



ADVOCATING THROUGH THE UN HUMAN RIGHTS SYSTEM

How to use selected human rights mechanisms for effective advocacy – guidance and Helvetas experience

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INTRODUCTION

“HELVETAS Swiss Intercooperation systematically engages in policy processes by advocating for systemic change at all levels. As an organisation that bases its actions on human rights, we and our partners are committed to securing the rights of poor and disadvantaged men and women.”

(HELVETAS Advocacy Concept, 2)

There are many ways to advocate on issues of concern and secure people’s basic rights: Raising legal awareness of local farmers regarding land rights; facilitating an education roundtable with provincial authorities and civil society groups; signing an open letter to a national government regarding its budget spending behaviour, to name just a few. Together with local partners, HELVETAS has done a great deal of exciting advocacy in recent years, on a broad range of issues, from local up to national level, and often with considerable success. However, advocacy does not necessarily end at the national level. Sometimes, the doors of decision makers might stay close shut, or political processes might intentionally get delayed by those in power. Where basic human rights get violated – including the right to water and sanitation, to education, or to sufficient food – advocacy sometimes needs to go one step further and take things beyond the national level.

One possible way to do so is through the United Nations Human Rights System (UNHRS). The elaborate system offers several entry points for advocacy beyond national boundaries, through which national decision makers can be held to account. It allows to address sensitive issues without exposure, and to discuss them in a safe space. Even though the UN system might at times appear overly sophisticated and complex, it is actually accessible and ready-to-use for everyone, including local civil society. As a matter of fact, HELVETAS has gathered significant experience in recent years, when some of our programmes and projects in Nepal, Laos, Sri Lanka and Bangladesh engaged with the UNHRS to boost their national advocacy efforts – often with considerable success.

Based on these experiences, this paper explores the very basics of the UNHRS, explains its most relevant building blocks and shows how they can effectively be used for advocacy. Each building block gets illustrated with a specific HELVETAS experience, showing that advocating through the UN is less complicated but more effective than many of us would think.



South Asian migrant workers in Dubai, United Arab Emirates: The Convention on the Rights of All Migrant Workers and Members of Their Families (CMW) is a key instrument to hold countries of origin and of destination accountable. (Alamy Stock Photo / Rosa Irene Betancourt)

1. UNDERSTANDING THE UNITED NATIONS HUMAN RIGHTS SYSTEM

The United Nations Human Rights System (UNHRS) consists of different human rights instruments and their enforceable mechanisms. There are two basic types of human rights instruments:

A. Treaties, covenants and protocols: Legally binding and enforceable on the States that have ratified, accepted or acceded to them. Examples of such legally binding documents are the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Optional protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, the Optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and others.

B. Declarations, principles, plans of action and guidelines: Not legally binding, but still carry considerable political and legal weight. Examples include the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the United Nations Sustainable Development Goals, the Declaration on the Rights of Indigenous Peoples, the United Nations Principles for Older Persons, the United Nations Millennium Declaration, the Durban Declaration and Programme of Action, the Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), the Principles relating to the Status of National Institutions (The Paris Principles), and others.

To monitor these instruments, there are **three different mechanisms**. They often run in parallel or overlap within the United Nations (UN):

1. Treaty based mechanisms
2. Charter based mechanisms
3. The Office of the High-Commissioner for Human Rights (OHCHR)

Figure 1 and 2 illustrate how these mechanisms are spread within the UN.

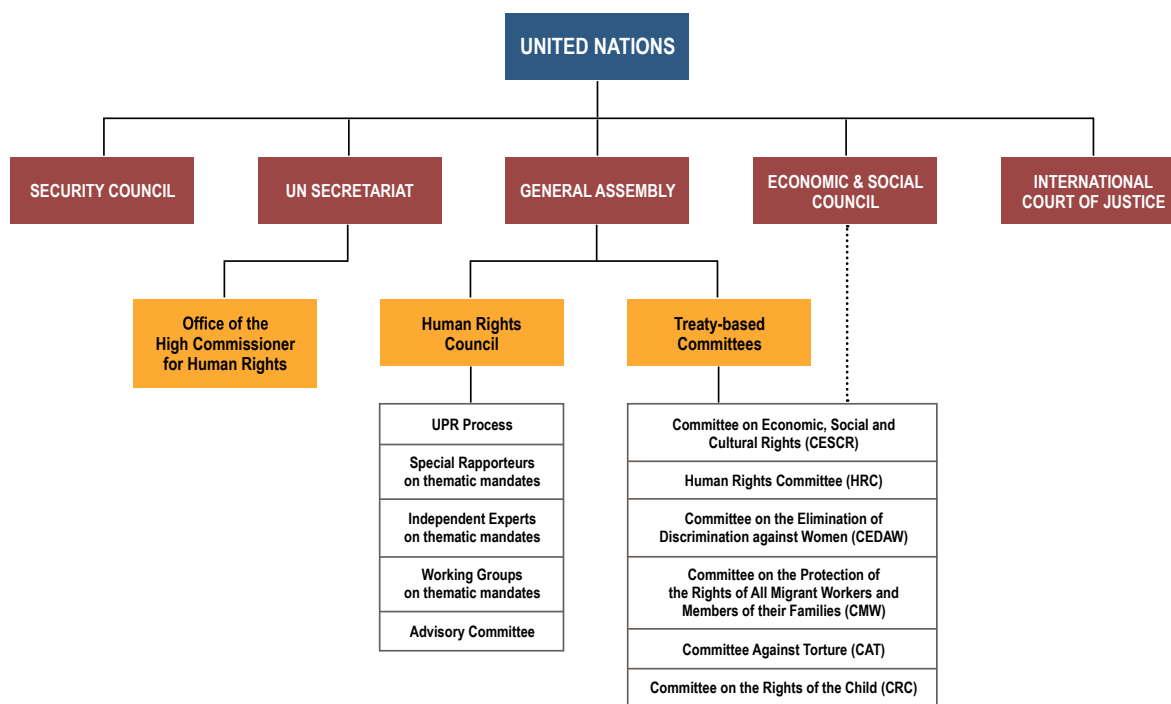


Figure 1: Selected UN human rights mechanisms (© HELVETAS Swiss Intercooperation)

Under the **treaty based mechanisms**, there are committees that monitor the States' compliance with relevant treaty obligations through its processes such as periodic reviews, individual complaints and inter-state complaints. These committees can only monitor those States that have signed the relevant treaties (see chapter 2 for details).

Yet there are still many human rights instruments as well as situations that are left out of the scope of the treaty mechanisms. To deal with these, the UN established **charter based mechanisms**. At the centre of the charter-based mechanisms is the Human Rights Council (Council) which works through its mechanisms

such as the Universal Periodic Review process (UPR process), special procedures, advisory committee and other subsidiary bodies (see chapter 3 for details).

Apart from these, there is the **Office of the High Commissioner for Human Rights (OHCHR)** which provides technical and field support in close cooperation with other United Nations agencies and programmes and mandates, such as the UN Commission on Women, the United Nations High Commission for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF) etc (see chapter 4 for details).



Female staff at an information booth offering advice and support to migrant workers, Sri Lanka: Engaging with the UN Special Rapporteur on the Human Rights of Migrants can be an effective way to inform political debates related to migration (HELVETAS Swiss Intercooperation / Karin Wenger)

2. TREATY BASED MECHANISMS

2.1 Treaty based Committees

What are they?

The committees under treaty-based mechanisms monitor States' compliance to the international treaties and their optional protocols¹. Whenever a State ratifies a treaty, it agrees to comply with all the treaty articles and to be monitored by the respective committee. At present, there are ten committees consisting of independent experts. Nine of them monitor each one treaty, while the tenth one – the sub-committee on the prevention of torture – monitors places of detention in States that are party to the Optional protocol to the Convention against Torture.

¹ See Annex 1 for details on the most relevant committees from a Helvetas perspective.

How they are formed?

Each committee usually consists of 10 to 25 members – independent experts in the area of human rights law. They are elected by the States parties who have ratified the treaties. Although they are nominated by their countries, once elected to the committee, they work independently. They do not represent their States or take instructions from them. They can only monitor those States that have ratified relevant treaties. So, if a State has not ratified a treaty, the committees can do nothing. They report to the General Assembly except for the Committee on the Economic Social and Cultural Rights (CESCR).

What do they do?

The committees have three main areas of work in order to monitor States' compliance with treaties. These are periodic reviews, individual complaints, and inter-state communications. Apart from these, committees also invite general discussions to explore specific themes related to the treaty they monitor.

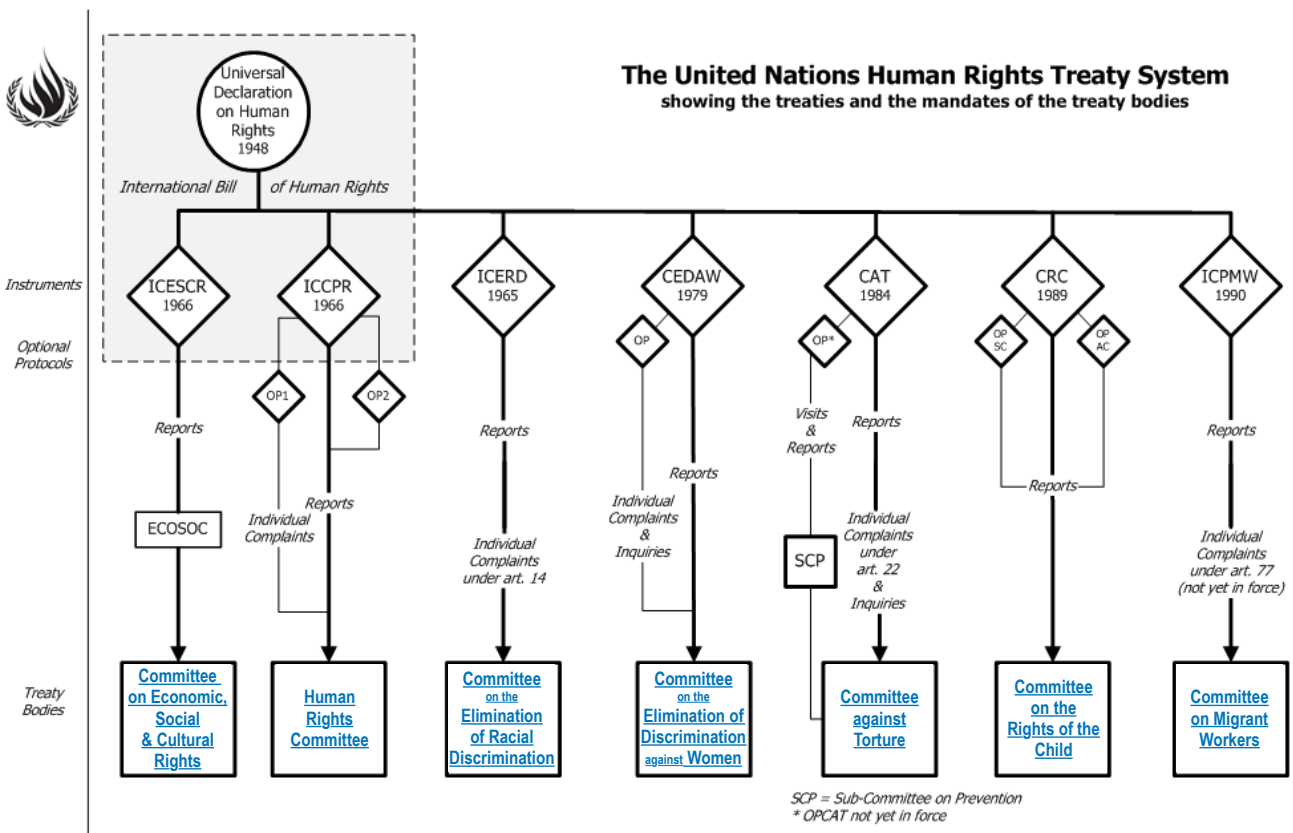


Figure 2: The UN Human Rights Treaty System (© OHCHR 2005)

2.1.1 PERIODIC REVIEWS

Each State that has ratified a treaty has to report to the relevant committee every four to five years showing how it has complied with the treaty articles. However, if a State refuses to submit a report, there is very little a committee can do. The periodic reviews run as follows:

Step 1: Preparation of State party report

A State prepares and submits a report to the relevant committee, concerning and highlighting the implementation of the specific treaty provisions as well as related human rights issues of the treaty provisions in its jurisdiction. This can also include the difficulties it faces to implement the relevant treaty.

Step 2: List of issues

After the State party submits its report and before convening a session, the committee prepares a “list of issues and questions” through its special rapporteur / a pre-session working group for the State party’s consideration. This way, the committee can get additional information that was not included in the report, or can raise questions on specific issues. The written responses of the State to this list of issues form an annex to the State party report. While the State is submitting its report with answers to the list of issues, the committee also invites inputs from the civil society on the implementation of treaty provisions by the State under review (‘shadow reports’).

Step 3: Discussions

The State party under review is invited to the relevant committee’s session to present its report. The examination of the committee is based on the State’s report, its answers to the list of issues as well as on civil society shadow reports. The aim of the session is to engage all stakeholders in a constructive dialogue in order to assist a State in its efforts to implement the relevant treaty.

Step 4: Concluding observations

After the examination of the State party report, the committee issues its “comments” (or “concluding observations” or “recommendations”) which are the ‘judgments’ of the committee.

Step 5: Follow up

In order to assist States in their follow up to the committees’ recommendations, many committees have begun to introduce various procedures. Some of them require States to follow up with a special rapporteur appointed by the committee, while others undertake country visits at the invitation of State parties.

2.1.2 INDIVIDUAL COMPLAINTS AND INTER-STATE COMPLAINTS

When a State is being monitored under periodic review, some of the committees allow individual complaints and inter-state complaints. The individual complaint mechanism under treaties enables an individual to approach relevant committees directly to complain against the government regarding his/her human rights violations under the relevant treaty. However, for this procedure to be effective, the State party must have 'opted' for the relevant treaty article that allows such procedure. In addition, all domestic remedies must be exhausted. At present eight of the main human rights treaties² allow for individual complaints. The inter-state complaint mechanism enables a committee to address gross and systematic human rights violations by a State against another State.

² HRC, CEDAW, CAT, CERD, CRPD, CED, CESC, CRC

2.1.3 GENERAL DISCUSSIONS

Some committees offer civil society groups additional opportunities for advocacy by holding a general discussion day in Geneva. CSOs are then invited to make written submissions on particular topics and to attend the discussion in person. These general discussions help the committee to develop, in greater depth, its understanding of relevant issues and lay the basis for a future general comment.

Sustainable Development Goals and the treaty based mechanisms

Committees promote a two-way interaction with the Agenda 2030. Since all of the 17 SDGs are linked to the treaties, the corresponding committees automatically review progress against the SDGs under their periodic reviews. At the same time, information regarding the national implementation of the SDGs itself relates to treaty implementation. In this regard, treaty bodies are already referring to relevant SDGs and targets in their constructive dialogues with States. Committees can raise specific, SDG-related questions to States prior to the review of their treaty report, or can raise them in their constructive dialogue with States, making recommendations in the concluding observations that link implementation of particular treaty provisions with the SDGs and their specific targets.

2.2 Treaty based mechanisms: Advocacy entry points for Helvetas

Entry points	Actions
Before the State is up for a review	<ul style="list-style-type: none"> • Identify human rights issues relevant under specific treaties and research on your government's position on it. • Some countries invite CSOs to help them prepare State party report. This can be a great opportunity for giving inputs from a field perspective. • Check if any of the members heading the committee happen to be from the country where you have presence. In this case, you can get in touch with the committee member and if asked, help them with concrete, evidence-based inputs from the field.
Before the list of issues is considered	<ul style="list-style-type: none"> • Identify the key human rights issues, including progress on relevant SDG goals under the relevant treaty that warrant the special attention and inform the special rapporteur/working group of the committee (not to confuse with the special rapporteur under thematic mandates)
Pre-session	<ul style="list-style-type: none"> • If allowed, write to the committee to express interest in participating in the pre-session working group or make an oral intervention • Form alliances with like-minded CSOs and/or research institutions, write and submit a shadow report on the human rights issues concerning the relevant treaty, and submit it to the committee
During the session	<ul style="list-style-type: none"> • If possible, attend the session of the committee in person; if allowed make an oral presentation on the main findings of the shadow report
After the session	<ul style="list-style-type: none"> • Help States to conduct activities implementing recommendations, and monitor and document the implementation by the State
Specific advocacy points	<ul style="list-style-type: none"> • Keep yourself updated about the committees' news on their websites and consider participation in the general discussions day of the respective committee

Why approach committees under treaty mechanisms?

- Treaties are the voluntary commitments of States towards the implementation of international human rights within their national laws. Therefore, the main tasks of committees are based on engaging States and other stakeholders through constructive dialogue rather than 'naming and shaming'.
- Treaty committees consist of individual experts from the field, who have in-depth knowledge of the human rights issues. Therefore, their recommendations come as precise and targeted advice on specific issues. The comments of the committees are treated as jurisprudence within the international human rights laws. Right to Water for example is carved through the comment of CESCR.
- Although each committee has different rules of engagement with CSOs, they still provide ample opportunities for CSOs to engage. Unlike the UPR

process, where stakeholder reports are very limited, shadow reports can range from one-pagers to extensive reports. Therefore, it is easier to raise very specific issues and concerns under the treaty mechanisms.

- Helvetas follows the implementation of the SDGs through its human rights based approach. Committees under treaty mechanisms provide an avenue for engaging States on SDG implementation in a constructive manner. This can be done by highlighting links between the SDGs and the relevant treaty provisions, while producing the shadow report and the list of issues.
- Recommendations of a committee can be used as an effective advocacy tool at country level. In principle, a State cannot deny technical and field support from CSOs if it is directed towards fulfilling recommendations of the committee.

Bangladesh: Civil Society Shadow Report on Migrant Workers' Rights

Nayela Akter, Programme Officer Gender, Social Equity, Migration and Governance; Coordinator, SDC Partners' Gender and Governance Platform; HELVETAS Swiss Inter-cooperation Bangladesh

What was your motivation to engage with the UN mechanism?

Migration is a complex phenomenon connecting countries and institutions from local to global level. Hence, violations of migrant workers' rights must be addressed not only in destination countries, but also at global level. CSOs must constantly engage with policy makers at all levels, create pressure and hold them accountable for protecting the rights of migrant workers and their families. The Convention on the Rights of All Migrant Workers and Members of Their Families (CMW) is the key instrument to hold countries of origin and of destination accountable. All CMW signatories are bound to report to the UN Committee, a process to which CSOs can contribute through alternative reports on issues of concern and through specific questions and recommendations to the Committee. Besides the CMW there are other instruments like the Convention on the Elimination of Discrimination against Women (CEDAW) and the Universal Periodic Review (UPR) through which the rights of women migrant workers can be addressed. All UN member states are bound to report on CEDAW and UPR, so CSOs should use these instruments to report on migrant workers' rights. I learned about these instruments in a Diplomacy Training Programme (DTP), which inspired me to engage in the reporting process.

How did you do it?

The DTP familiarised the participating Bangladeshi CSOs with various instruments for advocacy. One instrument was the alternative report on the CMW. Incidentally, Bangladesh was about to submit its initial report at that time. So the CSOs in the training decided to grab the opportunity and prepare a joint shadow report, with support and guidance by DTP and the Migrant Forum Asia (MFA). In small groups, we first identified and explored key issues for migrant workers and their families, eventually formulating key questions and recommendations, and further refined them with all participants. A smaller working group then drafted the report, facilitated several rounds of feedback with course participants, and ensured expert feedback from DTP, UN experts and academics. Another workshop was held to get a broader feedback from other CSOs, lawyers, and journalists. Further inputs came from the wider CSOs community of Bangladesh working on migrants' rights, as well as from destination countries. A significant part of this sharing and awareness building process was funded by the Swiss Agency for Development and Cooperation (SDC). Eventually, the final shadow report submitted to the UN reflected the views of 27 CSOs from Bangladesh!

What was the role of HELVETAS? Was it a driving force or facilitator?

I participated in the DTP training on behalf of HELVETAS and coordinated the preparation of the shadow report. I was then one of two persons selected by all CSOs to briefly present the shadow report at the hearing of the 26th session of the UN Committee on Migrant Workers. DTP introduced us to all international human rights instruments and processes that CSOs can use for advocacy on migrants' rights.

What was the outcome of your efforts?

Our success was that the UN Committee took the shadow report and statements of CSOs into account during the hearing of the State party, and also made use of CSO recommendations in its concluding observations³. For example, it recommended the State party to:

- (18) **establish a centralized and comprehensive database** covering all aspects of the Convention and that data is collected on the status of migrant workers (...) disaggregated by sex, age, nationality, reason for entry and departure from the country, and the type of work performed in order to effectively impact relevant policies.
- (20) **provide adequate financial and human resources to the Commission** to enable it to effectively discharge its mandate, including dealing with complaints from migrant workers
- (24a) Consider more proactive ways of **systematically involving civil society and non-governmental organizations** in the implementation of the Convention, including in countries of employment of Bangladeshi migrant workers and in negotiating and monitoring bilateral agreements;
- (24b) **Adopt the proposed Expatriates Welfare Board Act** ensuring that representatives of migrant workers' associations are included on the Board, as well as the Board of the Migrant Welfare Bank.

How did you follow it up?

After our return to Bangladesh, we reported back to the involved CSOs on the UN Committee's recommendations and concluding remarks. The CSO community working on migration in Bangladesh is very vibrant, but it has no unified CSO platform. This is why the key CSOs working on migration decided to form a local coordination committee on Global Forum on Migration and Development 2016 (GFMD). HELVETAS supports this coordination committee in its efforts to jointly monitor the implementation of the UN Committee's recommendations.

What did you learn from this experience?

HELVETAS Bangladesh started to work on migration by developing a basic understanding of the human rights of migrant workers, and of the instruments and processes that CSOs can use to advocate for these rights. By doing so, we built relationships with other CSOs and eventually could engage with a broad range of stakeholders. We believe that a unified civil society voice for a common goal is the most effective way to advocate. Therefore, HELVETAS will continue to strengthen respective networks.

³ See, recommendations No. 18, 20, 24 and 48 of the Concluding observations on the initial report of Bangladesh by the CMW, 22 May 2017, document No. [CMW/C/BGD/CO/1](#)



A Nepalese woman fills a metal pot with drinking water from a community tap at Bada Pokhara village, Dailekh district, Nepal: The Constitution of Nepal guarantees the right of access to clean drinking water as fundamental right (HELVETAS Swiss Intercooperation / Narendra Shrestha)

3. CHARTER BASED MECHANISMS

Charter based mechanisms are those that derive their power from the UN Charter and are spread across different bodies and levels within the UN. At the centre of these mechanisms is the Human Rights Council (Council) which monitors human rights practices of all UN Member States regardless of them having signed a particular treaty or not.

3.1 The Human Rights Council

The Council was established by the General Assembly (GA) Resolution 60/251 on 15 March 2006. It consists of 47 member States, which are elected by the majority of members of the GA of the UN through direct and secret ballot. The composition of members is based on equitable geographical distribution⁴. The elected members of the Council are representatives of their respective governments. It is an inter-governmental body of the UN and therefore also a political platform to address human rights issues around the world. The Council meets for at least 10 weeks per year at the UN Office in Geneva, Switzerland, in regular sessions usually taking place in March, June and September. It reports to the GA.

How does the Council work?

The main work of the Council is to review the status of human rights in countries around the world, to address human rights violations and to make recommendations for improving the fulfilment of human rights obligations. The Council's main mechanisms are the UPR process, special procedures and other subsidiary bodies and forums.

⁴ Africa 13 seats; Asia-Pacific 13; Latin America and Caribbean 8; Western Europe and others 7; Eastern Europe 6

3.1.1 UNIVERSAL PERIODIC REVIEW PROCESS (UPR)

Under the UPR process, the Council reviews the human rights records of all the 193 UN member States once every four and a half years. The review is based on the States' obligations under:

1. The Charter of the United Nations;
2. The Universal Declaration of Human Rights;
3. Human Rights instruments to which the State is party (human rights treaties ratified by the concerned State);
4. Voluntary pledges and commitments made by the State (including those undertaken when presenting the candidature for election to the Human Rights Council);
5. Applicable international humanitarian law

The UPR process gives States the opportunity to declare what actions they have taken to improve the human rights situation and respective obligations in their countries under the abovementioned instruments, and allows them to describe related challenges and constraints.

How reviews are conducted

Reviews are conducted by the UPR working group, consisting of the President of the Council and its 47 Member States. A group of three rapporteurs ('troika'), selected by the drawing of lots among the members of the Council and from different Regional Groups facilitates each review, including the preparation of the report of the working group. They are assisted by the OHCHR. The process follows five steps:

Stage 1: Submission of reports

When a State is up for a review, the process begins with the submission of three documents:

1. National report (information provided by the State under Review (SuR))
2. Compiled information on the SuR by OHCHR through all its bodies – treaty committees, special rapporteurs under thematic mandates, specialised agencies such as UNICEF, UNDP, and others (usually 10 pages)
3. Stakeholders report prepared by CSOs and National Human Rights Institutions (NHRI)

Stage 2: Interactive dialogue through working group session

Each review starts with the presentation by the SuR of its national report and its responses to the advance questions. Following this, an interactive dialogue takes place during which States take the floor to ask questions and make recommendations on the human rights situation to the SuR. Any of the 192 UN member States may participate in the reviews. They can pose questions and comments and can make recommendations to the SuR. Other relevant stakeholders, such as CSOs, national institutions and UN agencies, can attend the session but cannot take the floor.

Stage 3: Preparation of the report

Following the review by the working group, a report is prepared by the troika with the involvement of the SuR and assistance from OHCHR.

Stage 4: Adoption of the working group report by the Council

The working group report gets adopted twice. First during the working group session, which usually takes place a few days after the review; second by the Council at a plenary session, usually a few months later. At this stage, the SuR has to reply to those issues and questions that were not sufficiently addressed. Other States can take the floor and express their opinions, and CSOs are also allowed to make general comments on the review.

Stage 5: Outcome of the review

The outcome of the review is a report consisting of a summary of the proceedings of the review process, the conclusions and/or recommendations, and the voluntary commitments of the SuR. The recommendations are suggestions to the SuR to improve the human rights situations in the country. The SuR can accept or note recommendations, but cannot reject them.

The outcome of the review is a cooperative mechanism and as per the HRC resolution A/HRC/RES/5/1, and should be implemented by the SuR as well as by other stakeholders. It also makes provisions to involve the international community in assisting the concerned SuR regarding capacity building and technical assistance. Any subsequent review then first focuses on the implementation of the previous outcome. States who fail to cooperate with the UPR process or to follow up on specific recommendations can be flagged as “persistent non-cooperative with the mechanism” by the Council.

3.1.2 UPR PROCESS: ADVOCACY ENTRY POINTS FOR HELVETAS

Entry points	Actions
Before the State is up for a review	<ul style="list-style-type: none"> • Find out about the cycle and timetable for the respective State's UPR; review previous reports and recommendations • Identify gaps between the State's international commitments and their national implementation and document them in a systematic manner • Identify key human rights issues that require specific attention • Identify local partners and organise workshops to familiarise with the UPR process, if necessary • Initiate new or use existing CSOs alliances and contribute towards a stakeholders' report. In contexts that are especially sensitive to HR reporting, forming alliances outside the country can be an option. • Contact special rapporteurs or other UN agencies to raise specific issues on behalf of civil society • Lobby with foreign diplomats and permanent missions to raise human rights issues prioritised by civil society during the interactive dialogue • Support the UPR process through lobbying with the permanent missions of foreign governments in Geneva
During the review	<ul style="list-style-type: none"> • Attend and observe the proceedings of the working group (only with ECOSOC status) • Make an oral presentation when the review is being adopted by the Council (only with ECOSOC status) • Observe proceedings from the public gallery (open for all but limited availability)
Follow up after review	<ul style="list-style-type: none"> • Provide support and technical expertise to the SuR to fulfil the recommendations made by the Council. If the SuR denies such involvement, highlight it in the next UPR review.

Sustainable Development Goals and the UPR process

There are similarities in the ways of working between the Council and the High-Level Political Forum that monitors the SDGs (HLPF). Since all SDGs are explicitly linked to the international human rights instruments⁵, there are references and direct linkages between the two within the work of the Council and OHCHR⁶. For example, the Council through its UPR process provides a comprehensive source of information to the HLPF by putting together the national report, the OHCHR report and the stakeholders report. Similarly, recommendations made under the UPR process also refer to the attainment of the SDGs. These are then also made available to the HLPF by the Council through its Universal Human Rights Index Database⁷.

⁵ http://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf and <http://sdg.humanrights.dk>

⁶ A/HRC/RES/315/5 and A/RES/70/1

⁷ <http://uhri.ohchr.org>

Why use the UPR process?

The Council under its UPR process monitors a wide range of human rights instruments within its purview. This means that almost all human rights can be addressed under the UPR process.

SDG progress and monitoring can also be addressed under the UPR process as there is an explicit link between the Council and the HLPF.

The possibility to write a joint stakeholders report provides a safety net to human rights activists. It allows them to raise their concerns at international level without having to confront their government directly.

Recommendations issued under the UPR process can be used as a powerful point of reference for advocacy at all levels.

The UPR process requires that SuR get technical assistance to fulfil their obligations. This can open new opportunities for constructive engagement with national governments.

Laos: Using the UPR Process

The Lao PDR underwent its last [UPR](#) in January 2015. It was the first time that civil society in Laos actively participated in the process and contributed to the reporting mechanism in a coordinated and deliberate manner. For a variety of reasons this was not possible and not done before. One reason was a lack of knowledge and capacity to engage. In order to address these gaps, Helvetas Laos facilitated the following process in coordination with OHCHR, other UN entities, embassies and donor agencies, as well as with relevant national and international civil society organisation networks.

First and foremost, stakeholders had to familiarise with the institutional framework, including

a) **the national legal framework**, and existing human rights-related policies, commitments and mechanisms in Laos (constitution, as well as laws protecting workers, women, children, people with disability, and indigenous/ethnic groups)

b) other **human rights processes which may exist in the country beyond UN mechanisms** e.g. the [EU Human Rights dialogue with third countries](#)

c) **regional [ASEAN human rights mechanisms](#) and the international human rights UPR mechanism**. Clearly delineating the interlinkage between the national in country, regional and international processes is important to maximize potential for broader strategy development for and beyond the UPR process, understanding that the UPR is part of a larger human rights framework which is cross-sectoral.

Various materials, guidelines and policies had first to be translated into Lao language. To do so, agencies implementing relevant programmes were approached to find existing translations, and/or to secure funding and other support (e.g. legal knowledge) for translation work.

The next step was to **orient and/or train identified civil society representatives and lawyers**. Obviously, such capacity building has benefits beyond the ongoing UPR process, as it improves people's general abilities to fulfill their rights and obligations as mandated under the Lao constitution and relevant policies and decrees. Where to conduct such trainings – in the country or abroad – was an important question, too. Eventually we did both, depending on the content of the training and agreements with OHCHR in particular.

Additional lessons learned and good practices from that first formal experience include:

- Do a proper stakeholder and risk analysis.
- **Identify local and international allies** who might support certain reporting aspects which are limited inside the country.
- As OHCHR is not physically present in Laos, we maintained **regular formal and informal exchange** with various UN branches, in the frame of UN specific programs, events and processes, but also within the broader **aid framework** such as the formal sector working groups and annual round table meetings between government, donors and development organizations. They all provide important opportunities for coordinating on specific issues, facilitating dialogue, and identifying allies.
- **Review** and identify related entry points from previous UPR procedures and **cross reference** with other related reporting mechanism results e.g. CEDAW reporting.
- **Regroup like-minded CSOs** and organise either an introductory orientation or refresher about the UPR procedure, jointly review the stakeholder and risk analysis, based on results, delegate roles and responsibilities in the frame of a common work plan.
- UPR reporting is organized around different human rights themes or topics e.g. women, children, people with disability, legal framework etc. It is important to **delegate reporting among stakeholders** according to their area of experience and expertise.
- Another good practice was to establish a so called '**buddy system**': A local organisation receives technical backstopping from a relevant international organisation. This helps to complement, complete and translate data and content into the reporting language and format. In countries with many civil society organizations, thematic working groups may be a more appropriate option.
- This is a time consuming process, so **allow enough time** for orientation, desk review, data collection, drafting, joint draft review, and coordination with relevant organisations and institutions prior to submission.
- After submission, **reach out to relevant stakeholders, including embassies**. If your CSO partners agree, share the report informally with relevant representatives, especially with the embassies those countries who participate in the UPR. Check the last UPR to find out which countries provided recommendations that align with your own priority issues.

3.2 Special Procedures

3.2.1 MAIN ELEMENTS

The Special Procedures (SP) of the Council are independent human rights experts with specific mandates to monitor human rights from a thematic or country perspective. This can be either one person in the function of a special rapporteur (independent expert) or a working group of five members. As of 1 August 2017, there are 44 thematic and 12 country mandates⁸.

Main features

The SP are appointed by specific mandates, mainly by the Council and sometimes also by the GA or the Security Council. There is a procedure laid down in resolutions 5/1 and 16/21 of the Council regarding their appointments. They are independent experts and serve in their personal capacity. They are not paid by the UN but do receive personnel, logistical and research support from the OHCHR. They report mainly to the Council, but some of them are also required to report either to the GA or the Security Council.

How they work

The thematic SP are mandated to investigate the situation of human rights under their theme in all parts of the world. This requires them to take the necessary measures 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, the SP are called upon to take full account of all human rights (civil, cultural, economic, political and social) in a given country, unless directed otherwise.

⁸ See Annex 2 for detailed information on Special Rapporteurs relevant for Helvetas

Special Rapporteurs

The special rapporteurs having specific mandates, employ any of the following methods to fulfill their mandate:

1. Country visits
2. Communications: Act on individual cases of alleged violations and concerns of a broader, structural nature by sending communications to States
3. Conduct thematic studies and convene expert consultations, contributing to the development of international human rights standards
4. Engage in advocacy and raise public awareness
5. Provide advice for technical cooperation

Country visits

One of the main method of special rapporteurs is to carry out country visits to obtain direct and first-hand information on human rights issues regarding their mandates. To undertake country visits, a special rapporteur is required to take formal permission from the respective government. If permission is granted, a rapporteur usually announces his/her schedule in advance so that all relevant stakeholders can prepare themselves for consultations. During a visit, the special rapporteur meets with governments officials and institutions, members of the judiciary, CSOs, victims and their communities, as well as with relevant experts in the country. This allows her/him to hear all 'sides of a story' and to gather first-hand information for country reporting. At the end of the visit, the special rapporteur usually holds a press conference and issues preliminary findings. The findings of the country visit are reported in the annual report to the Council. Country reports of special rapporteurs are also often used for other mechanisms of the UN.

Communications

Through the office of OHCHR, any individual or CSO can send individual complaints to a special rapporteur regarding human rights violations that come within the purview of the special rapporteur's specific mandate. When the complaint is termed as valid in terms of procedures, the special rapporteur can issue either an urgent appeal or an allegation letter to the relevant government and demand its attention. An **urgent appeal** is the fastest moving mechanism under all UN mechanisms in the case of imminent danger or a life threatening situation to the victim. By contrast, **allegation letters** address human rights violations that have already occurred within a country and that are not urgent appeals. The individual complaint mechanism

under the SP does not require victims to exhaust all domestic remedies. While the names of alleged victims are usually included in the communication sent to the State (so that competent authorities can investigate), the identity of the source of information is always kept confidential and is neither included in the communication sent to the government, nor in the public communications report.⁹

⁹ For example, on 20 December 2012, the three Special rapporteurs – Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders raised the issue of the expulsion of the former Country Director of Helvetas Swiss Intercooperation, to the Government of Laos asking the legal basis for expulsion especially under the treaty articles of ICCPR (Reference Documents, communications from SPAL G/SO 214 (67–17), for more details, refer the main report A/HRC/25/55/Add.3, para 250–255)

Other activities of special rapporteurs

At the request of the Council, special rapporteurs also prepare thematic studies and participate in expert consultations, seminars and conferences. They can also pay 'working visits' to a country, i.e. in-country missions that are not fact-finding but a mix between technical assistance, mediation and the development of best practices. These working visits allow to raise public awareness about specific human rights situations and phenomena attesting threats to and violations of human rights through public statements and interaction with a wide variety of partners¹⁰.

¹⁰ <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>

3.2.2 SPECIAL PROCEDURES: ADVOCACY ENTRY POINTS FOR HELVETAS

Entry points	Actions
Before the country visit	• Provide support to the special rapporteurs of mandates that are relevant for Helvetas; facilitate field visit if possible
Anytime	• Participate in expert consultations, seminars, conferences and technical assistance on mandates relevant for Helvetas
Anytime	• Feed information for thematic studies
Anytime	• Host events and training programmes towards the development of standard-setting, and to work towards building the capacity of other civil society actors to use and engage with the special procedures (e.g. invite for a workshop or roundtable)

Why engage with special procedures?

- Special rapporteurs can be approached even though a particular State has not ratified a relevant treaty.
- Individual cases can be taken to a special rapporteur even when domestic remedies are not yet exhausted.
- They can respond quickly to alleged or potential human rights violations, whilst other mechanisms are used only when they are in session.
- They coordinate constantly with other UN mechanisms such as committees under treaty bodies, the

UPR process and the Council, and the GA (if their mandate allows), with OHCHR and other specialised UN agencies. Engaging with the SP therefore serves as an indirect way of approaching all other UN mechanisms.

- Out of all UN mechanisms, special procedures give the maximum opportunity of engagement at all levels. Even though this procedure has its limitations, it is one of the most vital UN mechanisms that CSOs can use for their advocacy.

Nepal: Successful advocacy is not only about what you advocate but also who you get to advocate. Working with the UN Special Rapporteur on Water and Sanitation

Yogesh Pant, Component Manager Governance and Advocacy, Integrated Water Resources Management Programme, Helvetas Nepal

What was your motivation to engage with the UN mechanism?

Towards the end of 2013, we started the implementation of the Water Integrity Programme funded by the Swiss Agency for Development and Cooperation (SDC). At that time, advocating on better integrity, transparency, accountability and participation was a real challenge. This is why we were looking for someone renowned in the sector to help us advocating for and realising the human right to water and sanitation around this specific program.

How did you do it?

At that time, we had no idea about the Special Rapporteur on the human rights to water and sanitation. It was the team leader of our Governance and Peace team in Switzerland who put us in touch with Ms. Catarina de Albuquerque, who was the Special Rapporteur at that time. In 2014, Ms. Albuquerque was visiting Asia for other purposes and Helvetas Switzerland could convince her to visit us in Nepal. So she visited Helvetas Nepal on January 22–23, 2014. It was not an official country visit. On the first day, she visited our Nepal head office. We introduced her to our programmes, activities and achievements regarding water, sanitation and hygiene. She then wanted to pay a courtesy visit to the Nepal Department of Supply and Sewerage. Officially, this would not have been possible without having official channels involved. However, since Helvetas Nepal cooperates closely with this specific Department, the officials eventually agreed to meet her in an unofficial manner. So she met with the Department's "Sector efficiency improvement" unit and updated them on the international progress regarding the realisation of the human rights to water and sanitation. It was a really constructive dialogue. The Government also updated her about their cooperation with Helvetas around water and sanitation.

On the second day, we organised a workshop on "Transparency, accountability and participation in WASH for the realisation of the human rights to water and sanitation". There were 30 participants representing CSOs (Nepal offices), SDC, Wateraid, PLAN, SNV, JICA, CARE, World Bank, Asian Development Bank as well as many local CSOs working in the WASH sector. The Special Rapporteur delivered a keynote on the importance of the human rights to water and sanitation in

general and of transparency, accountability and participation in particular. She advocated for the work of Helvetas in the Water Integrity Programme, highlighting that our interventions in drinking water and sanitation are very important towards the realisation of the human rights to water and sanitation. In her speech, she also emphasised the Water Use Master Plan – pioneered by Helvetas, suggesting that other CSOs use it in their programmes for a better realisation of the human right to water. Workshop participants then discussed various water integrity issues in Nepal. They shared their experiences of working in the WASH sector in Nepal, and brainstormed on how to address integrity issues. The Special Rapporteur responded to participants' queries regarding specific interventions for addressing integrity issues and promoting transparency, accountability and participation practices.

What was the role of Helvetas?

Basically, Helvetas Nepal needed a renowned expert to advocate on these issues, and Helvetas Switzerland facilitated our engagement with the Special Rapporteur.

What was the outcome of your efforts?

The main outcome of the visit was that the people concerned started to look at WASH issues through an integrity lens! Helvetas Nepal continued to work with different agencies as well as with the Government Department and launched programmes advocating for improved integrity in the WASH sector. The visit of the Special Rapporteur and her advocacy efforts towards government officials and CSOs in Nepal gave us more visibility. Her clarity on the human rights to water and sanitation was important, as it helped other CSOs understand the importance of integrating a human rights-based approach on the right to water – something Helvetas already does in its country programme.

How did you follow it up?

As Ms. de Albuquerque's visit was not an official country visit, our engagement with her was limited to her unofficial visit and the workshop with the concerned stakeholders.

What did you learn from this experience?

In the beginning, we had no idea about the mandate of the Special Rapporteur. We did not know that UN mechanisms could also be used for our advocacy purposes. Hence, we were very happy when Helvetas Switzerland organised the visit of the Special Rapporteur, as our country office lacks the means and channels to do so. In my opinion, we should continue to engage with Special Rapporteurs and other persons in similar capacities and profiles in our advocacy programmes if possible. I would wish that the Special Rapporteur comes on an official country visit – this would allow us to coordinate and contribute better and on a more extensive level.

- The [official report of the Special Rapporteur on Water and Sanitation](#) mentions the Helvetas Water Resources Master Plan as good practice (p113/2). The same report also cites Helvetas Vietnam initiatives (p138/1).
- A [brief news item](#) on the visit of the UN Special Rapporteur on the rights to water and Sanitation to Nepal.

Sri Lanka: Evidence as the key for advocacy

Katrin Rosenberg, former Project Manager, Labour Migrant Project, Helvetas Sri Lanka

What was your motivation to engage with the UN mechanism?

We engaged with the UN mechanism in two instances. The first time was in 2013, when we engaged with the Special Rapporteur on the Human Rights of Migrants (SR Migrants) during his official country visit to Sri Lanka. ILO Sri Lanka invited us to an event where Sri Lankan CSOs could interact with the Special Rapporteur and provide their inputs on migrant workers issues. The second time was in 2016, when we submitted a shadow report to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. In 2014 and 2015, we attended the Diplomacy Training Programme in Sri Lanka. At the training, we took part in stimulating exercises such as conducting a live case study and writing a shadow report. This served as an excellent preparation for the real situation when Sri Lankan civil society prepared the actual shadow report.

How did you do it?

During our interaction with the Special Rapporteur, we shared our findings and concerns on migrant workers issues such as lack of training of involved officials, unaccounted network of middle men, limited access to justice and limited decentralisation of the conciliation process. We were one of the many CSOs he met during his visit. Our submission to him was individual and not part of a joint initiative.

Regarding the Committee on the rights of migrant workers, it was foreseen to write the shadow report during the Diplomacy Training period. Unfortunately, the Committee's session was postponed, and getting other CSOs to write a joint shadow report after a considerable lapse of time was quite a challenge. Although everyone agreed on the report's main objectives, there were divergent views on how to address specific issues. We also faced challenges with regard to evidence-based issues. Some organizations including Helvetas had documented cases on migrant workers' rights, but many CSOs lacked the evidence to support their issues. Hence, some statements in the shadow report could be supported

by evidence, others not. Drafting an official document was another challenge for many local CSOs, so Helvetas took the lead in this regard. Before submitting the report to the Committee we got in touch with Sri Lankan government officials to inform them about the submission. We could convince them that submitting a shadow report was a normal procedure under the UN treaty body mechanisms and it was in no way intended to name and shame them. This engagement with Sri Lankan officials was crucial and very constructive: It helped them to be aware of the issues we were raising and to prepare their own response at the Committee's session.

What was the role of Helvetas? Was it a driving force or facilitator?

In 2013, our interaction with the SR Migrants was limited to giving inputs. With respect to the Committee on the rights of migrant workers, Helvetas Sri Lanka with the support of the Senior Migration and Development Advisor in Switzerland were a driving force. We took the initiative, coordinated with local CSOs and drafted the shadow report. Helvetas Sri Lanka was officially mentioned in the report.

What was the outcome of your efforts?

After his visit in 2013, the Special Rapporteur included some of the issues we raised in his country report findings on Sri Lanka. The Committee on the rights of migrants gave recommendations on the issues raised in our shadow report. Helvetas Sri Lanka had already been working on the same issues for a few years, yet having them as official recommendations of the Committee validated our work and helped us to encourage other CSOs and the Government of Sri Lanka to support our initiatives.

How did you follow it up?

Helvetas Sri Lanka uses recommendations of the Committee in its policy dialogue. For example in connection with the Sri Lankan migration law, which is currently under review: Helvetas has commissioned a study to highlight major issues so that they can be addressed in the revised law. Helvetas Sri Lanka is also continuing with its programmes – which were also part of the Committee's recommendations – such as conducting training of government officials on migrant issues and advocating for regulations on the role of sub-agents in Sri Lanka.

What did you learn from this experience?

Facilitating continuous engagement with and networking among CSOs is important. If cooperation among CSOs is limited to a few instances, then it is very difficult to work on joint initiatives such as writing a shadow report. A constructive engagement with the government is also crucial – especially in countries where the environment for civil society is not so conducive. Share information, be transparent, inform in a timely and open manner.



A woman watering her garden in Xieng Khouang province, Laos: Secure access to land and water are crucial preconditions for making a living in rural Laos. (HELVETAS Swiss Intercooperation / Patrick Rohr)

4 THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

OHCHR is part of the Secretariat of the UN and derives its mandate and method of working from the GA resolution [48/141](#). As the global authority on human rights, it is responsible for leading the United Nations human rights programme and for promoting and protecting all human rights established under the Charter of the United Nations and international human rights law. It has its headquarter in Geneva and another main office in New York. It comprises more than 900 staff members all over the world through its regional offices, country teams and peace missions.

How it works

The main aim of the OHCHR is to mainstream human rights standards throughout all UN programmes, to interlink various human rights bodies as well as to provide field and technical support to the human rights mechanisms and mandate holders. It does so through addressing human rights issues under the thematic framework, providing standard-setting, monitoring, implementing human rights norms in the field as well as engaging in human rights education. To achieve this, it collaborates with governments, parliaments, judicial authorities, regional mechanisms, CSOs, NHRI and UN partners. The main working areas of OHCHR are as follows:

- Identifying and targeting gaps in the human rights system and providing research/studies for further actions;
- Contributing towards the development of new international norms on human rights protection;
- Assisting governments to incorporate international human rights standards into national laws, and advising on the establishment and functioning of independent National Human Rights Institutions (NHRI);
- Working with and providing human rights training to judiciaries, military police and parliaments on international standards related to their work;
- Providing advice on treaty body and UPR reporting, and developing programmes for human rights education.

How to use OHCHR to further advocacy objectives with UN mechanisms

The OHCHR offices are the first contact for approaching UN mechanisms. For its field work, it constantly relies on contributions from local and international CSOs and therefore encourages them to engage as follows:

- Alert OHCHR to deteriorating human rights situations and emerging trends;
- Provide information to OHCHR on human rights situations, developments and alleged abuses, locally and nationally;
- Work in partnership with OHCHR on human rights seminars and workshops, human rights training programmes, and on national and regional projects to raise awareness of human rights;
- Work with OHCHR to promote the ratification of human rights treaties and their implementation;
- Coordinate with Special Procedures through the office of OHCHR.

Some of the specialised UN agencies such UN-Habitat, WHO, UNESCO, UNCT, UNHCR, UNICEF, ILO, UNDP, FAO also contribute towards UPR process (country reporting) and therefore coordinating and advocating with them on human rights issues gives another avenue to approach UN mechanisms (UPR process) within the country programmes.

HELVETAS BEST PRACTICE # 5

Laos: Working with the OHCHR

Helvetas Laos established a regular dialogue with the nearest OHCHR office based in Bangkok, Thailand. Over a period of several months, both sides facilitated an informal exchange and incremental partnership building process, and eventually established a **mutual understanding and agreement** on a number of key issues:

- Areas of mutual interest
- Information gaps
- Challenges, opportunities and risks as well ways for addressing each of these
- Formal and informal ways of cooperation based on respective mandates, administrative allowances, resources etc.
- Agreeing on with whom, ways and degree of coordination and information sharing with other actors in and outside of the country
- Ways and options for 'acceptable' official and unofficial documentation and reporting taking into account different capacities, UN requirements, and working context
- Translation of OHCHR specific guidelines according to Lao requirements
- Orientation and training, including follow up 'on demand'
- Safeguards: what each should and can do; what OHCHR can and cannot guarantee or do; including training options

5 CONCLUDING REMARKS

The UN human rights system is hardly ever the first method of choice for development NGOs advocating on issues of concern – and rightly so. In fact, many contexts offer numerous other ways for addressing human rights issues and for seeking a meaningful dialogue with state authorities. Effective advocacy often starts locally, building momentum to work its way up to the national policy level. However, where governments ignore local voices and concerns and continue to violate basic human rights, a gentle but distinct reminder of their international commitments often helps. This is where

the UN human rights system comes in. It offers numerous ways to address specific human rights issues in a targeted manner, and provides a safe space to those who cannot afford to speak openly. This paper shows how civil society actors can best use these avenues and how a targeted and coordinated approach can yield concrete advocacy outcomes. Thus, it hopefully encourages more international, national and local civil society actors to jointly engage with the UN system in order to ensure and strengthen human rights for everyone. Advocacy works!

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CREDITS

EDITOR
HELVETAS Swiss Intercooperation
info@helvetas.org, www.helvetas.org

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AUTHORS
Archita Faustmann
Bernd Steimann

COVER
Assembly hall of the United Nations Human Rights Council (UNHRC) at the European headquarters of the United Nations in Geneva, Switzerland: Founded in 2006, the UNHRC addresses human rights-related situations in all UN member states (Keystone / Salvatore Di Nolfi)

Glossary

ASEAN	Association of Southeast Asian Nations
CAT	Committee Against Torture
CED	Committee on Enforced Disappearance
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on the Economic Social and Cultural Rights
Council	Human Rights Council
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
ECOSOC	United Nations Economic and Social Council
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
GA	General Assembly
HLPF	High-Level Political Forum
HRC	Human Rights Council
ILO	International Labour Organisation
NHRI	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
SP	Special Procedures
SuR	State under Review
UN	United Nations
UNCT	United Nations Country Team and Agencies
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
UNHCR	United Nations High Commission for Refugees
UNHRS	United Nations Human Rights System
UPR	Universal Periodic Review
WHO	World Health Organisation

ANNEX 1

Comparative Chart of Committees

	Committee on Economic, Social and Cultural Rights (CESCR)	Human Rights Committee (HRC)	Committee on the Elimination of Discrimination against Women (CEDAW)	Committee on Migrant Workers (CMW)
Which treaties they monitor	<ul style="list-style-type: none"> International Covenant on Economic, Social and Cultural Rights (ICESCR) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 	<ul style="list-style-type: none"> International Covenant on Civil and Political Rights (ICCPR) First Optional Protocol to the International Covenant on Civil and Political Rights Second Optional Protocol to the International Covenant on Civil and Political Rights 	<ul style="list-style-type: none"> International Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP) 	<ul style="list-style-type: none"> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)
Specific human rights addressed by the Committee and relevant for Helvetas	<ul style="list-style-type: none"> Right to work Right to just and favourable conditions of work Right to adequate standard of living Right to health Right to education Right to adequate housing Right to adequate food Right to adequate water 	<ul style="list-style-type: none"> Right to life Right of peaceful assembly Freedom of association Right to equality Non-derogatory rights Non-discrimination Right to liberty and security of person Prohibition on arbitrary arrest and detention Expulsion of aliens only under due process of law 	<ul style="list-style-type: none"> All Convention articles 	<ul style="list-style-type: none"> All Convention articles
Members and sessions	<ul style="list-style-type: none"> 18 members Twice a year for three weeks during May and November/December in Geneva 	<ul style="list-style-type: none"> 18 members Three times a year for three weeks during March, July, October/November either in New York or in Geneva 	<ul style="list-style-type: none"> 23 members Allowed to hold multiple sessions and as many meetings it requires to fulfil its obligations 	<ul style="list-style-type: none"> 14 members Twice a year in April and November in Geneva
Main features	<ul style="list-style-type: none"> The ICESCR requires States to only "show progress" towards achieving economic, social and cultural rights and not implement the treaty articles as required in other treaties. The language of the treaty is weak. Nevertheless, the CESCR has been instrumental in addressing key human rights issues. Individual complaints are possible under the Optional Protocol. 	<ul style="list-style-type: none"> The individual complaint mechanism of the HRC is unique. Anyone can approach the HRC regardless of whether a particular State is up for the review or not. At other committees, one must wait until the particular State is up for review. The jurisprudence of the HRC is widely used for advocacy purposes. 	<ul style="list-style-type: none"> The CEDAW is exclusively devoted to gender equality (key element of the SDGs). The individual complaint mechanism is a good source of jurisprudence in terms of women's rights. The decisions of the CEDAW committee are general recommendations – meaning that States parties should pay more attention to areas of concern. In its follow-up procedure to the periodic review, it identifies two priority issues that the States parties are directed to report on two years after the review. The Committee adopts statements to clarify and confirm its position with respect to major international developments on a regular basis. 	<ul style="list-style-type: none"> The CMW works in close co-operation with the ILO. The CMW actually invites ILO representatives to participate in consultative capacity as and when required. It is a relatively new treaty and the individual complaint mechanism is not yet in force (requires 10 more signatories). The CMW is not the only relevant treaty for migrants' rights. The seven core international human rights treaties and their respective committees also promote the rights of migrant workers and their families. The CMW builds on these treaties.

<p>Specific ways of engaging with NGOs</p>	<ul style="list-style-type: none"> • Welcomes written submissions from CSOs (international, national, local) at any time prior to the review of a given State party's report. • Submissions should be specific, reliable and objective. • Parallel submissions prepared by coalitions, rather than individual organizations, and covering a broad range of economic, social and cultural rights are encouraged. • All submissions should be in English, French or Spanish and be transmitted to the CESCR Secretariat electronically only. • If submissions are not marked "confidential", they are immediately communicated to the State party. • Temporary accreditation to attend CESCR sessions in person is possible through the Secretariat. 	<ul style="list-style-type: none"> • Prefers to receive inputs from CSOs at an early stage of the reporting process. • Gives advance notice of its reporting schedules and also welcomes the organization of CSO briefings prior to the adoption of lists of issues. • Welcomes the submission of alternative reports, oral presentations by CSOs during the session, and the presence of CSOs as observers during the examination of the State party's report. • In a closed meeting preceding the examination of a State party's report, CSO representatives have the opportunity to engage with Committee members. This allows CSOs to present their main issues of concern orally with interpretation and to reply to questions from the members. • Encourages CSOs to contribute to its follow-up procedure to concluding observations. • Encourages CSOs to submit alternative reports in the event of a State party's failure to submit a State report. • Welcomes CSO inputs on general comments under consideration and under general discussions and also encourages to CSOs make use of the Committee's general comments in their advocacy efforts. • Welcomes the use of new technology to enhance contributions from all regions during its sessions, such as video or telephone conference links and webcasting. • Encourages CSOs to make independent efforts to translate the Committee's documents into local languages. 	<ul style="list-style-type: none"> • Publishes specific guidelines with exact dates for CSO participation prior to each session on its website. • CSOs are encouraged to provide alternative or shadow reports on States parties' reports relating to the implementation of some or all the provisions of the Convention or specific themes focusing on gaps in implementation of the Convention or the Committee's concluding observations. • Encourages CSOs to provide comments and suggestions to the State party's reports in any way they see fit. • Recommends that States parties consult CSOs when they prepare their State reports and make their reports available to all sectors of civil society. • Written submissions from CSOs must not exceed 3300 words (or 6600 words, if a joint submission is made). Submissions must be made in electronic format to cedaw@ohchr.org. • If CSOs wish to submit the information in hard copy format, they should send 15 hard copies of their submission. • Submissions from CSOs should highlight priority concerns and contain country-specific information, with a view to facilitating the work of the Committee. They must not follow any specific structure or template and may be organized thematically and/or on an article-by-article basis. • Oral interventions by CSOs must be concise. On average, a maximum of 10 minutes is allocated for all NGOs wishing to intervene on one particular country. 	<ul style="list-style-type: none"> • CSOs are encouraged to provide alternative reports to States parties' reports, and to include information on the implementation of some or all of the provisions of the Convention or specific themes focusing on gaps in the implementation of the Convention or the Committee's concluding observations. The reports should be brief, generally not more than 10 pages, and provide country-specific information on priority issues for the State party concerned regarding the Convention. It is also useful for the reports to include suggested questions and/or specific recommendations to the State party for consideration by the Committee. • Recommends that States parties consult CSOs when they prepare initial or periodic reports. The Committee often asks States parties whether CSOs have been consulted in the preparation of their reports and whether there has been collaboration and transparency in the reporting process. • Welcomes oral presentation from CSOs during the session. • Encourages CSOs to provide inputs on general comments being developed by the Committee and to make use of the general comments in their promotional activities relating to the Convention.
<p>Helvetas countries under treaty monitoring</p>	<p>Albania, Bangladesh, Benin, Bolivia, Bosnia & Herzegovina, Burkina Faso, Ecuador, Ethiopia, Guatemala, Haiti, Honduras, India, Kyrgyzstan, Laos, Macedonia, Madagascar, Mali, Nepal, Niger, Pakistan, Peru, Sri Lanka, Tajikistan, Tanzania, Vietnam</p>	<p>• Albania, Armenia, Bangladesh, Benin, Bolivia, Bosnia Herzegovina, Burkina Faso, Ecuador, Ethiopia, Guatemala, Haiti, Honduras, India, Kyrgyzstan, Laos, Macedonia, Madagascar, Mali, Mozambique, Nepal, Niger, Pakistan, Peru, Serbia, Sri Lanka, Tajikistan, Tanzania, Vietnam</p>	<p>Albania, Armenia, Bangladesh, Benin, Bhutan, Bolivia, Bosnia Herzegovina, Burkina Faso, Ecuador, Ethiopia, Guatemala, Haiti, Honduras, India, Kyrgyzstan, Laos, Macedonia, Madagascar, Mali, Mozambique, Myanmar, Nepal, Niger, Pakistan, Peru, Serbia, Sri Lanka, Tajikistan, Tanzania, Vietnam</p>	<p>Albania, Bangladesh, Bolivia, Bosnia Herzegovina, Burkina Faso, Ecuador, Guatemala, Honduras, Kyrgyzstan, Madagascar, Mali, Mozambique, Niger, Peru, Sri Lanka, Tajikistan,</p>

Helvetas countries not under treaty monitoring	Bhutan , Mozambique Myanmar (signed)	Bhutan, Myanmar	None	Armenia (signed), Benin (signed), Bhutan, Ethiopia, Haiti, India, Laos, Macedonia, Myanmar, Nepal, Pakistan, Serbia (signed), Tanzania, Vietnam
Important jurisprudence for reference on country programmes	<ul style="list-style-type: none"> • General Comment No. 15 on the right to water – UN document No. E/C.12/2002/11 • General Comment No. 13 on the right to education – UN document No. E/C.12/1999/10 • General Comment No. 12 on the right to food – UN document No. E/C.12/1999/5 	<ul style="list-style-type: none"> • General comment No. 34 on the freedoms of opinion and expression – UN document No. CCPR/C/GC/34 • General Comment No. 15 on the position of aliens under the Covenant – document No. (Twenty-seventh session, 1986) • General Comment No. 18 on non-discrimination (Thirty-seventh session, 1989) 	<ul style="list-style-type: none"> • Altogether has issued 30 General Recommendations – check all on http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx • General recommendation No. 24 on women and health – UN document No. CEDAW/C/GC/24 • General recommendation No. 26 on the women migrant workers – UN document No. CEDAW/C/GC/26 • General recommendation No. 33 on women's access to justice – UN document No. CEDAW/C/GC/33 • General recommendation No. 34 on the rights of rural women – UN document No. CEDAW/C/GC/34 	<ul style="list-style-type: none"> • Altogether has issued three General Comments.
Follow-up procedures	<ul style="list-style-type: none"> • Does not have a follow up procedure 	<ul style="list-style-type: none"> • The Committee appoints a special rapporteur and a deputy rapporteur to review and assess the follow-up information • It identifies two to four specific recommendations in its concluding observations that require immediate attention and can be implemented within a year. The Committee therefore requests the State party to provide additional information on the measures taken to implement these recommendations one year after the adoption of the concluding observations. The Follow-up rapporteur analyses the follow-up report, presents his or her analysis to the Committee, and a decision is taken in plenary as to the follow-up measure to be taken. • All the follow-up decisions adopted are made public through the follow-up progress reports that are adopted at each session. 	<ul style="list-style-type: none"> • The Committee appoints a special rapporteur and a deputy rapporteur to review and assess the follow-up information. • It requires the State party to provide information within a period of one or two years on steps taken to implement specific recommendations. Such recommendations are selected because it is considered that their lack of implementation constitutes a major obstacle for the implementation of the Convention and implementation is seen as feasible within the suggested time frame. 	<ul style="list-style-type: none"> • Does not have a follow up procedure

Address	<p>Committee on Economic, Social and Cultural Rights (CESCR) Human Rights Treaties Division (HRTD)</p> <p>OHCHR – Palais Wilson 52, rue des Pâquis CH-1201 Geneva 10 Switzerland</p> <p>Mailing address UNOG-OHCHR CH-1211 Geneva 10 (Switzerland) Tel.: +41 22 917 95 29 Fax: +41 22 917 90 08 E-mail: cescr@ohchr.org Website: http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIntro.aspx</p>	<p>Human Rights Committee (CCPR) Human Rights Treaties Division (HRTD)</p> <p>OHCHR – Palais Wilson 52, rue des Pâquis CH-1201 Geneva 10 Switzerland</p> <p>Mailing address UNOG-OHCHR CH-1211 Geneva 10 (Switzerland) Tel.: +41 22 917 90 00 Fax: +41 22 917 90 08 E-mail: ccpr@ohchr.org Website: http://www.ohchr.org/EN/HRBodies/CCPR/Pages/Contact.aspx</p>	<p>Committee on the Elimination of Discrimination against Women (CEDAW) Human Rights Treaties Division (HRTD)</p> <p>OHCHR – Palais Wilson 52, rue des Pâquis CH-1201 Geneva 10 Switzerland</p> <p>Mailing address UNOG-OHCHR CH-1211 Geneva 10 (Switzerland) Tel.: +41 22 917 94 43 Fax: +41 22 917 90 08 E-mail: cedaw@ohchr.org Website: http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Contact.aspx</p>	<p>Committee on Migrant Workers (CMW) Human Rights Treaties Division (HRTD)</p> <p>OHCHR – Palais Wilson 52, rue des Pâquis CH-1201 Geneva 10 Switzerland</p> <p>Mailing address UNOG-OHCHR CH-1211 Geneva 10 (Switzerland) Tel.: +41 22 917 93 35 Fax: +41 22 917 90 08 E-mail: cmw@ohchr.org Website: http://www.ohchr.org/EN/HRBodies/CMW/Pages/Contact.aspx</p>
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Information on selected Special Rapporteurs

Special Rapporteur on the human rights to safe drinking water and sanitation

[Mr. Léo Heller](#) (Brazil)

Email: srwatsan@ohchr.org

Website: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>

Social Media:

<https://medium.com/tools-for-transformation>

<https://twitter.com/srwatsan>

<https://www.facebook.com/SRWatSan/>

- The website is not up-to-date on upcoming activities. However, the Special Rapporteur's newsletter announces upcoming events. These could also be a platform for Helvetas for advocacy on water – check <http://www.ohchr.org/Documents/Issues/Water/Letters/NewsletterJuly2017.pdf>. For example upcoming events such as World Water Forum 2018
- The form for submission of information to the Special Procedures can be found at <https://spsubmission.ohchr.org>.
- The Special Rapporteur has identified issues in focus with regard to his mandate and invites contributions from civil society via questionnaires on various issues that can be downloaded from the website.
- The Special Rapporteur regularly participates or delivers keynotes at platforms such as the World Water Week or the World Water Forum.

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr. Clement Nyaletsossi Voule (Togo)

Palais des Nations

CH-1211 Geneva 10

Switzerland

Fax : + 41 22 917 9006

Email: freeassembly@ohchr.org

Website: <http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>

- For thematic priorities and working methods of the current mandate holder refer to <http://undocs.org/A/72/135>.

Special Rapporteur on the human rights of migrants

[Mr. Felipe González Morales](#)

Contact: migrant@ohchr.org

Website: <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx>

- Submission of communications/urgent appeals to the Special Rapporteur on the human rights of migrants: <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/Communications.aspx> (There is a specific questionnaire form provided for communications with the SR at the end of the webpage)
- Upcoming country visits: <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>

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

Mr. David Kaye

c/o Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10

Switzerland

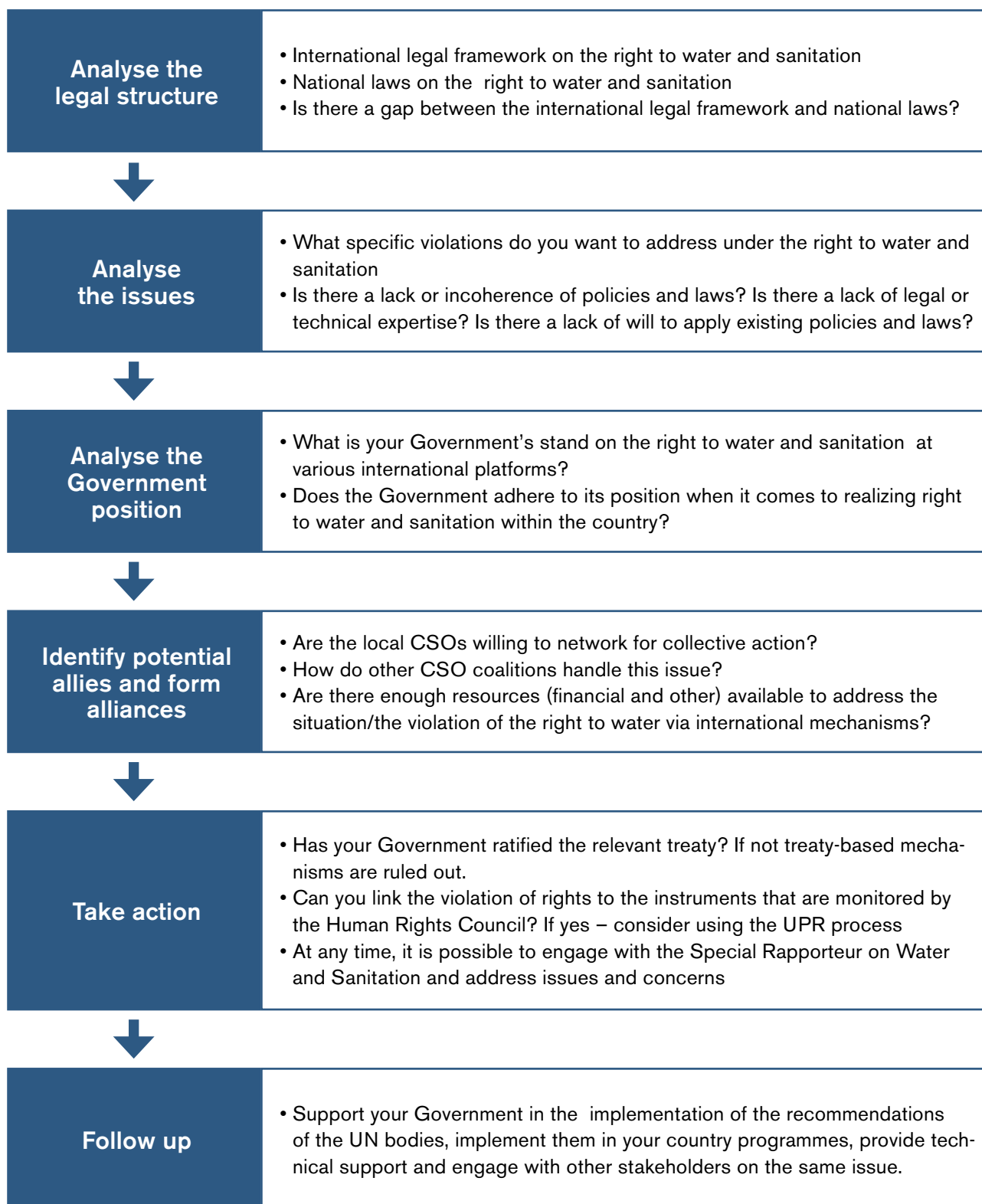
Fax: 41 22 917 9006

E-mail: urgent-action@ohchr.org

Website: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>

- Submission of communications/urgent appeals to the Special Rapporteur on the human rights of migrants: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionQuestionnaire.aspx> (There is a specific questionnaire form provided for communications with the SR at the end of the webpage)
- Upcoming country visits: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Visits.aspx>

Step-by-step approach: Advocating for the right to water and sanitation



Practical guide to using the UN mechanisms on the right to water and sanitation

Approach under treaty-based mechanisms

1. Check whether your country has ratified any of the above treaties under Annex 1. If yes, when is it due for the periodic review? If no, the treaty mechanisms are ruled out.
2. Research on specific treaty articles regarding the right to water (see the detailed list of specific articles relating to right to water and sanitation under all international treaties below). Research on which committee has jurisprudence on it (see annex 4 for guidance on researching UN database for committees' jurisprudence).
3. Consider contributing towards a list of issues and write a shadow report.
4. In the list of issues and shadow report, you can include implementation of SDG goal 6 (for a constructive dialogue with the Government)

Approach under charter-based mechanisms

1. Link the right to water to the instruments (see below) that are monitored by the Human Rights Council. These include pledges of support by the Government on declarations and principles (SDGs for example)
2. Check under <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Calendars.aspx> when is your country up for review under UPR process.
3. Check guidelines under <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx> and prepare a stakeholder report together with CSO alliances, lobby UN members and give feedback to relevant UN agencies.
4. Follow the work of the Special Rapporteur on the human rights to safe drinking water and sanitation. If needed, ask the Government to respond on specific issues under the communication procedure through the Special Rapporteur.

Approach under Office of the High Commissioner for Human Rights

1. If the Government is lacking technical or professional expertise, as an international NGO get in touch with the OHCHR in your region for support and information. This could also be done through getting in touch with the Special Rapporteur.
2. If there is a lack of policy/guidelines on a specific aspect of the right to water under international law – provide your inputs from field expertise to the mechanisms that carry out thematic studies.
3. Coordinate and network with UN specialised agencies such as ILO, FAO, UNDP, UN-habitat if they have presence in your country. Get their support to include your inputs for their country reporting under UPR process.

After the process

Support your Government in implementing the recommendations of the UN bodies, provide technical support and provide training to other stakeholders.

Useful resources for advocacy on the right to water and sanitation

Main International treaties – for considering treaty-based mechanisms

- International Covenant on Economic Social and Cultural Rights – the right to water has been interpreted under Article 11 (1) and Article 12 (1) – through General Comment no. 15 of the CESCR, document No. [E/C.12/2002/11](https://www.unhcr.org/refugees/pdf/E/C12/2002/11)
- [Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979](#) (art. 14 (2))
- [Convention on the Rights of the Child, adopted in 1989](#) (arts. 24 and 27 (3))
- [Convention on the Rights of Persons with Disabilities, adopted in 2006](#) (art. 28)

Main international guiding principles and framework for implementation of the right to water and sanitation for considering charter-based mechanisms

- Universal Declaration of Human Rights (1948)
- SDG goal 6 (see, [http://sdg.humanrights.dk/en/targets2?goal\[\]=75](http://sdg.humanrights.dk/en/targets2?goal[]=75), for linking SDG goal 6 and achievable targets with corresponding international legal instruments and framework. Same guide also gives informations on other SDG goals)
- The Dublin Statement on Water and Sustainable Development Adopted January 31, 1992 in Dublin, Ireland <http://un-documents.net/h2o-dub.htm>
- [International Labour Organization \(ILO\) Convention No. 161 concerning Occupational Health Services, adopted in 1985](#) (art. 5)
- [UN Fact sheet No. 35](#) on the right to water and sanitation

UN Resolutions and guidelines on implementation of the right to water and sanitation

- GA Resolution [A/RES/64/249](#) – the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights – calling States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.
- Sub-Commission on the Promotion and Protection of Human Rights, resolution No. [E/CN.4/Sub.2/2005/25](#)¹ – draft guidelines to assist government policy makers, international agencies and members of civil society on how to implement right to water and sanitation, highlighting the main and most urgent components
- Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, document No. [A/HRC/6/3](#)
- Latest reports of the Special Rapporteur on the human rights to water and sanitation – providing concerns and recommendations to States and development agencies
[A/HRC/36/45](#), 19/07/2017 presented to the Council
[A/72/127](#), 13/07/2017 presented to the General Assembly
[A/HRC/RES/33/10](#), 05/10/2016 resolution of the Council
[A/71/302](#), 05/08/2016, presented to the General Assembly
[A/HRC/33/49](#), 27/07/2016, presented to the Council
- Best practices report on the right to water and sanitation by the Special Rapporteur on the human rights to water and sanitation
http://www.ohchr.org/Documents/Issues/Water/BookonGoodPractices_en.pdf

¹ Please follow the specific instructions, "How to find official UN documents in the UN database system" in Annex 4. A simple google search does not always give links to the documents.

ANNEX 4

Useful weblinks

Office of the High Commissioner for Human Rights – <http://www.ohchr.org/EN/pages/home.aspx>

UN treaty bodies – <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

Human Rights Council – <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>


Universal Periodic Review – <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

Special Rapporteurs – see under “Overview” there is “ thematic mandates” <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

To check – when is your country coming up for the review under the UPR process <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>

ANNEX 5

How to find official UN Documents in the UN database system

1. Searching through document number – Determine which of the UN body has issued the relevant document through the [UN document symbol no.](#)
2. Documents that relate to the treaty-based mechanisms (committees), can be searched at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx (on this database, you can only filter by the name of the States, Committee etc. It is not possible to search through subject or keyword).
3. Documents that relate to the charter-based mechanisms, can be searched at <http://ap.ohchr.org/documents/mainec.aspx>. If you know the number of the document you are looking for, enter it in field “Symbol Number”. If you don’t have a reference number, first, select the applicable body in the “Body” drop down list (note that this is a mandatory selection field). Then click the symbol  to the right of the “Subject” field to access the “List of subjects”. Select letter “W” and then “Water and sanitation” for queries related to the right to water and sanitation. Select any further criteria that might be useful (e.g. “Country”).
4. Check <http://uhri.ohchr.org> – to search views and recommendations of the UN mechanisms on SDGs as well as overviews of recommendations of treaty based mechanisms, UPR process and special procedures. Here, you can search – by Country (summary by country), by Sustainable Development Goals (SDGs), or by Human Rights Voluntary Goals (HRVGs). Click “Advanced search” button and filter by “Theme”. In the drop-down list, select “E Economic, social and cultural rights”/”E26 Human Rights & drinking water and sanitation”.
5. Check <https://documents.un.org/prod/ods.nsf/home.xsp> also for full-text, born-digital UN documents published from 1993 onward, including documents of the Security Council, the General Assembly, the Economic and Social Council and their subsidiaries, as well as administrative issuances and other documents.



HELNETAS Swiss Intercooperation
Weinbergstrasse 22a, PO Box, 8021 Zurich
Phone +41 (0)44 368 65 00, Fax +41 (0)44 368 65 80

Maulbeerstrasse 10, PO Box, 3001 Berne
Phone +41 (0)31 385 10 10, Fax +41 (0)31 385 10 09

info@helvetas.org
www.helvetas.ch