ENGAGING WITH THE INTERNATIONAL HUMAN RIGHTS SYSTEM: A GUIDE FOR CIVIL SOCIETY ORGANISATIONS

An overview of the international human rights system featuring practical guidance for civil society organisations (CSOs).

August 2016
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1. Introduction

1.1 What are human rights?

Human rights are the basic rights and freedoms that belong to every person in the world. They belong from birth until death and apply regardless a person’s identity, origin, or beliefs. They can never be taken away, although in certain circumstances they can be restricted.

1.2 Where do they come from?

Many scholars trace the first formal attempt to define and ascribe individual rights to the Cyrus Cylinder, a clay script written in ancient Iraq in 6th Century BC which has been interpreted as seeking to promote religious freedom and tolerance. However, the concept of human rights – and the idea of equal human worth - has emerged and been developed across a wide range of cultural, religious and legal traditions.¹

Modern notions of human rights were heavily shaped by the anti-colonial movements in Latin America, Asia and Africa, as well as the political movements that gave rise to declarations of rights in France (1789) and the United States (1791). However, it wasn’t until the end of World War II that they gained traction as a truly global force². In response to the horrors of that conflict and the atrocities committed by the Nazi regime, the major powers set about to establish the United Nations (UN) – a community of states designed to help preserve international peace and to protect the freedom of individuals against the power of the state.

1.3 The emergence of today’s international human rights system

The Universal Declaration of Human Rights (UNDHR), the first international agreement on the basic principles of human rights, was adopted unanimously by the UN’s member states in December 1948. The document sets out a range of rights - such as the right to life, freedom from torture, and the right to a fair trial - to which everyone in the world is entitled. Although not legally binding, much of the document has achieved the status of ‘customary international law’ – that is, law that is binding on states through its general practice. It is generally viewed as a common

standard of values around the world and has inspired over 80 legally-binding international and regional human rights treaties.

1.4 Human Rights Mechanisms Today

Since the UNDHR, various UN mechanisms have emerged to help ensure that states live up to their human rights commitments. These mechanisms can be broadly divided into two groups: ‘treaty-based’ bodies (e.g. the committee that monitors the Convention Against Torture) and the ‘charter-based’ bodies (e.g. the Human Rights Council). These bodies are also supported by the work of a third body, the Office of the High Commissioner for Human Rights (OHCHR), which is part of the UN Secretariat and has a broad mandate to promote and protect human rights. Though inter-connected, these mechanisms have different ways of working which are important to consider when thinking about possible engagement.

*Figure 1: overview of the international human rights mechanisms*
2. The ‘treaty-based’ bodies

2.1 The treaties

Following the UN Declaration of Human Rights, the people who drafted it (the UN Commission on Human Rights) then proceeded to establish two treaties: the International Covenant on Civil and Political Rights (ICCPR) and its optional Protocols, and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Because treaties – unlike declarations - are legally binding on states, the creation of these was necessary to help ensure that states would comply with their human rights obligations. Today, these treaties have been ratified (formally accepted and incorporated into law) by over 160 countries.

Various other treaties designed to prevent specific types of abuses have since been established, such as the Convention on Enforced Disappearances (CED) and the Convention Against Torture (CAT). Together these form the ‘core’ human rights treaties (see Figure 2 below).

2.2 The bodies

Each of the treaties is overseen by a specific body, made up of committees of independent experts. Although elected by states (those that have ratified the treaty in question), individuals on these bodies are supposed to be elected on the basis of competence and, in theory, are meant to serve fairly and independently. This is one of the key distinguishing features of the treaty-based bodies and in practice, treaty body members have tended to live up to this expectation.

Figure 2: corresponding bodies and treaties

<table>
<thead>
<tr>
<th>Body</th>
<th>Treaty</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Human Rights Committee (HRCtte)</td>
<td>International Covenant on Civil and Political Rights (ICCPR) (1966) and its optional protocols</td>
</tr>
<tr>
<td>Committee on the Elimination of Racial Discrimination (CERD)</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965)</td>
</tr>
<tr>
<td>Committee against Torture (CAT)</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) (1984)</td>
</tr>
<tr>
<td>Committee on Migrant Workers (CMW)</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990)</td>
</tr>
</tbody>
</table>
2.3 Key functions of the bodies

Though all of these bodies are mandated with monitoring and promoting implementation of treaty obligations by states, each carries its functions in slightly different ways. The five main functions include:

*Figure 3: key functions of the treaty-based bodies*

- **Regular reporting procedure**: Each state that has ratified the treaty will have its progress reviewed (written and orally) at regular intervals by the treaty body.

- **Receiving individual complaints**: The body will consider individual complaints from persons claiming to be victims of violations and issue its views on the matter.

- **Issuing general comments**: The body in question will make comments and recommendations based on its interpretation of the provisions of the treaty.

- **Inquiry procedures**: Where ‘serious, grave, or systematic’ violations have occurred, several of the bodies may initiate inquiry proceedings.

- **Urgent action procedures**: Where there is a risk of conflict escalation or resumption, one body – the CERD – may take action to limit violations.

Whilst there are opportunities for CSOs to engage with all of these functions, in practice it is the first two which are generally of most significance (i.e. the regular reporting procedure and receiving individual complaints). These functions – and methods for engaging with them – are explored in further detail below.
2.3.1 Regular reporting procedure

When a state becomes a party to a treaty, they commit themselves to submitting regular ‘periodic reports’, to the treaty body in question. The purpose of these reports is to enable the treaty body to scrutinize the progress made towards the implementation of the state’s human rights obligations.

**Figure 4: frequency of state reporting procedure, by treaty body**

<table>
<thead>
<tr>
<th>Body</th>
<th>Periodic Report Frequency</th>
<th>Next Periodic Report Session for Sri Lanka</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Human Rights Committee (HRCtte)</td>
<td>Generally every 4/5 years</td>
<td>Oct 2018 (TBC)</td>
</tr>
<tr>
<td>The Committee on Economic, Social and Cultural Rights (CESCR)</td>
<td>Generally every 5 years</td>
<td>May/June 2017</td>
</tr>
<tr>
<td>Committee on the Elimination of Racial Discrimination (CERD)</td>
<td>2 years</td>
<td>August 2018 (TBC)</td>
</tr>
<tr>
<td>Committee on the Elimination of Discrimination against Women (CEDAW)</td>
<td>4 years</td>
<td>February 2017</td>
</tr>
<tr>
<td>Committee against Torture (CAT)</td>
<td>4 years</td>
<td>November 2016</td>
</tr>
<tr>
<td>Committee on the Rights of the Child (CRC)</td>
<td>5 years</td>
<td>TBC</td>
</tr>
<tr>
<td>Committee on Migrant Workers (CMW)</td>
<td>5 years</td>
<td>August/September 2016</td>
</tr>
<tr>
<td>Committee on the Rights of Persons with Disabilities (CPRD)</td>
<td>4 years</td>
<td>February 2018 (TBC)</td>
</tr>
<tr>
<td>Committee on Enforced Disappearances (CED)</td>
<td>As requested</td>
<td>May 2018 (TBC)</td>
</tr>
</tbody>
</table>

This process occurs over several stages during which there are various opportunities for CSO input (see Figure 5 below). Input from CSOs here will also feed into the Universal Periodic Review (UPR) process which is discussed in further detail in section 3 of this report.
### Process

**Preparation and submission of state reports**
During this initial stage, states prepare a report containing information about progress made towards the implementation of their treaty obligations and what the state intends to do to address any issues. This should, ideally, take place in broad consultation with civil society groups. Reports are then submitted to bodies at the intervals specified by the treaty (see figure 4).

**Pre-session activity**
During this stage, the treaty body examines the report and develops a list of issues and questions that are put to the state. This list is shaped by input from a variety of sources - including working groups convened by the body, information transmitted by individuals, and feedback from the ‘country rapporteurs’ or ‘country task force’.

**Submission of additional info**
Here the body will consider information submitted by a range of civil society groups, as well as other UN agencies (if relevant). These provide an alternative source of information to the official state report and therefore play an important role in allowing the body to critically examine and evaluate the national reports.

**Session dialogue**
These sessions, usually held in Geneva, are the point at which the state has the opportunity to formally present its report. The purpose of the sessions is to allow the state and the expert body to engage in ‘constructive dialogue’, identifying outstanding issues and areas for further improvement. Once the state delegation has presented its report, committee members will submit observations, questions and recommendations.

**Conclusions and recommendations**
Following the session, the committees meet privately to debate and adopt its concluding observations and recommendations. These are then shared publicly and are made available online.

**Follow-up**
During this period the treaty bodies may issue general requests for further information from states about steps taken in response to the conclusions and recommendations.

### CSO Influence

**Participating in consultations**
During this stage - and depending on the state’s willingness to engage - CSOs may have the opportunity to submit their findings to consultations held by states. These will help shape the state report.

**Written submissions and reports**
CSOs may also make submissions directly to the treaty bodies – ranging from a comprehensive report, to a brief summary of the key issues. These help the treaty body in developing the list of issues and questions to be put to the state. As such, **it is best to submit after the state report, but well before the scheduled session.** Some mechanisms have strict deadlines. These, and detailed guidance for submissions, which are made through the secretariat, can be found on the relevant body website (see annex 1).

**Attending the treaty body session**
CSOs may usually attend the main sessions of the treaty bodies as observers. CSO accreditation must be obtained from the secretariat in advance (see section 5.3). Though CSOs cannot participate directly in the formal dialogue, they can interact with committee members during formal and informal meetings around the main session. Observing the dialogue is also an opportunity to gain first-hand knowledge of the issues.

**CSO briefings**
Several of the bodies offer formal opportunities for CSOs to brief committee members – including through pre-sessional briefings and lunch-time briefings. Further information about these is available via the body websites and the secretariat (see annex 1).

**Follow-up recommendations**
After the treaty bodies have made their recommendations to states, CSOs have a key role to play in monitoring implementation. For example, CSOs can produce reports which monitor and assess progress by the state. They can also disseminate information about the recommendations and observations of the treaty body, through the media and government, in order to put pressure on the government to act. Where possible, CSOs may also meet with members of government in order to lobby them directly, or to provide expertise and advice on implementation.
2.3.2 Receiving individual complaints

Several of the treaty bodies (eight at time of writing) can also receive complaints regarding violations of rights directly from individuals or groups acting on their behalf. However, Sri Lanka has only recognised the ability of two of these bodies to do so: the Human Rights Committee (HRCtte) and the Committee on the Elimination of Discrimination against Women (CEDAW):

Figure 6: Sri Lanka and the individual complaints procedure

<table>
<thead>
<tr>
<th>Body</th>
<th>Individual Complaints Procedure</th>
<th>Recognised by Sri Lanka?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Human Rights Committee (HRCtte)</td>
<td>First optional protocol to ICCPR</td>
<td>✓</td>
</tr>
<tr>
<td>The Committee on Economic, Social and Cultural Rights (CESCR)</td>
<td>Optional protocol to ICESCR</td>
<td>×</td>
</tr>
<tr>
<td>Committee on the Elimination of Racial Discrimination (CERD)</td>
<td>Article 14 of ICERD</td>
<td>×</td>
</tr>
<tr>
<td>Committee on the Elimination of Discrimination against Women (CEDAW)</td>
<td>Optional protocol to CEDAW</td>
<td>✓</td>
</tr>
<tr>
<td>Committee against Torture (CAT)</td>
<td>Article 22 of CAT</td>
<td>×</td>
</tr>
<tr>
<td>Committee on the Rights of the Child (CRC)</td>
<td>Optional protocol to CRC</td>
<td>×</td>
</tr>
<tr>
<td>Committee on Migrant Workers (CMW)</td>
<td>Article 77 of ICRMW</td>
<td>×</td>
</tr>
<tr>
<td>Committee on the Rights of Persons with Disabilities (CPRD)</td>
<td>Optional protocol to CPRD</td>
<td>×</td>
</tr>
<tr>
<td>Committee on Enforced Disappearances (CED)</td>
<td>Article 31 of ICPED</td>
<td>×</td>
</tr>
</tbody>
</table>

There are several conditions that must be met for an individual complaint to be made. First, the state concerned must – through ratification of the relevant article of the treaty - recognise the competence of the body to consider complaints (see figure 6). Any complaint must also be made within the time limit laid out by the treaty. They must sometimes also meet additional admissibility criteria - for example, that the person making the complaint has exhausted all domestic avenues for redress, that the victim of the violation has expressly authorised a complaint on their behalf, and that the violation is not already under consideration by some other process. For full guidance see annex 1, which contains web links to the treaty body websites as well as a link to a model complaints form.

Making an individual complaint can be challenging and time-consuming, so CSOs should think carefully before going down this route. Whilst not a requirement, individual communications can benefit from the support of organisations with experience or legal expertise in this area.

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3 http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx
4 For example, see this 2013 individual by a Sri Lankan citizen prepared and submitted with the support of the Asian Legal Resource Centre and REDRESS Trust: http://www.redress.org/downloads/HRCommComplaintGuneththige.pdf
Complaints are usually submitted to the OHCHR petitions unit (see annex 1). After a successful submission, the treaty body will consider whether a violation has occurred and may issue findings and recommendations to the state in question.

*Figure 7: CSOs and the individual complaints procedure*
3. The ‘charter-based’ bodies

In this section we look at the UN’s main charter-based body, the Human Rights Council. The charter-based bodies are so-called because they refer to those organisations established by the UN charter. These bodies have broad human rights mandates and take action based on majority voting. The key distinguishing feature of these organisations is that they are ‘intergovernmental’. That means that it is governments, rather than independent experts, that are the people who make the decisions. For this reason these bodies are sometimes also referred to as the ‘political’ bodies. Because the bodies are political in nature, their decisions can carry a lot of weight. At the same time, the challenge of persuading and exerting pressure are often greater.

The charter-based bodies include the Human Rights Council and it’s two key functions: Universal Periodic Review and Special Procedures. As with the treaty-bodies, these are all supported by the work of the Office of the High Commissioner for Human Rights (see section 4).

*Figure 8: overview of the charter-based bodies*

(*not to be confused with the Human Rights Committee (HRCtte), a treaty-based body that oversees the ICCPR and sometimes goes by the same abbreviation – see figure 4)*

3.1 The Human Rights Council

The Human Rights Council is a body made up of 47 states, regularly elected by the UN General Assembly, that are responsible for the promotion and protection of all human rights around the world. It usually meets three times a year in Geneva (March, June and September), but can also convene Special Sessions to address human rights emergencies.

Following the discussions which take place during the sessions the Council can, by consensus or majority vote, adopt resolutions expressing concern or condemnation about a human rights situation. They may also make recommendations as to how these should be addressed.
Resolution 30/1 on ‘Promoting reconciliation, accountability and human rights in Sri Lanka’, which was passed in October 2015, is a key example of this.\(^5\)

The agenda of the regular sessions are set by the terms of these resolutions (as well as the timetables of the Universal Periodic Review and Special Procedures – see below). For example, Resolution 30/1 specifies that a comprehensive report and discussion should be held at the 34\(^{\text{th}}\) Session of the HRC in March 2017. This will be a major opportunity for CSOs to influence the outcome of that session by lobbying states to take robust positions on Sri Lanka.

CSOs can exert influence over the working of the Council in several ways. However, it is important to note that many of these activities – including all those involving physical access to UN buildings where the sessions take place – require that CSOs have ‘consultative status’ with the United Nations Economic and Social Council (ECOSOC), or be accredited by a CSO that does. For more information on accreditation see section 5.3.

**Lobbying states:**

Prior to HRC sessions, CSOs can meet or communicate with representatives of member states to raise issues of concern and encourage states to ensure that their representatives at the HRC raise the appropriate questions in discussions about Sri Lanka. CSOs can also help build public pressure on states through joint letters, petitions, and media and social media campaigns.

**Submitting written statements to the HRC:**

Prior to HRC sessions, CSOs with consultative status can submit written statements to the HRC via its secretariat. Submissions, which are limited to 2000 words, must be made at least 2 weeks before council sessions commence. Further guidance on how to make a submission can be found on the HRC website.\(^6\)

**Making oral statements during HRC sessions:**

During HRC sessions, there are some limited opportunities for CSOs with consultative status to make oral interventions. CSOs wishing to make an oral statement must request to do so the Friday before the session. Further guidance on making an oral statement is available on the HRC website.\(^7\)

**Organizing parallel events:**

CSOs with consultative status also have the opportunity to organise ‘parallel events’ – that is, smaller meetings that take place around the formal session. These can be used to disseminate information and draw attention to issues relevant to the session. Further information about

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\(^5\) For more information about 30/1 visit our promise tracker at: https://www.srilankacampaign.org/take-action/keep-the-promise/

\(^6\) http://www.ohchr.org/EN/HRBodies/HRC/Pages/NGOParticipation.aspx

\(^7\) ibid
submitting a request for a parallel event can be found in the HRC NGO (non-governmental organization) guide.

3.2 Universal Periodic Review

UPR is a procedure by which all 193 member states are regularly subjected to a review of their national human rights situation by the members of the Human Rights Council. Three two-week UPR sessions are held in Geneva each year, meaning that each state is usually reviewed on a four and a half year cycle. The general process is outlined below:

*Figure 9: the UPR cycle*

There are opportunities for CSOs to shape the process at all four stages – although again, it is important to note that some of these require that CSOs have 'consultative status' with the United Nations Economic and Social Council (ECOSOC), or be accredited by an organization that does.

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i) Preparation of information

Written submissions:

At this stage CSOs can, with or without consultative status, submit written information online on the human rights situation in their country\(^9\). This is then compiled and summarized by the OHCHR for consideration before the HRC. These submissions must fulfil certain criteria with respect to length and format\(^10\). The deadline for submissions is usually 6-8 months before the relevant session.

Sri Lanka’s next periodic review, its third cycle\(^11\), will take place at the 28\(^{th}\) Session of the UPR in November 2017 in Geneva. The deadline for CSO submissions is 23\(^{rd}\) March 2017.

Lobbying states:

All CSOs can also lobby the UPR working group (made up of the HRC member states) to help bring attention to specific issues and to ensure that these are raised during the interactive dialogue. This can take place both in Sri Lanka (via the embassies) and in Geneva. To allow sufficient time for preparation, it is recommended that CSOs lobby embassies 4 months in advance of the review, and representatives in Geneva 1 month in advance of the review.\(^12\)

UPR Info, an organisation dedicated to improving CSO engagement with the UPR process, offers the following general advice for lobbying: “When meeting with delegates, whether in the country or in Geneva, it is important to concentrate on priority issues and present for each about 4 or 5 specific questions and recommendations in a short document of one or two pages. This will allow those delegates to easily incorporate them in their statements... Those recommendations should [also] be action-oriented”\(^12\).

Following the working group session, CSOs can then lobby the state under review to accept the recommendations made.

ii) Interactive dialogue

CSOs in consultative status with ECOSOC (see 5.3) can be accredited to participate in the interactive dialogue as observers. Although accredited CSOs cannot make oral statements as observers, there are a variety of other activities through which information can be shared. These include:

- Press conferences
- ‘Side-event’ presentations and discussions (which can be held immediately before or after the sessions)

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\(^9\) The online portal for submissions can be found here: https://uprdoc.ohchr.org/Account/Login.aspx?ReturnUrl=%2f
\(^10\) For more information on submission criteria see: http://www.upr-info.org/en/how-to/role-ngos
\(^11\) Our commentary on Sri Lanka’s last UPR session, held in 2012, can be found here: https://www.srilankacampaign.org/sri-lanka-least-constructive-nation-ever-to-appear-before-the-upr/
\(^12\) For further guidance and examples visit: http://www.upr-info.org/en/how-to/role-ngos
• Webcast screenings of the working group sessions

iii) Adoption

During the adoption of the Working Group report at the HRC, opportunities are provided for CSOs to make oral and written statements:

Oral statements:

Oral statements are limited to 20 minutes (usually allocated to ten CSOs – i.e. two minutes each) and are offered on a first come, first served basis. Registration takes place online the Friday before the beginning of the session and log-in credentials must be obtained in advance.

Written statements:

Written statements, although often of less impact than oral statements, can also be made at any time.

iv) Implementation and beyond

Following the adoption of the outcome document, CSOs have a key role to play in communicating what was agreed to the public, and in monitoring the government’s progress towards doing it. CSOs can also apply pressure on the government directly to ensure that it meet its commitments, or by issuing reports and statements to the HRC in the period before the next UPR cycle.

3.3 Special Procedures

The system of Special Procedures refers to the work of various independent experts, often known as ‘Special Rapporteurs’, ‘Independent Experts’, or ‘Working Groups’, who monitor both thematic areas and country-specific human rights situations. Their work involves research, country visits, advocacy work and sharing and spreading information. The experts submit regular reports to the HRC (or General Assembly), where decisions on the findings can be taken. As of July 2016, there were 41 thematic, and 14 country-specific special procedures mechanisms – for example, the ‘Special rapporteur on the right to privacy’ and the ‘Special Rapporteur on the situation on human rights in Cambodia’.

Generally speaking, the special procedures experts tend to work in a spirit of cooperation with CSOs, and there are therefore many opportunities to have input in their work. These include:

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13 For further guidance on applying to make an oral statement visit: http://www.upr-info.org/sites/default/files/guidelines_registration_system_oral_statement_hrc.ngo_en.pdf
14 For further guidance on making written statements visit: http://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideSubmissionNGO_ws.pdf
17 http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx
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i) Information sharing

CSOs play a key role as a source of information on human rights for the special procedure mechanisms. There are no strict guidelines for communications, which can range from short regular updates on particular issues of concern to longer in-depth analysis reports. However, given the volume of material that these bodies receive, and their limited resources, it is important to think carefully and strategically about how to engage with them in order to achieve the most impact. It is particularly important that CSOs seeking to engage with a particular body consider the scope of its mandate and whether the issue(s) at stake has been considered already. Communications are likely to be most valuable where there is good fit between the concern and the mandate of the mechanism, and where such a concern has not yet been examined by it.

ii) Country visits

Where possible and appropriate, individuals from the Special Procedures mechanisms may conduct country visits to assess the human rights situation in a particular country. CSOs can assist with these visits in a variety of ways, for example, by drawing their attention to particular areas of concern, and by facilitating meetings with relevant individuals or groups. It is important for CSOs to remain mindful of the security concerns involved in such visits and the risk of reprisals faced by those in contact with the mechanisms.

iii) Joint advocacy and awareness raising

The Special Procedures are an effective tool for getting to ‘the truth’ of a matter and so CSOs have an important role in making sure that this is heard. The time between the end of a country visit and the publication of the report presents an important opportunity to shape discussions. CSOs can review any preliminary findings and provide feedback on any gaps or updates. Following the publication of the report, CSOs also play a key role in sharing its findings publicly and urging the government to follow through with its recommendations.
4. The OHCHR

The UN High Commissioner for Human Rights is the most senior official within the United Nations system with responsibility for human rights. Their job is to help coordinate the UN’s work with respect to human rights, and to champion human rights globally and within the UN system. The current High Commissioner is Zeid Ra’ad Al Hussein. The High Commissioner is supported in their work by the Office of the High Commissioner for Human Rights (OHCHR). This is a branch of the UN with just over a thousand staff worldwide, dedicated to helping monitor and protect human rights, and to overseeing the smooth running of the United Nations’ various human rights mechanisms. Virtually every process described in this report will involve the Office of the High Commissioner for Human Rights at some stage.

In addition, the Office of the High Commissioner for Human Rights does a number of things to directly work on human rights issues. This can happen when the High Commissioner is tasked to do so by the Human Rights Council (as happened in Sri Lanka, see section 3.1) but can also happen when the High Commissioner themselves chooses to. While the High Commissioner can take an interest in any human rights matter in the world, they are more likely to take an interest following a Special Procedures visit to a country, or if it has been flagged up by one of their country offices.

The Office of the High Commissioner for Human Rights has country offices in 13 countries, as well as 15 countries where the Office is present as part of a peace mission, and 29 countries (including Sri Lanka) where the Office has one member of staff (a ‘Human Rights Advisor’) within a larger UN mission in the country. The rest of the world is covered by 12 Regional Offices and Centres.

Actions that the High Commissioner can take include:

- Working with governments, offering them advice and support in how to improve human rights, and making recommendations.
- Coordinating the various different UN mechanisms to make sure that they all work together on an issue.
- Monitoring the human rights situation through its staff and country offices.
- Making statements and speeches, issuing press releases and writing reports to highlight rights violations and issues.

For this reason, it is often worth talking to the Office of the High Commissioner for Human Rights, to ensure that they understand the nature of your problem and so will support your work. This is particularly true if you have a complicated issue which is relevant to many
different parts of the UN, or with very serious high profile allegations, such as those covered by
the recent Human Rights Council resolution 30/1 on Sri Lanka.

There are various ways of talking to the Office of the High Commissioner for Human Rights.
These include:

- Meeting with staff from their Country or Regional Office, or meeting their Human
  Rights Advisor (in Sri Lanka you would meet the Human Rights Advisor in Colombo –
  see annex 1).
- Sending relevant staff copies of the reports, submissions, and complaints that you
  make.
- Writing to the High Commissioner for Human Rights directly.
- Asking to meet the High Commissioner or relevant staff as part of a meeting to Geneva,
  or if they are visiting Sri Lanka.
5. General guidance for effective advocacy

There are a number of general factors to consider when working through the international human rights mechanisms.

5.1 Strategy

There are many reasons why you might want to report human rights abuses through the UN system, but usually the reason is because you want to change something in Sri Lanka. The UN system will very rarely be able to do that itself, but it can be a tool to help you do that. You can use the UN system strategically to apply pressure from other countries, or from the UN itself, to achieve what you want to achieve.

Before starting the process of working with UN bodies it is worth thinking strategically about why and how you want to do so. Here are some things to consider:

- What is the change you are trying to bring about? (This can be something like ending land grabs, or something specific like getting a new Witness Protection Bill passed).
- Who are the people that can help make it happen? (This will usually be the Government, but which part? It could be the army, a minister, or Parliament).
- What would persuade them to make it happen? (This could be pressure from the public, pressure from the UN itself, pressure from other countries, or pressure from the press).
- Which UN body has the most ability to generate and reinforce that kind of pressure? (If you want to create pressure from other countries you need to look at the more political charter-based bodies. If you want to create pressure within the UN system you need to look at where UN officials are involved. For specific types of violations, you may want to consider which bodies are most appropriate for addressing these.)
- How can you turn your complaint into the kind of pressure you need? (Do you need to support your complaint with media work in Sri Lanka to make sure the Government takes notice? Or by campaigning with other countries to make sure they support your complaint? Do you need to talk to officials within the UN to make sure they take your complaint back to the Government?).

5.2 Tactics

Tactics are how you make the best use of your resources (your time, staff/volunteers, and money) to put your strategy into action. There are lots of things you might want to do in support of your strategy. For example:

- Making written submissions to the UN body of your choice.
- Making oral submissions or delivering a video message.
- Visiting Geneva or other places, such as New York, where mechanisms are based to lobby diplomats or to meet UN officials.
- Writing to diplomats from supportive countries asking them to support your complaint.
• Making joint statements or forming joint campaigns with other organisations working on this issue, not just in Sri Lanka but around the world.
• Organising events to draw attention to the issue.
• Sending letters to head representatives within government
• Creating campaigns on specific issues to pressure government via public involvement
• Requesting meetings with relevant government officials
• Using the Concluding Observations and the recommendations therein to hold government to account.
• Holding a press conference or issuing a press release.18

You have to decide which of these things you think is going to best support your strategy. This should help you decide what your priorities are, and therefore how best to use your resources.

5.3 Visits, coordination and accreditation

Getting ECOSOC accreditation is difficult and there are many things that non-ECOSOC members cannot do. Additionally, visiting the place where the UN body is based can expensive. It is therefore a good idea to coordinate with other CSOs to work jointly on submissions to UN bodies. This has the added advantage that joint statements between different organisations can be a lot more powerful than individual ones. If a coalition of CSOs work together, only one of them needs to be an ECOSOC member in order for the entire coalition to be able to make submissions as a member would.

Organisations can form coalitions by area, for example a group of CSOs could come together from one province, one country, or from the whole of South Asia. Or they could form around a shared interest in a particular subject – for example, CSOs from around the world working on the issue of disappearances.

The UN already has some formal CSO coalitions that have come together to work on submissions. For example, the coalition IWRAW-Asia Pacific, convenes training sessions in parallel to the sessions of CEDAW in Geneva and New York to cut down costs, and also coordinates the submission of reports to the Committee. The International NGO Platform on the Migrant Workers’ Convention coordinates input to the Committee for Migrant Workers.

One thing to bear in mind is that ECOSOC accredited organisations and organisations based in Geneva often have very little time in the run up to the submission dates for UN mechanisms. In addition, organisations will often be uncomfortable working with organisations that they have not previously heard of. It is therefore important to start work building coalitions and making friends and networks a long time before you want to make a submission. **This is something**

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18 For an example of a Sri Lanka Campaign press release see: http://srilankabrief.org/2016/06/score-card-on-implementation-of-unhrc-resolution-on-sri-lanka-released/
the Sri Lanka Campaign can help with. Further information about accreditation is available on the OHCHR website (see annex 1).

5.4 Planning and timing

In most cases submissions can be made online. Find out the deadline for submissions and work backwards to make a timetable for drafting and finalising your submission on time.

5.5 Presentation

Your work will be taken a lot more seriously if it is well presented. While many formal submissions consist of just text, some allow photos, and you can always create a separate version of the report with photographs to send to opinion formers and the public. Photos can help get your point across more strongly, and graphics and diagrams can help people to understand the problems you face.

5.6 Safety and consent

Always consider safety, both your own and also the safety of your sources of information and other people you work with. Is it safe for you to make a submission? If not would it be safe for you to anonymously supply information to another group to make a submission on your behalf? Could you be made safer by working jointly with other organisations that are well protected? If the work you are doing is sensitive do you need to change the way you work? Physical and digital security training is available online from organisations such as Frontline Defenders.¹⁹

For any work on human rights, but particularly when dealing with international human rights mechanisms, you need to think about informed consent. Who gave you the information you are using in your submission? Did they know how you were going to use the information? Do they understand what the UN body to which you are making the submission is? Were they happy to be named in the document or did they ask to be anonymous? If they asked to be anonymous have you included information that might identify them? It is often a good idea to go back to your sources of information with your finished report so they can see how the information has been used.

¹⁹https://www.frontlinedefenders.org/en/resources-hrds
Annex 1: treaty-body webpages and useful contacts

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<td>Committee on the Elimination of Discrimination against Women (CEDAW)</td>
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<tr>
<td>Committee on the Rights of the Child (CRC)</td>
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<tr>
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<td><a href="mailto:cmw@ohchr.org">cmw@ohchr.org</a></td>
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<tr>
<td>Committee on the Rights of Persons with Disabilities (CRPD)</td>
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<td><a href="mailto:crpd@ohchr.org">crpd@ohchr.org</a></td>
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<tr>
<td>Committee on Enforced Disappearances (CED)</td>
<td><a href="http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx">http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx</a></td>
<td><a href="mailto:ced@ohchr.org">ced@ohchr.org</a></td>
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Individual complaints communications can be submitted through the OHCHR petitions unit:
Office of the United Nations High Commissioner for Human Rights,
Palais des Nations 8-14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22 (particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

A model individual complaints form can be found here:

The OHCHR Human Rights Advisor in Colombo can be contacted at:
202 – 204 Baudhhaloka Mawatha
Colombo 07
Tel: +94-11-2580691 Ext: 2400
Mobile: +94 76 6925500 077
Email: juan.fernandez@one.un.org
http://www.ohchr.org/EN/countries/AsiaRegion/Pages/LKIndex.asp

Further information about accreditation can be found by visiting the relevant mechanism webpage (via http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx) and following the links to ‘accreditation’ in the sidebar.

Guidance on accreditation and on requesting specific forms of participation at the HRC can be found at: