

# Regional Consultation with the United Nations Special Rapporteur on Violence against Women

## Combating Violence against Women in Central Asia

Almaty, Kazakhstan  
December 13 -16, 2005



equitas

Centre international  
d'éducation aux droits humains  
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# Introduction

## Background

*Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture, or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace. —UN Secretary General Kofi Annan, 1999*

Since achieving independence, the people of Central Asia have lived and continue to live through political tensions, armed conflicts, and socio-economic upheavals with devastating impacts on women. The civil war in Tajikistan in the 1990's, the recent political crisis in Kyrgyzstan and violence in Uzbekistan are indicative of the volatility of this part of the world. As is common in such conflict situations, it is the women of Central Asia who have suffered the consequences the most. The “War on Terror”, religious radicalism, economic migration, and trafficking in humans and drugs, have all increased the insecurity of women in the region and contributed to gender-based violence. Furthermore, the collapse of the Soviet Union meant the end of protections guaranteeing equal participation in decision-making processes. The accompanying collapse of the state social safety net also exacerbated vulnerability of women by increasing their numbers living in poverty.

While countries in the region have ratified most of the major international human rights treaties, including CEDAW, governments are not living up to these commitments. According to UNIFEM, at least one out of three women in the Central Asian countries has been a victim of violence (domestic or not) or sexual abuse. Traditional cultural practices (e.g., the stealing of brides), also impact negatively on the realization of gender equality. All of the factors mentioned here, contribute as well to the wide-spread incidence of domestic violence. In light of the seriousness of these issues, the UN Special Rapporteur on Violence against Women, its Causes and Consequences (SR-VAW), Prof. Yakin Ertürk, has identified Central Asia as an important region for her work; hence reason for the present regional Consultation.

This regional Consultation with the UN SR-VAW will provide representatives of civil society organizations in the region with a deeper understanding of the context in which they operate; increase their awareness of the mandate of the UN SR-VAW and of international mechanisms that can support their struggle to end violence against women, and share new ideas, strategies and relationships to increase the effectiveness of their efforts.



## Goal

The goal of this regional Consultation is to provide support for the struggle to end violence against women and to promote women's human rights in Central Asia, particularly in conflict and post-conflict situations, through the mandate of the UN Special Rapporteur on Violence against Women, its Causes and Consequences.

## Objectives

- **To examine** the nature and causes of violence against women in Central Asia as well as some of the available remedies to address them.
- **To strengthen** the capacity of targeted civil society organizations in Central Asia to use the mandate of the UN SR-VAW to combat violence against women.
- **To provide** a forum to share experiences and build collaboration between civil society organizations working on similar issues in Central Asia.
- **To develop** strategies to combat violence against women in Central Asia.

## Participants

The participants in this Consultation are members of organizations from civil society working on issues of violence against women in Central Asia: Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan.

## Methodology

The methodology for this Consultation is based on a participatory approach to learning. A basic assumption in this approach is that much of the content comes from the participants and that the Consultation serves as the framework for drawing out this content.

The design model we use for this approach is the “learning spiral”, which is described below:

1. We start by having participants' share their experience (i.e., knowledge, skills in a particular area, in this case on the issue of violence against women in the context of the country where they work);
2. As a group they analyze these experiences in order to identify patterns, and commonalities;
3. New information/knowledge is added and created through the analysis as well as through the interventions of resource persons, who have expertise in the relevant subject areas, additional readings, etc;
4. Participants then have the opportunity to practice the learning; and
5. Strategize for future action.

Evaluation is an essential part of the process.

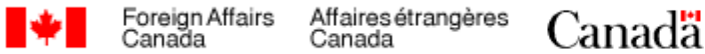


## About the Manual

This manual outlines the format of the Consultation with its objectives, descriptions of activities, and suggested time frame for each activity. There are Worksheets and Reference Sheets for some activities.

This manual was developed by Equitas staff and made possible thanks to the generous financial support of the Canada's Human Security Program of the Department of Foreign Affairs and International Trade.

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**Canada's Human Security Program**



**Embassy of Switzerland, Tashkent**

United Nations Development Fund for Women



**Working for Women's  
Empowerment and  
Gender Equality**



## Equitas: Who we are and what we do

Established in 1967 and formerly known as the Canadian Human Rights Foundation, Equitas - International Centre for Human Rights Education is a non-profit, non-governmental organization (NGO) engaged in human rights education (HRE) programs in Canada and around the world. Human rights education is the *raison d'être* of Equitas. In addition to the International Human Rights Training Program (IHRTIP) in Canada, Equitas carries out human rights education programs in Asia, Africa, Central and Eastern Europe and Central Asia.

Equitas' vision of human rights and understanding of education are reflected in how we carry out our work. We, at Equitas, believe that human rights education will succeed only when participants are engaged in all aspects of the learning process and are challenged to consider whether their values and attitudes truly reflect the underlying principles of human rights: universality, indivisibility, interdependence, equality, human dignity, respect, non-discrimination and social progress. Consequently, all of Equitas' education activities and consultations, such as this one, make use of participatory methods and emphasize the necessity to engage all stakeholders in needs assessment, program design, delivery, evaluation and, just as importantly, in the planning of follow-up initiatives.

For Equitas, human rights education is a process of transformation that begins with the individual and branches out to encompass the society at large. Human rights education involves the exploration of human rights principles and instruments as well as the promotion of critical reflection and inquiry. Ultimately, human rights education inspires people to take control of their own lives and of the decisions that affect their lives.





# Schedule

Wednesday, December 14, 2005		
DAY 1: Comparative National Contexts of Violence against Women		
Time	Activity	Title
8:30 – 9:00		<b>Welcome</b>
9:00 – 9:30	<b>Activity 1</b>	<b>Getting to Know Participants and Their Expectations</b> Participants, facilitators and resource persons will introduce themselves to each other. They will learn about each other's expectations for the Consultation, as well as the resources they have to offer.
9:30 – 9:45	<b>Activity 2</b>	<b>Overview of the Consultation</b> The facilitator will present the objectives and content of the Consultation and make the links to the expectations and resources expressed by participants during Activity 1.
9:45 – 10:30	<b>Activity 3</b>	<b>Current Situation of Violence against Women in Central Asia: Main Issues, Causes, and Effects</b> Participants, organized by country, will work in small groups to identify the main issues of violence against women and will prepare a presentation.
10:30 – 11:00	<b>Networking Break</b>	
11:00 – 12:30	<b>Activity 3</b>	<b>Continued</b> Each group will present its findings to the whole group. (10 min per group). The resource persons and the SR-VAW will put the issues identified by participants into the broader regional and international contexts.
12:30 – 13:45	<b>Lunch</b>	
13:45 – 15:15	<b>Activity 4</b>	<b>Addressing Violence against Women in Central Asia</b> Participants will share their organizations' experience and reflect on the actors and/or institutions and laws in their country that limit or facilitate redress of cases involving violence against women.
15:15 – 15:45	<b>Networking Break</b>	
15:45 – 17:00	<b>Activity 4</b>	<b>Continued</b> A resource person will present a comparative overview of the existing national laws in Central Asia that deal with cases of violence against women.
17:30 – 18:00	<b>Press Conference by the UN Special Rapporteur</b>	



Thursday, December 15, 2005

**DAY 2: The UN System and the Mandate of the UN Special Rapporteur on VAW**

<i>Time</i>	<i>Activity</i>	<i>Title</i>
8:30 – 10:00	Activity 5	<b>Overview of the UN Human Rights Protection System with Focus on CEDAW and the Mandate of the Special Rapporteur on Violence against Women</b> A resource person from the OHCHR will provide an overview of the UN human rights protection system, focusing on the major international instruments that deal with cases of violence against women.
10:00 – 10:30	<b>Networking Break</b>	
10:30 – 12:30	Activity 5	<b>Continued</b> Participants will work in small groups to review CEDAW, the Declaration on Violence against Women, and other relevant instruments and will prepare a presentation.  Participants and the SR-VAW will examine how the main issues previously identified constitute human rights violations under CEDAW and how these issues relate to the rights contained in the Convention.
12:30 – 13:45	<b>Lunch</b>	
13:45 – 15:30	Activity 6	<b>The Mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences</b> The Special Rapporteur will present her role and mandate. Participants will have the opportunity to formulate comments and ask questions. The Special Rapporteur will explain how her mandate reinforces CEDAW.
15:00 – 15:30	<b>Networking Break</b>	
16:00 – 17:00	Activity 7	<b>Submitting information to the UN SR-VAW</b> The Special Rapporteur will provide an overview of the special procedures to submit urgent appeals and letters of allegations of human rights violations. She will discuss the advantages/ disadvantages of the special procedure compared to other mechanisms.  Participants will work in groups and prepare the outline or a draft letter or urgent appeal of an actual case. Each group will present their example and the Special Rapporteur will comment and make suggestions.



Friday, December 16, 2005

**DAY 3: Devising Strategies and Strengthening Networks: Exploring Opportunities for Combating Violence against Women with The UN Special Rapporteur on Violence against Women**

<i>Time</i>	<i>Activity</i>	<i>Title</i>
8:30 – 10:00	Activity 8	<b>Strategies for Change</b> Participants will discuss ideas on ways they can work in collaboration with the Special Rapporteur on Violence against Women, work together on a regional and/or national basis, and will identify Equitas' possible role in the process. Participants will identify priority areas and explore strategies to combat Violence against Women with the UN Special Rapporteur.
10:30 – 11:00	Networking Break	
11:00 – 12:30	Activity 8	Continued
12:30 – 13:30	Lunch	
13:30 – 15:00	Activity 8	Continued
15:00 – 15:30	Networking Break	
15:30 – 16:00	Activity 9	<b>General Evaluation and Closing Remarks by the Special Rapporteur, Equitas' representative(s) and other Workshop participants.</b>
16:00 – 17:00	Closing Ceremony	





## Activity 1 Getting to Know Participants and Their Expectations

### Objectives

To get to know the participants and to examine individual expectations and available resources in the group.

### Time

30 min

### Description

This activity is divided into two parts.

In **Part A**, participants will introduce themselves to the members of the group.

In **Part B**, participants will examine their expectations and resources for the Consultation.

15 min

#### **Part A Icebreaker**

The facilitator leads the participants through an icebreaker activity. Participants introduce themselves by stating their name, organization, and their role in their organization.

15 min

#### **Part B Expectations and Resources**

1. Using small metacards, participants identify one expectation they have of this Consultation and one resource they can offer other participants.
2. Each participant presents their expectation and resource to the group and places their metacards on a flipchart version of the table on the next page.
3. The facilitator reviews the expectations and resources named by participants and maps any connections between them. S/He also highlights expectations which may or may not necessarily be met during this Consultation.

Cont'd ▶ ▶ ▶



*Activity 1 cont'd*

**Table. Expectations and Resources of the Group**

Expectations	Resources

**End of Activity ■**



## Activity 2 Overview of the Consultation

### Objectives

To provide an overview of the Regional Consultation on Violence against Women in Central Asia and to set ground rules for working as a group.

### Time

15 min

### Description

This activity is divided into two parts.

In **Part A**, the facilitator will provide an overview of the Consultation.

In **Part B**, participants will establish ground rules for working as a group during the Consultation.

10 min

#### **Part A Overview of the Consultation**

The facilitator provides an overview of the Consultation, referring back to participants' expectations and resources expressed in Activity 1.

The basic framework for the Consultation is presented in **Reference Sheet 1**.

[Cont'd >>>](#)



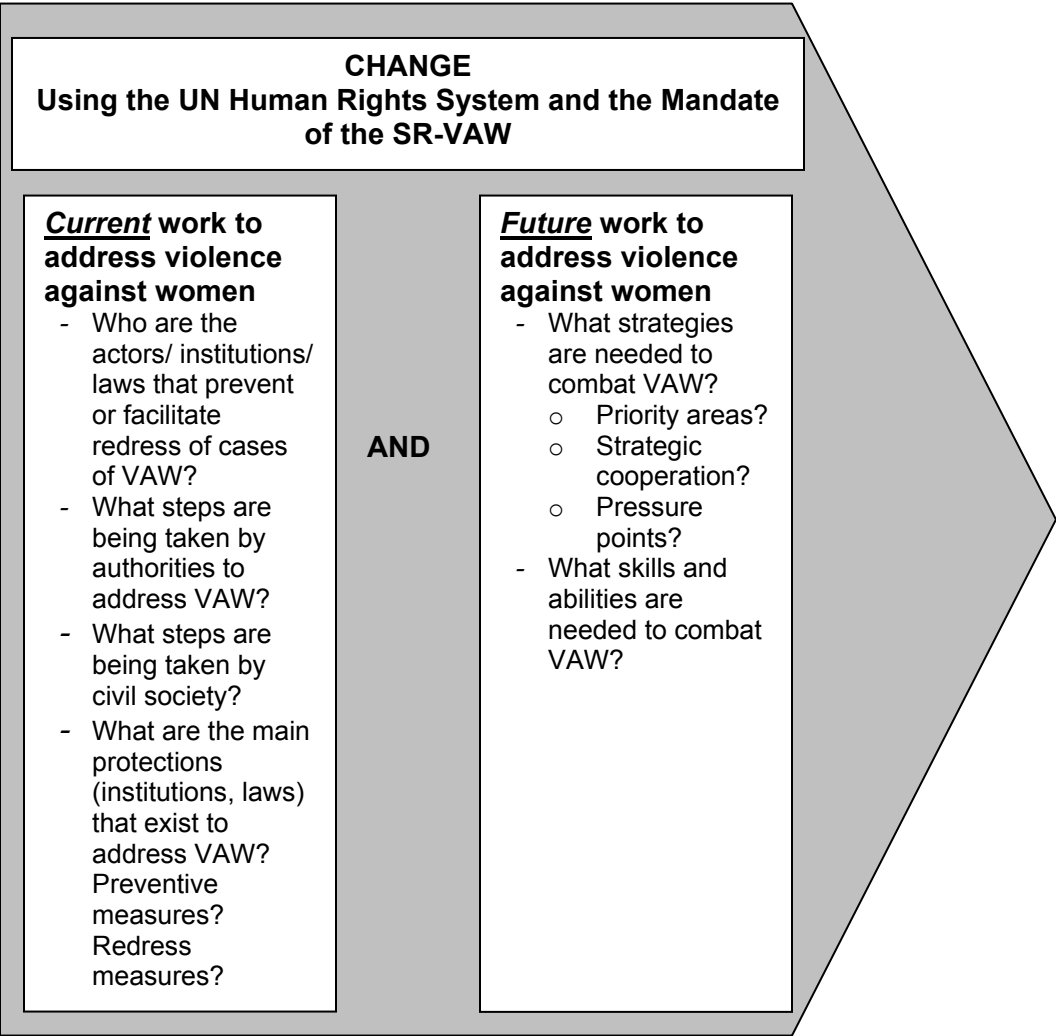




**Reference Sheet 1: Framework for the Consultation**

**Current situation of violence against women in Central Asia**

- What are the main issues?
- What are the contributing factors?
- Who are the perpetrators?
- Who are the victims of VAW?
- What is the general attitude of the people in the region on these issues?
- What are the particularities of these issues in conflict and post-conflict situations?



**Desired situation: A society free of violence against women**

- Critical needs
- Our role in achieving the desired situation



## Activity 3 Current Situation of Violence Against Women in Central Asia

### Objective

To identify the main issues, causes, and effects of violence against women in Central Asia.

### Time

2 hrs 15 min

### Description

This activity is divided into four parts.

In **Part A**, participants will work in small groups (by country) to discuss the main issues of violence against women in their respective countries.

In **Part B**, the UN SR-VAW will introduce herself to the whole group.

In **Part C**, participants will present their findings to the larger group.

In **Part D**, a resource person and the SR-VAW will situate the issues identified by participants into the broader regional and international contexts.

45 min

#### **Part A Small Group Work**

1. Participants are divided by country into 4 small groups.
2. Together with members of their country group, participants will identify what they feel are the five (5) main issues of violence against women in their respective countries and why. Each group records the information on **Worksheet 1. Reference Sheet 2** is provided to help participants in identifying the issues.
3. Each group will prepare to present their results to the larger group in **Part C**.

[Cont'd ▶ ▶ ▶](#)



### Activity 3 cont'd

15 min

#### **Part B Introducing the UN SR-VAW**

Prof. Yakin Ertürk, UN SR-VAW, will introduce herself, provide an overview of her experience working on the issue of violence against women, explain her interest in Central Asia, and express her expectations for this Consultation.

Participants will have the opportunity to learn more about her particular mandate during Activity 6.

30 min

#### **Part C Group Presentations**

The large group will reconvene. Each group will report on the results of their discussion (5 min each). The facilitator will synthesize the common elements.

45 min

#### **Part D Group Discussion**

A resource person and the SR-VAW will comment on the presentations. Questions to consider:

1. What are some of the main and current issues of violence against women in Central Asia? Are there some issues that are specific to individual countries? Are there some issues specific to conflict and post-conflict situations?
2. Are there common factors (social, cultural, political, economic, legal and individual) underlying or leading to violence against women? Are there some factors that are specific to certain countries?
3. What are the common effects of violence against women in the region?
4. What commonalities and differences exist between the victims of violence against women in the countries of the region?
5. What commonalities and differences exist between the perpetrators of violence against women?
6. What is being done by different actors (for example, the Ombudsmen, human rights commissions, civil society, human rights movements, local and national authorities) ? Have they identified any priorities for ensuring the respect of women's human rights (for example, in good governance, women's participation in politics, conflict prevention/transformation/resolution, or poverty alleviation, stiffer penalties for acts of violence against women, education and awareness building)?

End of Activity ■



## Reference Sheet 2: Examples of Violence against Women Issues

### **Custodial violence against women**

Women in detention or custodial centres, jails, prisons, etc. are victims of violence by the very people who are supposed to protect them -- members of the law enforcement and criminal justice systems. Women are physically or verbally abused; they also suffer sexual and physical torture.

### **Domestic Violence**

Physical abuse. Sexual abuse and rape in intimate relationships. Psychological and emotional abuse. Sexual abuse of children and adolescents. Physical abuse on children and adolescents.

### **Dowry-related violence and early marriage**

In many countries sexual assault by a husband on his wife is not considered to be a crime: a wife is expected to submit. It is thus very difficult in practice for a woman to prove that sexual assault has occurred unless she can demonstrate serious injury. Failure to pay the dowry can lead to violence. Early marriage, especially without the consent of the girl, is another form of human rights violation. Early marriage followed by multiple pregnancies can affect the health of women for life.

### **Forced prostitution, sexual exploitation, and pornography**

Women are forced into prostitution either by their parents, husbands or boyfriends -- or as a result of the difficult economic and social conditions in which they find themselves. It can lead to their virtual enslavement. Pornography represents a form of violence against women that glamorizes the degradation and maltreatment of women

### **Sexual abuse and rape**

Rape can occur anywhere, even in the family, where it can take the form of marital rape or incest. It occurs in the community, where a woman can fall prey to any abuser. It also occurs in situations of armed conflict and in refugee camps.

### **Son preference and femicide**

Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education.

### **Trafficking in women and slavery**

Women lured into prostitution or "virtual slavery", sometimes by "mail-order bride" agencies that promise to find them a husband or a job in a foreign country. Women are bought and sold as commodities by their parents, husbands, boyfriends or others

### **Violence against women migrant workers**

Appalling working conditions. Many become virtual slaves, subject to physical abuse and rape by their employers. Employers prevent women from escaping by seizing their passports or identity papers.

### **Violence against women in situations of armed conflict and post-conflict**

Rape has been widely used as a weapon of war whenever armed conflicts arise between different parties. Women and girl children are frequently victims of gang rape committed by soldiers from all sides of a conflict. Such acts are done mainly to trample the dignity of the victims.

### **Violence against refugee and displaced women**

In refugee camps, they are raped and abused by military and immigration personnel, bandit groups, male refugees and rival ethnic groups. They are also forced into prostitution.

**Reference:** Adapted from *Women and Violence*. United Nations Department of Public Information DPI/1772/HR--February 1996 <http://www.un.org/rights/dpi1772e.htm>



**Worksheet 1: Examining Current Issues of Violence against Women**

<b>Issues</b>	<b>Victims</b>	<b>Perpetrators</b>
Examples of violence against women issues listed in <b>Reference Sheet 2</b> : What are the issues relating to violence against women that are particular to your country? If so, what are they?	Who are the victims of violence against women?	Who are the perpetrators of violence against women?
<p><b>Questions for discussion</b></p> <ul style="list-style-type: none"><li>a. What are some of the cultural, economic, political, legal, and social factors underlying or leading to these human rights issues?</li><li>b. Are there issues of violence against women that are specific to conflict and/or post-conflict situations?</li><li>c. Of all the issues you have discussed in your group, please identify the five main ones. Explain your criteria for their selection.</li></ul>		



## Activity 4 Addressing Violence against Women in Central Asia

### Objective

To identify the actors, institutions, practices and/or laws that limit or facilitate the redress of cases involving violence against women.

### Time

3 hrs

### Description

This activity is divided into three parts.

In **Part A**, participants will work in small groups to create a “map of connections” that illustrates the actors, institutions, and actions in their country that limit or facilitate redress of cases involving violence against women.

In **Part B**, participants will present their findings and the facilitator will synthesize the presentations and lead a discussion.

In **Part C**, a resource person will present a comparative overview of the existing national laws in Central Asia that deal with cases of violence against women.

45 min

#### Part A Small Group Work

The facilitator will divide participants into the same groups as in Activity 3.

The facilitator will briefly explain the activity. Using **Worksheet 2**, participants draw a “map of connections” that illustrates how violence against women is being addressed in their country.

Participants will begin by listing the five (5) main issues related to violence against women discussed in the previous activity.

Then for each issue, participants will reflect on the questions below and indicate their answers in the appropriate areas of **Worksheet 2**. Participants will also indicate the connections between the issues, actors and actions by drawing connecting lines.

[Cont'd ▶ ▶ ▶](#)



### Activity 4 cont'd

Participants should consider the following points to guide their reflection:

- Reflecting on each of the 5 main issues related to violence against women in the region, identify some of the main actors/institutions/groups in your country that LIMIT and FACILITATE redress of cases involving violence against women. Write your answers in the appropriate circles in the chart in **Worksheet 2**.
- Consider what steps or actions are being taken by each of the actors you have identified and write these in the appropriate circles in the chart.

Refer to **Reference Sheet 3** on the obligation of the States to apply the due diligence standard to end violence against women.

Ensure that the connections between actors and actions are indicated.

**60 min**

#### **Part B Group Presentations**

The large group will reconvene. Each group will report on the results of their discussion (10 min each). The facilitator will synthesize the common elements. Participants will have the opportunity to formulate follow-up questions or make comments.

**75 min**

#### **Part C Resource Discussion**

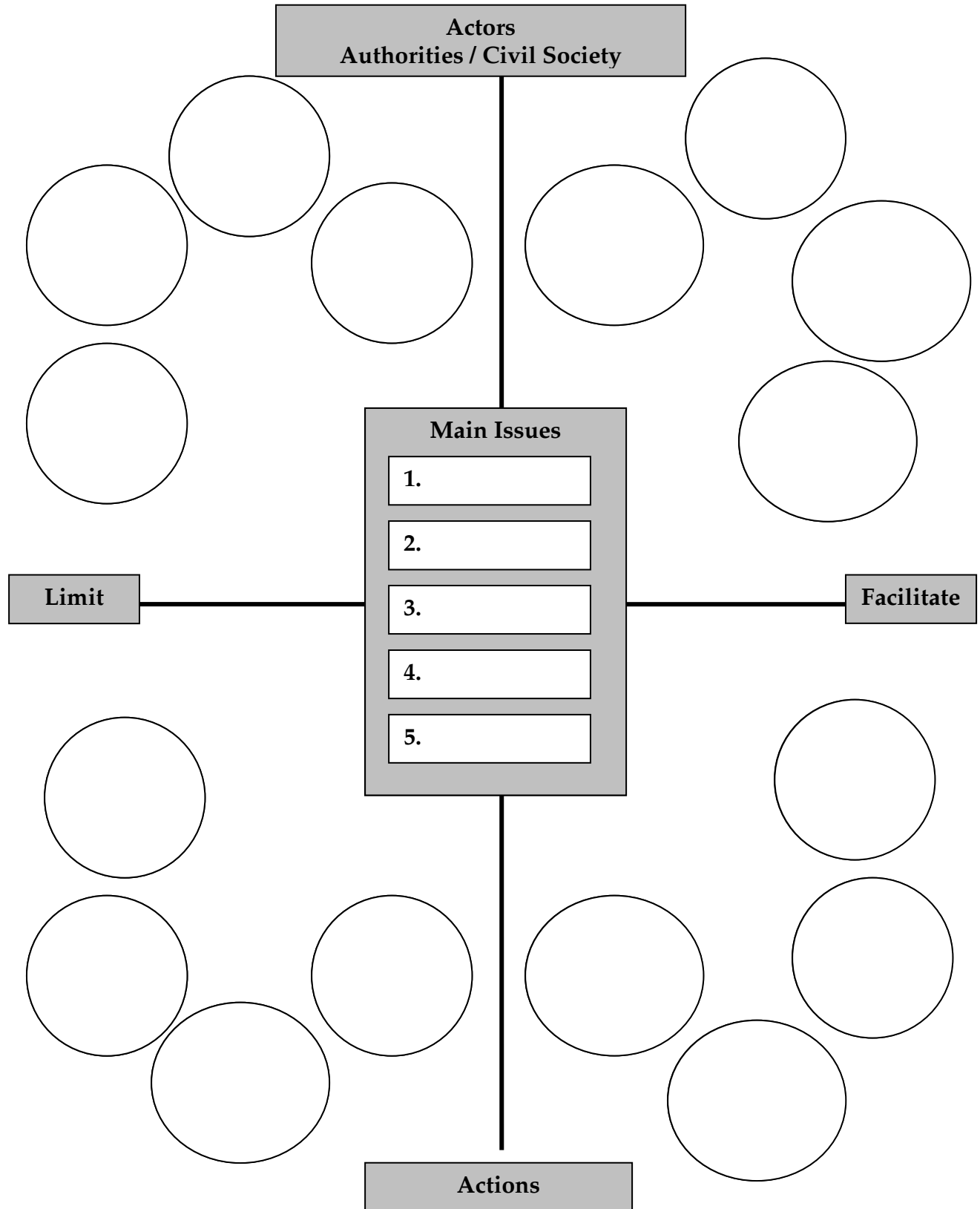
A resource person will present a comparative overview of the national laws and institutions in Central Asia that aim to prevent, address, and punish cases dealing with violence against women. S/he should provide answers to some of the following questions:

- What laws support the prevention and redress of violence against women violations?
- How and with what efficiency are the laws to prevent violence against women implemented? What are the common factors that limit or facilitate their implementation?
- What are some of the recourses available to women who are victims of violence?
- What are some of the best practices to deal with cases of violence against women?

**End of Activity ■**



**Worksheet 2: Mapping of Connections: Addressing Violence against Women in Central Asia**







## Reference Sheet 3 : The Standard of Due Diligence

### Acts of Violence against Women are Human Rights Violations

The Declaration on the Elimination of Violence against Women and General Recommendation 19 of CEDAW "(...) state that acts of violence against women in the home, the community and perpetrated or condoned by the State are human rights violations".

**Reference:** Statement by Ms. Radhika Coomaraswamy, SR-VAW to the 59th session of Commission on Human Rights, 9 April 2003.

### Due Diligence and Violence against Women

"In 1993 the United Nations issued the **Declaration on the Elimination of Violence Against Women**. The Declaration states that, "States should exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or private persons". It sets forth ways in which governments should act to prevent violence, and to protect and defend women's rights. These measures form the standard of due diligence that states are obligated to live up to.

The legal concept of **due diligence** describes the minimum acceptable level of effort which a state must undertake to fulfill its responsibility to protect individuals from abuses of their rights. Due diligence includes taking effective steps to:

- *prevent* abuses,
- *investigate* them when they do occur,
- *prosecute* the alleged perpetrator and bring him to justice in fair proceedings,
- ensure adequate *reparation*, including compensation and redress.

It also means ensuring that justice is upheld *without discrimination* of any kind.

The failure of a government to prohibit acts of violence against women, or to establish adequate legal protections against such acts, constitutes a failure of state protection. "**Acts of violence against women constitute torture when they are of the nature and severity envisaged by the concept of torture and the state has failed to provide effective protection.**"

**Reference:** "Domestic Violence as Torture" in Amnesty International USA,  
<http://www.amnestyusa.org/women/violence/domesticviolence.html>

### The Scope of the Due Diligence Standard to end Violence against Women

"(i) States are obligated to exercise due diligence to *prevent* violence against women. This obligation requires States to ensure that – an adequate administrative, political and legal framework is in place to address VAW and that women are made aware of their rights in this regard. Ratification of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, is a basic minimum step towards prevention, but more is required. Effective awareness-raising campaigns must be developed to change societal values, norms and practices that perpetuate violence against women and girls. The obligation to prevent VAW requires sound policies guided by research, gender analysis and sex-disaggregated data to identify and eliminate obstacles to gender justice, including all discriminatory laws, practices and social conventions.

(ii) States are obligated to exercise due diligence to *protect* women from violence by passing criminal and civil laws specifically pertaining to VAW. States must also ensure that women and girls known to be at risk of violence receive adequate protection from law enforcement—thus the State must promote an environment in which women feel safe reporting cases of violence and confident that appropriate action will be taken in response to their complaints. When women report violence, the authorities must respond with immediate measures, such as protection orders. States must also ensure that women and girls who



have suffered violence have access to medical and social support services and to alternative housing or other safe havens. Police, medical and other staff having contact with women victims of violence must be trained to respond to such cases in a manner that respects the rights of the victim.

(iii) States are obligated to exercise due diligence to prosecute and *punish* perpetrators of violence against women and girls. States may not permit VAW to occur with impunity. When a perpetrator of violence is identified, the State is under an obligation to ensure that he is held accountable. Prosecution of perpetrators of violence against women and girls must not allow for any re-victimization of the woman through the procedural rules regarding evidence, testimony or other aspects of the proceeding. The State is also required in its response to punish VAW to send a strong message that such violence is a serious criminal act. Prosecutorial and judicial personnel must be trained to handle cases of violence against women and girls in a gender-sensitive manner.

(iv) States are obligated to provide *reparations* to women and girls who have been subjected to violence. This includes material compensation for any physical or mental injuries, lost opportunities in employment, education and social benefits, loss of earnings, harm to reputation and dignity, and any legal, medical or social costs incurred as a result of the violence. States may also be required to provide rehabilitation and support services to women victims of violence.”

**Reference:** “*Challenges in Applying the Due Diligence Standard to End Violence against Women*” by Prof. Yakin Ertürk, UN SR-VAW.



## Activity 5 Overview of the United Nations Human Rights Protection System with Focus on Violence Against Women

### Objective

To examine some of the international instruments and procedures that deal with issues of violence against women.

### Time

3.5 hrs

### Description

This activity is divided into three parts.

In **Part A**, a resource person will discuss the UN human rights protection system and will provide examples of how it can be used in your work to combat violence against women.

In **Part B**, participants will examine some of the international standards and instruments relating to the human rights of women and, more specifically, to the issue of violence against women.

In **Part C**, participants and the UN SR-VAW will examine how the main issues previously identified constitute human rights violations under CEDAW and other human rights instruments.

### 60 min

#### **Part A Resource Discussion**

The resource person(s) will discuss the UN human rights system and provide examples of how organizations can use it in their work on violence against women.

To prepare for this presentation, participants should read the following document:

- *“Fact Sheet 27: Seventeen Frequently Asked Questions about United Nations Special Rapporteurs”*

[Cont'd ▶ ▶ ▶](#)



### Activity 5 cont'd

Optional readings (in English) can be found on the accompanying CD-ROM :

- *“The United Nations Human Rights System”* by Philippe LeBlanc
- *“Background Information on Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan”* by Goran Marjanovic (Equitas)

The resource person will discuss some of these issues:

- The UN human rights system
- The structure and content of international human rights treaties as well as the meaning of key terms such as: declaration, covenant, convention, optional protocol, limitations, reservations, signature, ratification and accession.
- Concrete examples of activists using the UN system at the national level to combat violence against women. The strengths and limitations of these examples will be discussed.

The resource person or facilitator will lead a discussion on the participants’ experience with the UN human rights system. S/he could use the following questions to stimulate the discussion:

- How do (or could) you use it in your work in combating violence against women?
- What are the benefits and limitations of using the UN system?

90 min

#### **Part B Small Group Work**

Participants will work in small groups to gain a familiarity with the international instruments. Each group will prepare a short presentation on one of the instruments listed below, according to the suggested guidelines.

#### **Instruments**

- Convention on the Elimination of All Forms of Discrimination Against Women (CDAW)
- Declaration on the Elimination of Violence against Women

[Cont'd ▶ ▶ ▶](#)



### Activity 5 cont'd

- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage

#### Guidelines

- Participants will prepare a 5-minute presentation on the instrument assigned to your group. Use:
  - The text of the instrument
  - The experience of the members of the group (best practices)
- Use the suggested format for presentation on **Worksheet 3**
- Summarize the results of the group's discussion on a flipchart.
- Name a reporter to present the findings to the larger group.

60 min

#### Part C Large Group Discussion

Participants will return to the large group and report their group's findings. The resource person and the UN SR-VAW will comment on the presentations and discuss how the main issues constitute human rights violations under the instruments.

End of Activity ■



**Worksheet 3: Main Features of an International Human Rights Instrument**

<b>Name of Instrument:</b>
1) Rights protected
2) Obligations imposed on the State
3) Limitations
4) Duties/Responsibilities imposed on the public



*Main Features of International Human Rights Instruments cont'd*

5) Mechanisms for monitoring compliance
6) Optional protocol(s) and purpose
7) Other special characteristics



## Activity 6 The Mandate of the UN Special Rapporteur on Violence against Women, its Causes and Consequences

### Objective

To examine the mandate and role of the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences.

### Time

75 min

### Description

This is a one part activity.

### **75 min**

#### **Resource Discussion**

Prof. Yakin Ertürk, UN SR-VAW, will present her mandate, role and, some general comments on the issue of violence against women in other regions.

Participants will be able to comment or ask questions.

The facilitator will moderate the discussion.

**End of Activity ■**





## Activity 7 Submitting Information to the UN Special Rapporteur on Violence against Women, its Causes and Consequences

### Objectives

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To examine the United Nations Special Procedures of the Commission on Human Rights.

To prepare a draft submission to the UN SR-VAW.

### Time

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1 hr 45 min

### Description

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This activity has three parts.

In **Part A**, the UN SR-VAW will provide an overview of the process for submitting information to her.

In **Part B**, participants will prepare an outline (or draft) of a letter of allegation of violations based on one of the issues identified in Activity 3 or a case that their organization is hoping to address.

In **Part C**, participants will present their outline or draft to the larger group.

40 min

#### **Part A Resource Discussion**

The UN SR-VAW will explain the procedure for submitting urgent appeals and letters of allegations of acts of violence against women to her office. She will describe the criteria and conditions for submitting information as well as the facts and information that need to be included.

She will also discuss the advantages and disadvantages of using the special procedures compared to other UN or regional mechanisms.

Participants have the opportunity to formulate questions or comments.

[Cont'd ▶ ▶ ▶](#)



### Activity 7 cont'd

**30 min**

#### **Part B Small Group Work**

The facilitator will divide participants into the same groups as in Activity 3 and will briefly explain the activity.

Using **Worksheet 4** as a template, each group will prepare a draft letter of an allegation of acts of violence against women or an urgent appeal.

Each group should focus on a single case or issue that one of the organizations in the group is actually hoping to address.

Each group should name a reporter to present its findings to the larger group (in a 4-minute presentation).

**Reference Sheet 4** provides additional details regarding the special procedures.

**35 min**

#### **Part C Large Group Work**

The large group will reconvene and each group will report its findings. The SR-VAW will comment on the presentations and make suggestions on ways to improve the letter of allegation or urgent appeal.

**End of Activity ■**



## Reference Sheet 4: Special Procedures of the Commission on Human Rights. Urgent Appeals and Letters of Allegation on Human Rights Violations

### Background of Special Procedure

The special procedures consist of a number of individual experts who bear different titles such as special rapporteurs, special representatives, independent experts or working groups and are appointed usually by the United Nations Commission on Human Rights. Although the titles of the special procedures vary, there are no major differences in their general responsibilities and methods of work.<sup>1</sup> The experts are entrusted with the mandate to examine, monitor, advise and publicly report on human rights situations in specific countries or on major human rights related themes worldwide.

The work of the special rapporteurs is usually organized around the following activities: submitting thematic reports to the Commission on Human Rights (and for some of them also to the General Assembly) at its annual session; undertaking country visits on which reports are submitted to the annual session of the Commission as addenda to the thematic reports; sending communications on alleged violations of human rights (urgent appeals and letters of allegation) to the Governments concerned; and issuing

<sup>1</sup> All special procedures are referred to here as either experts or special rapporteurs, although they bear different names.

press releases on specific matters of grave concern.

### Urgent appeals and letters of allegation

*When does a special Rapporteur take action?*

*Admissibility criteria of information received*

Some special rapporteurs are entrusted by their mandate to receive information from different sources: Governments, inter-governmental organizations, non-governmental organizations, alleged victims of human rights abuses, and witnesses. When they receive credible information that a human rights violation has occurred that comes within the scope of their mandate, some special rapporteurs intervene directly with Governments. The intervention can relate to a human rights violation that has already occurred, one that is ongoing, or one that will very likely take place if no action is taken. The decision to intervene is at the discretion of the special procedure mandate-holder and will depend on various criteria established by him or her.

The admissibility criteria will generally relate to: the reliability of the source; the internal consistency of the information received; the precision of the factual details included in the information; and the scope of the mandate itself. However, it must be emphasized that the criteria and the procedure involved in responding to an indi-

vidual complaint vary, so it is necessary to submit a complaint in accordance with the specific requirements established by each special Rapporteur.

*What type of action can a special Rapporteur take?*

*Sending communications to Governments*

When a special Rapporteur receives credible information on alleged human rights violations, s/he can send a communication, usually taking the form of a letter, transmitted through the Office of the High Commissioner for Human Rights, to the Government concerned requesting information and comments on the allegation and that preventive or investigatory action be taken. Communications may deal with individual cases, cases of groups or communities, general trends and patterns of human rights violations occurring in a particular country, or the content of draft or existing legislation considered to be a matter of concern.

Communications will usually take the form of either “urgent appeals” or “letters of allegation”. Special rapporteurs may send joint communications when cases fall under the scope of more than one mandate.

“Urgent appeals” are used to communicate information about a violation that is allegedly ongoing or about to occur. The



intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a human rights violation.

“**Letters of allegation**” are used to communicate information about violations that are said to have already occurred and whose impact on the alleged victim can no longer be changed. This kind of letter is used, for example, in cases where information reaches the Special Rapporteur after the human rights abuse has already been committed.

In both types of letters, the special Rapporteur asks the Government concerned to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions. Depending on the response received, the Special Rapporteur may decide to inquire further or make recommendations.

Communications are not accusatory per se, cannot replace a judicial proceeding, and do not imply any kind of value judgement on the part of the special Rapporteur; rather they are a means of requesting clarification on alleged violations with a view to trying to ensure, along with the Government concerned, the protection of human rights.

All communications sent and received are confidential and remain so until the end of the reporting cycle, when the special Rapporteur submits an annual report to the

Commission on Human Rights on communications sent and replies received from Governments on specific cases. The names of the alleged victims are reflected in the reports to the Commission, except in the case of children or specific circumstances.

*How to submit a complaint*

The following minimum information must be provided to all special procedures in order for the complaint to be assessed:

- Identification of the person(s) or organization(s) submitting the communication;
- The full name of the alleged victim(s), their age, sex, and place of residence or origin;
- Identification of as many details as possible (name, age, sex, place of residence or origin) in cases involving a group or community;
- Date and place of incident (approximate, if exact date is not known);
- A detailed description of the circumstances of the incident in which the alleged violation occurred;
- Identification of the alleged perpetrator(s), name(s) if known and/or title/function, and suspected motive;
- Where relevant, specify if steps have been taken at the national level (e.g. have police been contacted, are other national authorities involved, the position - if any - of the Government);<sup>2</sup>

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<sup>2</sup> The latter two are not required but may provide useful additional information.

- Where relevant, specify if steps have been taken at the international level (e.g. if other international mechanisms have been activated).<sup>2</sup>

It should be stressed that the identity of the source of information will be kept confidential.

Cases of alleged human rights violations can be submitted either by providing the above-mentioned information or by completing the relevant questionnaire available on the OHCHR web site:

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

The information or complaint form should be sent by fax to:  
+41 22 917 90 06  
by e-mail to: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

or by postal mail to:  
**Quick Response Desk**  
Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
8-14 avenue de la Paix  
**1211 Geneva 10**, Switzerland



**Work Sheet 4: Form for Submitting Urgent Appeals and Letters of Allegation on Human Rights Violations Using the Special Procedures of the Commission on Human Rights**

**CONFIDENTIAL  
VIOLENCE AGAINST WOMEN  
INFORMATION FORM**

*INFORMER: name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.*

Name of person/organization:

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Address: \_\_\_\_\_

Fax/Tel/E-mail: \_\_\_\_\_

*VICTIM(S): information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Nationality: \_\_\_\_\_

Sex: \_\_\_\_\_

Occupation: \_\_\_\_\_

Ethnic background, religious, social group (if relevant): \_\_\_\_\_

*THE INCIDENT: including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.*

*Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials) include any information, which*



*might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.*

*Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.*

*Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.*

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location/country: \_\_\_\_\_

Number of assailants: \_\_\_\_\_ Are the assailant(s) known to the victim? \_\_\_\_\_

Name of assailant(s): \_\_\_\_\_

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship? \_\_\_\_\_

Description of the assailant(s) (include any identifiable features): \_\_\_\_\_

\_\_\_\_\_

DESCRIPTION OF THE INCIDENT: \_\_\_\_\_

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Does the victim believe she was specifically targeted because of gender? \_\_\_\_\_

If yes, why? \_\_\_\_\_

Has the incident been reported to the relevant State authorities? \_\_\_\_\_

If so, which authorities and when? \_\_\_\_\_

Have the authorities taken any action after the incident? \_\_\_\_\_

If so, which authorities? \_\_\_\_\_

What action? \_\_\_\_\_

When? \_\_\_\_\_

WITNESSES: Were there any witnesses? \_\_\_\_\_

Name/age/relationship/contact address: \_\_\_\_\_

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*Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.*

PLEASE RETURN TO  
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN  
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND  
(Fax: 00 41 22 917 9006, E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org))

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## Activity 8 Strategies for Change

### Objectives

To identify priority areas in the struggle to end violence against women in Central Asia.

To explore strategies of future collaboration between civil society organizations in Central Asia and the UN SR-VAW, and of Equitas' possible role in this process.

### Time

4.5 hrs

### Description

This activity is divided into three parts.

In **Part A**, participants will identify the necessary elements in a society free of violence against women.

In **Part B**, participants will examine the priority actions that are required to end violence against women in Central Asia.

In **Part C**, participants will present their findings and share ideas regarding possible next steps to the Consultation.

90 min

#### **Part A Presentation and Discussion**

The facilitator and/or a resource person will briefly summarize the activities and discussions that have taken place so far during the Consultation. Focusing on some of the main issues, they could examine three general aspects: the characteristics of main issues of violence against women in Central Asia, the actors and institutions that limit or favor the redress of violations, and the existing international mechanisms to promote and defend women's human rights and recourses to seek redress of violations. They should summarize the information in **Columns A** and **B** of a flipchart version of **Worksheet 5**.

Participants will validate the information provided in the summary.

The facilitator will then lead the brainstorming of ideas to identify some of the basic elements of a society free of violence against women.

Cont'd ▶ ▶ ▶





### Activity 8 cont'd

Participants will consider the following question:

- What would be the general characteristics of a society free of violence against women?

The facilitator writes the elements identified by participants on a flipchart.

**60 min**

#### **Part B Small Group Work**

The facilitator will divide participants into small groups. Each group will focus on one of the five main issues. Participants can use the following questions to guide their discussions:

- What changes need to occur in individual countries to resolve the issue and end violence against women in the region?
- Looking at the elements identified during the brainstorming, what actions are (still) needed to resolve this issue? What actions should be given priority?

Record your answers in **Column C** of **Worksheet 5**

**120 min**

#### **Part C Group Presentations and Discussion**

The large group will reconvene and each group will report on the results of their discussion (10 min each). The facilitator will summarize the common elements and will list the identified priorities. The UN SR-VAW and resource person(s) will have the opportunity to comment and ask questions.

The facilitator will lead a discussion regarding the possible next steps to the Consultation. The following questions can guide the discussion:

- What should be the next steps for civil society organizations to combat violence against women in Central Asia?
- What role could the UN SR-VAW potentially play in supporting the work of civil society organizations in combating violence against women? What support could civil society organizations provide the UN SR-VAW to help her fulfill her mandate more effectively? What are some of the priorities?
- If any, what role, could Equitas play in supporting civil society organizations in Central Asia?

The Facilitator will record the answers in **Column D** of **Worksheet 5**.



**Worksheet 5 : Identifying Areas of Priorities and Strategies for Change**

Issue \_\_\_\_\_

<b>A.</b> What are the main factors contributing to this issue?	<b>B</b> What actions are now taking place to resolve this issue? Who is involved in those actions?*	<b>C.</b> What (realistic) actions are (still) needed to resolve this issue ?	<b>D.</b> If any, what are the areas of possible collaboration for: The UN SR-VAW Consultation participants Equitas
Political			
Legal			
Economic			
Social/ Cultural			
Individual/ Personal			

\* The facilitator and/or resource person will provide the information for **Columns A and B** based on the summary they prepare in Part A



## Activity 9 Consultation Evaluation

### Objectives

To evaluate the activities of the Consultation.

### Time

30 min

### Description

After completing the evaluation questionnaire, participants discuss as a group the benefits of the Regional Consultation with the UN SR-VAW.

Questions to keep in mind:

- What issues discussed do you feel are most relevant for the work of your organization?
- How will the knowledge and skills you've acquired during this Consultation be used or adapted for the needs of your organization?
- How will the “networking” activities be useful for your own work?
- In future consultations, what could be done differently? What could be improved?

**End of Activity ■**





## Resources

Fact Sheet 27: Seventeen Frequently Asked Questions about the United Nations Special Rapporteurs”





## Activity 6

# Fact Sheet No.27: Seventeen Frequently Asked Questions about United Nations Special Rapporteurs

### INTRODUCTION

Millions of people around the world look to the United Nations to resolve problems that affect their daily lives. They expect the United Nations to work towards the improvement of their standard of living and enhance their enjoyment of fundamental rights and freedoms. The challenge of achieving universal respect for all human rights remains as daunting as ever.

The denial of human rights has been at the root of many conflicts. The change in the nature of conflicts from international to internal during the past decade has made the link between peace and security, economic and social affairs, democratization, development, good governance and humanitarian issues more obvious. In order to prevent internal conflicts, greater emphasis should be placed on early warning mechanisms in the human rights area as well as on strengthening national institutional capacities to address human rights concerns.

The United Nations human rights mechanisms contribute to the United Nations early warning system. Since its creation in 1945, the United Nations has worked diligently and systematically to promote and protect human rights. It has enabled the international community to organize its response to human rights violations. Since 1979, special mechanisms have been created by the United Nations to examine specific country situations or themes from a human rights perspective. The United Nations Commission on Human Rights has mandated experts to study particular human rights issues. These experts now constitute what are known as the United Nations human rights mechanisms or mandates, or the system of special procedures. Although the mandate-holders have different titles, such as special rapporteur, special representative or independent expert, each is considered as an expert on mission within the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. This is why they are all referred to here as experts.

The United Nations special procedures system has been able to bring the intergovernmental debate on human rights closer to the reality on the ground. During recent years, the United Nations human rights experts have brought to the attention of the international community many issues of concern, such as police brutality, summary executions, the killing of women in the name of honour, the suffering of street children, the persecution of ethnic minorities in many societies, the role of non-State actors in human rights violations, the link between extreme poverty and respect for human rights, and the impact of human rights violations on civil society.

Questions have recently been asked in various quarters regarding the nature and methods of work of the experts. Such interest is a positive signal and can be attributed to the increasing visibility of the work of the experts. This document provides answers to 17 frequently asked questions about the work of these experts. These questions include some on the work of the Commission on Human Rights and its Sub-Commission. They also address such issues as who the experts are and what they do, how are they selected, their legal status and their term of office.

### 1. What is the Commission on Human Rights?

The Commission on Human Rights ( hereafter The Commission ) is a subsidiary body of the Economic and Social Council. The Charter of the United Nations specifies that the Council shall set up Commissions in the economic and social field and for the promotion of human rights . In its first meeting in 1946, the Economic and Social Council established two functional commissions, one on human rights and the other on the status of women. It was



decided that these commissions would be composed of State representatives. The Commission on Human Rights is now composed of 53 States elected by the Economic and Social Council.

Immediately following its creation, the Commission established a subsidiary body that is now known as the Sub-Commission on the Promotion and Protection of Human Rights (hereafter the Sub-Commission) . The Sub-Commission, which is composed of 26 experts who are elected by the States members of the Commission, has a mandate to undertake studies authorized by the Commission and to make recommendations. The Commission meets annually for six weeks in Geneva in March-April. The Sub-Commission meets for three weeks in August, also in Geneva. The Office of the High Commissioner for Human Rights acts as secretariat to the Commission and the Sub-Commission.

## 2. What does the Commission do?

Over the years, the work of the Commission has changed substantially. Very early on the Commission focused on elaborating various human rights standards. It drafted the Universal Declaration of Human Rights and the two Covenants, on civil and political rights, and on economic, social and cultural rights. Soon, the main challenge before the Commission came to be how to respond to human rights violations. In 1947, the Economic and Social Council passed a resolution stating that the Commission had no power to take any action in regard to any complaints concerning human rights.

In 1965, however, the Commission was faced with a number of individual petitions from South Africa and came under considerable pressure to deal with them. This forced it to grapple with the elaboration of procedures to deal with issues connected to racism. A taboo was broken in 1967 when the Commission established an ad hoc working group of experts to investigate the situation of human rights in southern Africa. The demand to act on the situation in southern Africa led to recognition of the need for public debate on specific countries.

In response to a request by the Commission on Human Rights, the Economic and Social Council adopted resolution 1236 (XLII) in 1967, allowing the examination of cases revealing a consistent pattern of human rights violations. In its resolution 1503 ( XLVIII) , adopted in 1970, the Council established a procedure to deal confidentially with complaints relating to a consistent pattern of gross violations of human rights.

It took until 1975 before the Commission was able to deal with another situation, however. Following the 1973 coup in Chile against President Allende by General Augusto Pinochet, the Commission established in 1975 an ad hoc working group to inquire into the situation of human rights in Chile. In 1979, this working group was replaced by a special rapporteur and two experts to study the fate of the disappeared in Chile. In 1980, the Commission established the Working Group on Disappearances to deal with the question of enforced disappearances throughout the world. Since then, there has been less reluctance to establish expert mechanisms to deal with human rights challenges in various parts of the world. Such mechanisms were progressively applied in a more innovative manner and adapted to an increasing range of violations.

The Commission solicits the help of human rights experts to assist it in the task of examining specific situations. Over the years, the work of these experts has provided a much needed analysis on how human rights principles are applied in reality. It has formed the basis for an informed and substantive debate at the intergovernmental level. It has given a voice to the often silenced victims and offered a basis for dialogue with Governments on the concrete measures to be taken to enhance protection.

The work of the experts is debated during the annual session of the Commission on Human Rights. About one third of the experts also reports to the United Nations General Assembly in New York. Some experts have informally briefed the United Nations Security Council.

## 3. What do the mandates currently cover?

Over the years since they were first created, the United Nations human rights mechanisms have been expanded considerably. As of November 2000, 43 men and women are serving as United Nations experts in





the field of human rights. They cover 36 mandates on a wide range of issues relating to civil, cultural, economic, political and social rights. All the mandates, except one, were created by the Commission on Human Rights. The General Assembly created the mandate on children in armed conflict.

Since its action on South Africa in 1967, the Commission has established a long tradition of dealing with specific country situations. Experts are currently in charge of 14 other country mandates. These country mandates are complemented by the thematic mandates. They cover 22 themes concerning a wide range of civil, political, economic, cultural and social rights. As was stated earlier, the oldest of the existing mandates is that on enforced disappearances, which was established in 1980. Thereafter, the Commission first focused on issues relating to civil and political rights. More recently, attention has been paid to economic, social and cultural rights. In fact, most mandates created since 1995 have been in the area of economic, social and cultural rights.

The mandates are usually entrusted to an individual expert. In some cases, however, because of the nature of the issue under consideration, the Commission establishes a working group of experts. Such working groups are commonly composed of five individuals, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe, and the Western group. Two such working groups are currently in operation, one on enforced disappearances and the other on arbitrary detention.

In recent years, several countries have been trying to focus human rights action on issues relating to development. Consequently, the right to development and structural adjustment issues are now receiving additional attention. In each of these cases there is a two-tiered mechanism comprising an independent expert and an intergovernmental working group. These working groups are open to all States, observers and non-governmental organizations.

#### **4. Who are the experts?**

The 43 experts are prominent human rights figures from various walks of life. They include current and former holders of high judicial office, academics, lawyers and economists, former and current members of non-governmental organizations, and former senior staff members of the United Nations. They come from all regions. In more recent years, more effort has been made to select women experts. There are currently 10 women experts.

Although the emphasis of each mandate is different, what all the experts have in common is that they are selected on the basis that they are individuals of high standing who are willing to provide quality services to the United Nations without remuneration. They all enjoy the same legal status and fall within the same structure. Although their action may differ as it is tailored to respond to the specific issue under consideration, they mostly apply the same approach, as will be discussed below.

#### **5. Why are the experts given different titles?**

As was stated earlier, the Commission bestows varying titles on the experts. These include special rapporteurs, independent experts, representatives of the Secretary-General or representatives of the Commission. These different titles neither reflect a hierarchy, nor are they an indication of the powers entrusted to the expert. They are simply the result of political negotiations. The most important issue is the mandate given to the expert as it is formulated in the resolutions of the Commission on Human Rights. These mandates could focus on reporting on violations, or on analysing a problem, or on assisting in the provision of technical assistance or on a combination of one or more of these features.

#### **6. Who selects the experts?**

The intergovernmental resolution creating each mandate determines who selects the expert. Special rapporteurs and representatives of the Commission are typically selected by the Chairperson of the Commission. Although there is a tradition that the Chairperson consults with the Bureau of the Commission, the decision is ultimately that of the Chairperson. The Chairperson is normally a diplomat at the ambassadorial



level. The chairmanship of the Commission rotates between the regional groups, which are all represented on its Bureau.

The representatives of the Secretary-General and some independent experts are selected by the United Nations Secretary-General upon the recommendation of the High Commissioner for Human Rights.

The choice of the expert is crucial to the credibility of the mandate. The experts are expected to be individuals of high standing and deep knowledge of human rights. In the selection of experts, it has been determined that consideration should be given to the professional and personal qualities of the individual expertise and experience in the area of the mandate, integrity, independence and impartiality.

#### **7. Is there a time limit on experts term of office?**

The country-specific mandates are reviewed annually by the Commission and the thematic mandates are reviewed every three years. For the mandate to be continued, the Commission must adopt a resolution specifically renewing the mandate and identifying its scope.

Occasionally, there is some pressure from certain States to remove from office experts that they perceive as overcritical of their human rights record. There is no precedent of the Chairperson of the Commission removing any expert. In fact, until 1999, an individual expert could serve indefinitely on a mandate as long as the mandate was in operation.

In April 1999, the Commission decided that experts should serve a maximum term of six years. An extension of three additional years was provided as a transitional measure, for those experts whose six-year term had yet to end. The Commission also decided that there should be a turnover in the experts serving on working groups as well, to be accomplished in incremental steps over a three-year transition period.

#### **8. Do the experts receive remuneration for their efforts?**

The human rights experts mandated and appointed by the United Nations do not receive salaries or any other financial reward for carrying out their tasks. They take on their functions out of a commitment to human rights and a conviction that the United Nations work in this field could make a difference.

#### **9. What is the experts method of work?**

There is some uniformity in the methods of work for all mandates, although the resolutions establishing the mandates use different language to describe them. Over the years, the experts have developed specific approaches and methodologies to carry out their mandates. In 1999, the sixth annual meeting of the experts approved a manual that spells out in detail the methods of work, *inter alia*.

All experts report to intergovernmental bodies, such as the Commission, or the United Nations General Assembly on their findings, conclusions and recommendations. The mandate of some experts requires them to carry out mainly conceptual studies while others take a more practical approach.

Most expert research and study issues of concern, carry out country visits, receive and consider complaints from victims of human rights violations, and intervene with Governments on their behalf. In some cases, the experts also recommend programmes of technical cooperation.

##### **(a) Urgent appeals**

Intervening on behalf of victims of human rights violations is an essential element of human rights work. An indication that a violation has reached the attention of the United Nations or a mere inquiry by the United Nations about the circumstances of a case may often be sufficient to halt abuses.



Most experts receive information on specific allegations of human rights violations. In some cases, they send urgent appeals to a Government if a serious human rights violation appears to be imminent. Some experts send around one hundred interventions and appeals per year. They commonly report these communications to the Commission. In doing so, they follow principles of transparency and consistency. They attempt to provide equal opportunities to the sources of information and to the Government concerned. Some cases involve various types of violations relating to the mandates of several experts. In such cases, the experts are encouraged to coordinate their actions.

### **(b) Country visits**

It is a priority for experts with country mandates to visit the particular country concerned. Sometimes they are denied access, in which case they travel to other countries, including the neighbouring countries, to interview refugees and other relevant actors. The budget of the United Nations allows the experts to visit a country once or twice a year. Extra-budgetary arrangements are sometimes also made to allow for more frequent visits.

Experts with thematic mandates may decide to carry out visits to countries relevant to those mandates, on the basis of information received. The United Nations budget normally allows for two country visits for each expert. Experts charged with thematic mandates attempt to visit countries in all regions of the world. The requests for visits are either initiated by the experts themselves or by the Commission on Human Rights in specific resolutions.

The experts only carry out official missions. They do not go on mission to any country without the approval of the relevant authorities. The visits are normally organized in coordination with the United Nations team in the country concerned, led by the United Nations Resident Coordinator or the United Nations Information Office.

During these visits, the experts interact with both governmental and non-governmental actors. They require freedom of inquiry, including access to relevant facilities, such as prisons and detention centres, and contacts with representatives of non-governmental organizations. It is standard procedure for the experts to request assurances from the Government that no persons, official or private, who have been in contact with them will be subjected to threats, harassment, punishment or judicial proceedings. Indeed, planned visits have been called off when Governments were not ready to provide the experts with free access to places or to respect the independent nature of the expert s work. Media coverage of the country visits often places the human rights issue at the centre of the public debate.

Sometimes experts are requested by the Commission to carry out joint visits when the human rights problems in a specific situation are multidimensional. Such joint visits have been made in the context of the conflicts in East Timor and in the former Yugoslavia. Sometimes the experts themselves consider it useful to carry out joint missions. This form of coordination amongst the experts is to be welcomed.

### **(c) Normative work**

Some experts attempt to develop authoritative norms and standards for their work. The Representative of the Secretary-General on internally displaced persons worked with a team of international legal experts to prepare a compilation and analysis of the legal norms pertaining to internal displacement, on the basis of which he then developed Guiding Principles for the protection of the internally displaced. In April 1998, the Commission took note of these principles and of the decision of the Inter-Agency Standing Committee welcoming the Guiding Principles and encouraging its members to share them with their executive boards. These Principles are designed to provide guidance to the Representative, States, all other authorities, groups and persons, and intergovernmental and non-governmental organizations when addressing the issue of internal displacement.

The Working Group on Arbitrary Detention, which is composed of five experts, has also developed a framework for action. In its Deliberation No. 5 adopted in December 1999, for instance, the Group established criteria to govern cases of arbitrary detention of asylum-seekers. The work, which was undertaken in coordination with the



Office of the United Nations High Commissioner for Refugees, was welcomed by a number of States and NGOs.

#### **(d) Follow-up**

The experts hold dialogues with Governments on their findings and recommendations. The dialogue becomes more meaningful when Governments demonstrate the will to approach the concerns raised by an expert in a serious manner. For instance, during the September 1999 visit of the Special Rapporteur on the question of torture to Kenya, the Government assigned a high-ranking police officer to liaise with the Rapporteur. The officer accompanied the Rapporteur during the mission and, on several occasions, ordered immediate corrective action to redress a violation, such as immediate medical attention for certain detainees or the release of one individual who was arbitrarily detained. The Special Rapporteur publicly acknowledged this effective follow-up action.

The effectiveness of the system rests on adequate follow-up of the experts' conclusions and recommendations. The Special Rapporteur on religious intolerance, for instance, developed a matrix containing the recommendations formulated in his report. He routinely transmits these to Governments requesting them to provide him with their comments, as well as to indicate the measures they have taken or intend to take to implement, even progressively, the recommendations. Other experts have started to use similar techniques. The responses they receive from Governments are included in their reports.

#### **(e) Non-State actors**

The experts do not only address States. Several mandates require their holders to deal with non-State entities. Between 1996 and 2000, the independent expert on the situation of human rights in Somalia reported on the violations committed by warlords and militia leaders in that country. She also addressed the actions taken by the United Nations agencies in the absence of a central government in Somalia. She devoted a major part of her 1998 report to allegations of violations committed by the international troops while in Somalia.

A growing number of mandates now address international institutions. Some of the mandates, particularly those on development and on structural adjustment and foreign debt, aim at considering the impact of the financial institutions policies, such as those of the World Bank and the International Monetary Fund, on human rights. Their value is in generating a debate about such issues.

#### **(f) The role of NGOs**

International, regional and national non-governmental organizations provide invaluable support to the special procedures system. Human rights NGOs have been at the forefront of the advocacy for the creation of specific mandates. They provide essential analysis and information on the human rights situation in many countries and with regard to many thematic issues. Such information is verified by the experts and often transmitted to Governments for their views. The NGOs disseminate the work of the experts to their local constituencies. The significant contribution that NGOs make to enhance the system is widely recognized by Governments, the experts and the United Nations. The establishment of a mandate on human rights defenders in 2000 constitutes a recognition not only of the indispensable contribution of NGOs, but also of the fact that many human rights defenders are harassed and intimidated for carrying out their human rights work and of their need for protection.

### **10. Does the work of experts have impact?**

Through their reports to the Commission, the experts highlight situations of concern. Their reports often provide an invaluable analysis of the human rights situation in a specific country or on a specific theme. Some reports bring to the attention of the international community issues that are not adequately on the international agenda. Many reports name victims and describe the allegations of violations of their human rights. Throughout the year, many experts intervene on behalf of victims. While the work of experts is often a major driving force contributing to change, it is difficult to attribute concrete results in the field of human rights to one factor. Much depends on



how Governments, the civil society in a particular country and the international community react to the violations and to the findings, conclusions and recommendations of experts.

The continuous examination of a particular situation, however, signals to victims that their plight is not forgotten by the international community and provides them with the opportunity to voice their grievances. The perpetrators of human rights violations know that they are being watched. The authorities concerned know that the assessment of their human rights record will have an impact on political, developmental and humanitarian considerations. This sometimes brings improved accountability and therefore change for the better.

The experts reports often serve as an important early warning. For instance, before the genocide in Rwanda took place, the Special Rapporteur on extrajudicial, summary or arbitrary executions visited the country and reported on the serious ethnic violence that was occurring. The international community did not provide an adequate response to this significant early warning.

There are many examples of concrete results being achieved by the experts. During their country visits, many of them succeed in obtaining relief for victims. In January 1992, for example, the Special Rapporteur on the situation of human rights in Afghanistan succeeded in obtaining a presidential decision from then President Najibullah to commute the death sentences of some 114 persons into 20-year prison terms.

### **11. What is the relationship between the experts and the various United Nations bodies?**

The experts are asked to fulfil specific tasks that are outlined in specific United Nations resolutions. They are expected to remain within their mandate and carry out their duties with full independence from any governmental or non-governmental influence. This independence is highly prized by victims, Governments and NGOs. It is a sine qua non for the successful fulfilment of the mandates. As was stated on behalf of the United Nations Secretary-General before the International Court of Justice, in the absence of complete independence, human rights mandate holders and special rapporteurs would hesitate to speak out against and report violations of international human rights standards.

This independence does not, however, militate against coordination and dialogue with other actors, particularly within the United Nations system. Dialogue is very much encouraged by United Nations resolutions, as well as tradition. In resolutions establishing mandates the Secretary-General is typically requested to provide support for the work of the experts. This is mainly viewed as political support as well as financial support from the regular budget of the United Nations and the assistance provided by the Office of the United Nations High Commissioner for Human Rights ( OHCHR ). The various United Nations agencies are also requested to provide support for the work of the experts.

The work of the experts is facilitated by OHCHR and, while they are on mission, by the senior United Nations official in the country. Many experts also hold regular consultations with the United Nations Secretariat in New York and with the various specialized agencies. Without the support of the United Nations country teams, the work of the United Nations human rights experts would suffer seriously. For instance, on 4 March 1998 OHCHR concluded a Memorandum of Understanding with the United Nations Development Programme (UNDP) , according to which UNDP and OHCHR shall cooperate closely with a view to implementing aspects of mandates of country and thematic special procedures and working groups . The cooperation between UNDP and OHCHR endeavours to enhance the effectiveness and efficiency of human rights fact-finding missions. Local UNDP offices extend both substantive and logistical support before and during missions. UNDP also makes available relevant UNDP reports and evaluation papers regarding countries to be visited.

### **12. What is the experts legal status?**

The experts carrying out United Nations human rights mandates are legally classified as experts on mission in the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. While they are working on their mandates, the experts enjoy functional privileges and immunities that are specified *inter alia* in article VI, section 22 of the Convention. These include:



- a ) Immunity from personal arrest and detention and from seizure of their personal baggage;
- b ) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity is to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- c ) Inviolability for all papers and documents;
- d ) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- e ) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- f ) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

The privileges and immunities of the Commission's experts recently became the subject of a binding advisory opinion by the International Court of Justice (ICJ). On 29 April 1999, ICJ gave its opinion in the case of Dato Param Cumaraswamy, the Special Rapporteur on the independence of judges and lawyers. Dato Cumaraswamy has been the subject of several defamation suits in Malaysia for damages amounting to US\$ 112, 000. ICJ held that article VI, section 22, of the Convention on Privileges and Immunities of the United Nations was applicable in the case of Mr. Cumaraswamy and stated that he was entitled to immunity from legal process of every kind for the words spoken by him during an interview published in the November 1995 issue of *International Commercial Litigation*. The Court also stated that Mr. Cumaraswamy should be held financially harmless for any costs imposed upon him by the Malaysian courts, in particular taxed costs. The Court found that the Government of Malaysia was under the obligation to communicate the advisory opinion to the Malaysian courts, in order that Malaysia's international obligations be given effect and Mr. Cumaraswamy's immunity be respected.

### 13. Is there any oversight on the work of the experts?

Human rights experts deal with issues that have a political dimension. It is thus hardly surprising that the objectivity and the quality of the work of some experts are sometimes questioned. The Commission on Human Rights exercises oversight over the work of the experts while keeping in mind that the experts are irremovable, independent and are immune from legal process. It examines their reports and passes resolutions either welcoming or criticizing the work of the expert, or simply takes note of their action. During 1999-2000, the Commission undertook a general review of the work of the experts.

As a result, it adopted a number of resolutions in April 2000 aimed at enhancing the effectiveness of the work of the experts. The adopted measures included the establishment of the above-mentioned time limit for mandate holders and reaffirmation that the independence of the experts constitutes a main criterion for their selection.

Moreover, the United Nations General Assembly is also currently debating a draft code of conduct that will apply to all experts on mission, including the United Nations human rights experts.<sup>17</sup> The experts' main concern with respect to the draft code is that it does not adequately take into account that they are unpaid independent actors, rather than paid consultants who receive instructions. Their function requires them to act in accordance with the mandate entrusted to them, their conscience, and on the basis of facts and human rights law.

The experts also exercise a degree of self-regulation. Since 1993, they meet annually to deliberate amongst themselves on issues relating to their mandates. During these meetings, they consider matters of common interest, such as their methods of work. They also have discussions with the High Commissioner for Human Rights, the Bureau of the Commission on Human Rights, the Chairpersons of the United Nations human rights treaty bodies established under the six core United Nations human rights treaties<sup>18</sup> and NGOs. The meetings provide a forum for airing problems in an effort to find solutions.



#### **14. What resources are available to experts?**

As the experts are professionals with full-time jobs who render their services to the United Nations on a part-time basis, the quality of their output depends to a large extent on the quality of support they receive from OHCHR and the amount of time staff invest in this work. Currently, the Office can provide a staff member to assist each mandate for an equivalent of approximately three full-time months a year only.

Most States are conscious of the need not to overload the system. However, human rights situations sometimes dictate the creation of new mandates. The increase in the number of mandates, without a corresponding increase in resources to support them, places additional burdens on OHCHR.

In 1999, the High Commissioner requested two experts to prepare the study, with the assistance of two staff members, on the pressing needs of the experts and how they might be addressed. The study recommended five measures to strengthen the system: measures to enhance the effectiveness of urgent appeals; the development of a more effective response to emergencies; the improvement of follow-up methods; increasing support through the allocation of additional staff and the development of a database. For these measures to be implemented, an increase in the resources currently available to OHCHR is needed.

#### **15. Is there an overlap between the work of the experts and the functions of the United Nations High Commissioner for Human Rights?**

On 20 December 1993, the General Assembly created the post of United Nations High Commissioner for Human Rights. Unlike the experts, the High Commissioner is a high-level official of the United Nations appointed by the Secretary-General and approved by the General Assembly. The High Commissioner heads the Office of the High Commissioner for Human Rights, which supports the work of the experts. The current High Commissioner for Human Rights is Mary Robinson, the former President of Ireland. She took office in September 1997. José Ayala-Lasso, who was High Commissioner from April 1994 until March 1997, preceded her.

There is much interaction between the High Commissioner and the experts. While the mandates of the experts are specific, focusing on a country or a theme, the High Commissioner's mandate however, is broad and includes the promotion and protection of all human rights, civil, cultural, economic, political, and social in all parts of the world. As such, there is a possibility for overlap between the mandates of the High Commissioner and the special procedures mechanisms. This overlap is avoided through coordination.

#### **16. What is the Sub-Commission and how does it function?**

The Sub-Commission is a think-tank created by the Commission to assist it by undertaking in-depth thinking into particular phenomena.

Amongst the main tasks of the Sub-Commission in the past was the preparation of draft standards and norms for the Commission's consideration. A number of those were eventually adopted by the United Nations General Assembly.

The Sub-Commission is composed of 26 independent experts. They meet annually for three weeks in August in Geneva to deliberate on human rights issues. State and NGO representatives also make statements before the Sub-Commission, whose meetings are generally open to the public. The Sub-Commission recommends to the Commission topics that require further consideration. The Sub-Commission studies are aimed at enhancing the understanding of a topic and recommending to the Commission how to address it. Some of these studies may lead to a standard-setting exercise. Others may lead to the establishment of new mechanisms.



## 17. Does the work of the Sub-Commission's experts differ from the work of the Commission's experts?

Like the experts of the Commission, the experts of the Sub-Commission are experts on mission within the meaning of the 1946 Convention on Privileges and Immunities of the United Nations. This was affirmed by the International Court of Justice in an advisory opinion rendered on 15 December 1989 in a case known as the *Mazilu* case.

The Sub-Commission experts mainly conduct studies. They do not usually take up individual cases and do not send urgent appeals to Governments. They do not carry out fact-finding missions. The work of experts is publicly and extensively debated during the three-week session of the Sub-Commission. Every topic is usually studied by one or more special rapporteurs of the Sub-Commission for at least three years. The expert entrusted with the study normally submits a working paper, a preliminary report, a progress report and a final report.

The Sub-Commission is currently studying a wide range of issues. These are studies by special rapporteurs on the rights of non-citizens; the concept and practice of affirmative action; globalization and its impact on the full enjoyment of human rights; the elimination of traditional practices affecting the health of women and girls; indigenous peoples and their relationship to land; and terrorism and human rights; as well as the preparation of working papers on discrimination based on work and descent; measures provided in the various international human rights instruments for the promotion and consolidation of democracy; the consequences of the working methods and activities of transnational corporations (TNCs) as well as the responsibility of States and TNCs with regard to violations of all human rights; procedures for the implementation of standards on the human rights conduct of companies; the administration of justice through military tribunals and exceptional jurisdiction; domestic implementation in practice of the obligation to provide effective remedies; discrimination in the criminal justice system; and the privatization of prisons. In addition, the Sub-Commission requested the Commission in 2000 to approve four new studies. These are: the human rights problems and protections of the Roma; the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water; human rights and human responsibilities; and reservations to human rights treaties.

The experts of the Sub-Commission are often academics, lawyers, judges or, in some cases, representatives of their Governments. They are expected to conduct their work on the Sub-Commission, however, independently of any governmental or non-governmental influence.

As independent experts, the experts are not subject to the oversight of the United Nations Secretariat. While they are assisted by OHCHR, the experts carry out their research independently of the Secretariat. Owing to the limited Secretariat resources available, as mentioned above, the experts often rely on their own resources to support their research.

## CONCLUSION

The United Nations human rights experts play a vital role in working towards the universal achievement of freedom from fear and want. They are not paid. Their reward is the satisfaction of working towards the realization of human rights, as the highest aspiration of the common people as the Universal Declaration of Human Rights proclaimed.

The system remains seriously under-resourced and has yet to achieve its full potential, however. Efforts are continuing to be made to strengthen the system to enable it to achieve the goal of universal respect for all human rights. With the cooperation of various actors, in particular Governments, United Nations bodies, and the non-governmental sector, its effectiveness could be considerably enhanced.

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