dedicated report, in the mandate-holder's main report, or in other appropriate forms.

101. Mandate holders may consider follow-up visits to countries, depending in part on budgetary considerations. Mandate holders may also wish to follow up on recommendations from previous visits by other mandate holders, to the extent that issues of concern overlap mandates. In addition, a mandate-holder reporting on a country visit might recommend future visits by other mandate-holders to the country to address situations that fall within the scope of their mandates.

102. Mandate-holders may also follow-up on country visits through follow-up seminars organized at the initiative of mandate-holders themselves, the government(s) concerned, UNCTs, national institutions, NGOs and other partners.

3. Partners working on follow-up

103. Mandate-holders play an important role in catalyzing initiatives designed to follow-up on their recommendations and to document subsequent developments. Because the operational capacity and resources of mandate-holders are limited, the contribution of potential partners is especially important.

104. In addition to Governments, which have the main responsibility for implementing the recommendations contained in country reports, key national level partners who might be involved in follow-up include national human rights institutions, national NGOs and UNCTs. Geographic desk officers in OHCHR should play a role in ensuring that recommendations are integrated in country engagement strategies and in facilitating contacts and coordination with national counterparts.

105. Mandate-holders shall seek to establish a dialogue with the relevant government authorities and with all other stakeholders. Collaborative activities which might strengthen the likelihood of follow-up at the national level include: a) sharing the draft mission report with UNCTs and/or relevant agencies and programmes; b) seeking advice and suggestions in formulating recommendations so as to ensure that they fit in country engagement strategies of OHCHR and are relevant to the work of partners in the field; c) sharing final mission reports with partners, encouraging wide dissemination of the report, and supporting initiatives to raise awareness of the issues, including translation of the report into national language(s); d) encouraging partners to follow-up with the Government on recommendations and to keep mandate-holders informed of developments; e) when appropriate, encouraging UNCTs to monitor the situation of individuals and organizations which have cooperated with the mission in order to avoid retaliation and to report on any such problems; and f) informing partners about ways in which mandate-holders can provide support to their work through their personal intervention.

C. Follow-up to thematic studies

106. Thematic studies undertaken by Special Procedures mandate-holders can make important contributions to the overall body of knowledge in the field and to the understanding of complex problems and their possible solutions. Such studies can be used to raise awareness of particular problems and to shed light on the types of laws, policies and programmes which might best ensure the respect for human rights in such circumstances.

107. As noted above the information gathered in the preparation of thematic reports can be made available on the OHCHR website in a variety of formats. The reports themselves should also be widely disseminated by all appropriate means, including press releases, press conferences, and presentations to conferences and to meetings convened by other relevant groups such as civil society, academia and others.

108. Thematic studies can also be used to provide human rights input into the formulation of legislative, policy and other initiatives in the relevant fields.

IV. Coordination and cooperation

A. Coordination among Special Procedures

1. The Coordination Committee

109. In June 2005, the annual meeting of mandate-holders created a Coordination Committee, the principal role of which is to contribute to the ability of the individual experts to carry out their mandates in the most effective way and to promote the standing of the Special Procedures system within the broader framework of the United Nations and its human rights programmes.

110. The Committee's role is essentially facilitative and its interventions are of a recommendatory nature. It has no role in relation to the substantive issues being dealt with by each Special Procedure. Its overall role is limited in order to avoid an excessive workload for its members and to ensure the independence and autonomy of mandate-holders.

111. The Committee's main function is to seek to assist coordination among mandate-holders and to act as a bridge between them and the OHCHR, the broader United Nations human rights framework, and civil society. Consequently, it should play a role in:

- (a) enhancing the effectiveness and independence of mandate-holders and facilitating their work;
- (b) being available to mandate-holders to share experience concerning methods of work;
- (c) ensuring that the concerns of the Special Procedures system are taken into account by the HRC, and reporting on developments in this regard;
- (d) proactively identifying issues of concern to groups of mandates and facilitating joint action on cross-cutting issues or issues of shared concern;
- (e) structuring the exchange of information and in particular keeping mandate-holders informed of the activities carried out by colleagues; and
- (f) proposing a draft agenda for the Annual Meeting of the Special Procedures and presenting a report to the Meeting.

112. The Coordination Committee consists of five members, including the Chairperson and the Rapporteur of the Annual Meeting. The Chairperson and the Rapporteur then select three more members from a list of nominees submitted to them by mandate-holders. The outgoing chair of the Coordination Committee, or another member, should become an ex officio member of the Committee. Those members shall be selected with a view to ensuring appropriate balance and diversity in terms of country and thematic mandates, geographical balance, gender, and experience in the Special Procedure system. There should be some continuity over time in the composition of the Committee.

113. The Coordination Committee members should be in touch via email and conference calls. If need be, they should meet at an appropriate time during the course of the year, and should meet informally one day before the annual meeting. The Committee should oversee the development of a more effective system of

communicating among mandate-holders involving an interactive webpage or message board open only to the experts themselves.

114. The mandate of the Coordination Committee was reviewed by mandate holders at successive meetings of special procedures. The majority of mandate holders expressed support for a stronger and more proactive role of the CC which would facilitate the interaction between special procedures and the HRC and increase synergies between mandate-holders. It would also ensure that mandate-holders speak with one voice, which was particularly important at a time where fundamental reforms, which could have an impact on the role of special procedures, were being discussed.

2. Joint communications

115. The issuance of joint communications is one method by which to promote coordinated action by Special Procedures in situations which implicate the mandate of more than one mandate-holder. While there is no obligation on an individual mandate-holder to participate jointly with others, it should be recognized that joint action can facilitate better coordination at all levels and reduce the burden imposed upon Governments in cases in which multiple communications might otherwise be sent. The OHCHR's Quick Response Desk (QRD) has an important role to play in facilitating joint communications. In 2007, 46 per cent of communications sent were joint communications.

3. Annual meetings of mandate-holders

116. The 1993 Vienna World Conference on Human Rights underlined the importance of strengthening and harmonizing the system of Special Procedures. As a result, since 1994 annual meetings of all of the mandate-holders have been convened.

117. The Annual Meeting is an opportunity for mandate-holders to meet each other and to exchange views with Member States, NGOs, National Human Rights Institutions and representatives of international organizations. It is also used to facilitate a dialogue with the Chairpersons of the various treaty bodies.

B. Cooperation with partners

118. Special Procedures mandate-holders work in close cooperation with a range of partners. In cooperating with various partners, mandate holders should always bear in mind the independent nature and the scope of their mandate. As noted above, States should cooperate with, and assist, the special procedures in the performance of their tasks and to provide all information in a timely manner, as well as respond to communications transmitted to them by the special procedures without undue delay. The various partners include the following:

1. Treaty bodies

119. Cross-fertilization between the work of Special Procedures and that of the treaty bodies is highly desirable in order to strengthen and reinforce the overall human rights system. One way of promoting this is to encourage the use of concluding observations, general comments, and final views adopted by treaty bodies by the Special Procedures in their work, and the use of the findings and recommendations of mandate-holders in the work of the treaty bodies wherever relevant.

120. Treaty bodies are provided with the findings and recommendations of Special Procedures and conversely, treaty bodies' concluding observations are fed into the background materials used by the mandate-holders in their work. During the Annual Meeting of Special Procedures mandate-holders, the experts and the chairpersons of the treaty bodies hold a joint meeting to discuss issues of common concern and explore opportunities for enhanced cooperation. In this spirit, mandate-holders are encouraged to take account of the general comments, concluding observations and final views of the treaty bodies in so far as they are relevant to reporting on a particular country.

121. Interaction between Special Procedures and treaty bodies can be facilitated by: 1) briefings by mandate-holders for treaty bodies in relation to both country situations and thematic issues; 2) participation of mandate-holders in days of general discussion organized by treaty bodies; 3) contributions by mandate-holders to the elaboration of general comments; and 4) the incorporation of information and jurisprudence generated by the treaty bodies in the work of Special Procedures, 5) submission by mandate-holders of written information and proposals to treaty bodies in advance of their respective sessions, and presentation of their findings when relevant at the appropriate sessions of the treaty bodies.

2. Cooperation with OHCHR

122. The role of the OHCHR is to facilitate and support the work of mandate-holders. The output from that work constitutes an important input into the programs and priorities of both the OHCHR and the broader United Nations system.

3. Cooperation with UNCT and United Nations agencies, funds and programmes

123. The work of the Special Procedures should be integrated into, and draw upon, the work of the OHCHR at the country level.

124. Action 2 of the 2002 Reform Programme put forward by the Secretary-General emphasized the importance of integrating human rights into the work of the United Nations as a whole, particularly at the country level. In this spirit, it is essential to ensure appropriate linkages, in both directions, between the work of the United Nations Country Teams and that of the Special Procedures. A Memorandum of Understanding on country visits was signed between OHCHR and UNDP in 1998, and a Guidance Note for United Nations Country Teams in relation to Special

Procedures and the treaty bodies was issued in May 2005. It identifies opportunities for cooperation between Special Procedures and UNCTs and provides examples of good practices in the following three main areas of cooperation:

Mission preparation and conduct

125. Substantive participation by UNCTs in mission preparation and the conduct of the mission provides an opportunity for the Team to update and contextualize the information already received by the mandate-holder, and assists the latter in identifying persons, sites and material of particular relevance. It can also provide opportunities for the UNCT to engage in a dialogue on human rights issues, with a range of partners including the mandate-holders themselves, relevant Governmental authorities, NGOs, and others. To facilitate this process, information on the mandates and the mandate-holders should be provided in advance of the mission to the UNCT. Trainings for UNCTs about the special procedures system a day or two before the beginning of a special procedures country visit have also proved useful.

Follow-up to missions

126. Mandate-holders can engage with the UNCTs in drawing up their recommendations, in gathering additional information, in seeking advice on the accuracy of their analyses, and in identifying the most appropriate measures to take in order to encourage meaningful follow-up. It is also appropriate for UNCTs, which should receive a copy of all reports as soon as they are finalized, to publicize those reports, and to remain in contact with the mandate-holder in order to maintain momentum on the relevant issues.

Advocacy and programming

127. UNCTs can encourage the government to invite and cooperate with mandate-holders and to implement the recommendations which result from the visit. Mandate-holders can encourage these practices through regular contact and cooperation with UNCTs.

Cooperation with United Nations agencies

128. Special Procedures benefit from cooperation with various United Nations specialized agencies and other bodies. This might extend to working closely together in the preparatory stages of a mission, during the mission or in the context of follow-up.

129. Mandate-holders may be solicited to join advocacy activities and campaigns, to participate in conferences and other events, to contribute to interagency studies, and to work on the drafting of policy tools and guidelines. Such contributions must respect the different mandates and roles of the Special Procedures on the one hand and the United Nations agencies on the other, and every effort should be made to keep the OHCHR fully informed of, and where appropriate, involved in, such activities.

4. Regional human rights mechanisms

130. Mandate-holders are also encouraged to establish and maintain contacts with regional human rights mechanisms working on issues related to their mandate to ensure exchanges of information, coordination, and mutual support in common areas of work. In this spirit, mandate-holders should also make use, wherever relevant and appropriate, of the jurisprudence, standards, resolutions and other official documents of regional organizations to reinforce their analyses and recommendations.

5. National Human Rights Institutions

131. Independent national human rights institutions are usually ideally placed to interact with, and facilitate, the work of mandate-holders, as well as to contribute to the implementation of, and the follow-up to, their recommendations. The roles of the two actors should be mutually reinforcing in various respects.

132. Mandate-holders are well placed to support the establishment or strengthening of national institutions, to facilitate and encourage their work in specific areas, to reinforce their need for independence in accordance with the Paris Principles, to promote the provision of adequate resources to enable them to function effectively and to take action when they are under threat from any source. They can also call attention to any shortcomings in their role in relation to relevant issues.

6. Cooperation with civil society

133. Civil society in general, and international, regional and national NGOs in particular, provide invaluable support to the Special Procedures system. They provide information and analysis, help to disseminate the findings of the Special Procedures, and assist in follow-up activities, and thus help also formulate and implement relevant national policies and programmes for human rights education to improve situations of the issues under the Special Procedures. Meetings with their representatives are appropriate in all aspects of the work of the Special Procedures including in their activities in Geneva and New York, on field missions, and more generally. It is thus appropriate for mandate-holders to give careful and timely consideration to invitations from NGOs and academic institutions to participate in activities such as conferences, debates, seminars and regional consultations. The OHCHR should generally be kept informed of the relevant activities of mandate-holders as they relate to civil society.

Annexes

- I: List of Special procedures mandate holders
- II: Guiding principles regarding the working relations between special procedures mandate-holders and OHCHR staff [to be updated]
- III: Terms of reference for fact-finding missions by Special Rapporteurs / Representatives (E/CN.4/1998/45 Appendix V)
- IV: Security briefing [to be updated]
- V: Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission (ST/SGB/2002/9)
- VI: Convention on the Privileges and Immunities of the United Nations
- VII: Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights - Summary of the Advisory Opinion of 29 April 1999
- VIII: Code of conduct for Special Procedures mandate holders of the Human Rights Council (HRC resolution 5/2, 18 June 2007)