



Guide on the Special Procedures of the Human Rights Council

In the Syrian Context

Produced by the International Law Support Unit
at the Syrian Legal Development Programme

August 2020



Guide on the Special Procedures of the Human Rights Council

In the Syrian Context

Email | info@syrian-ldp.com

Website | www.syrianldp.com

Table of Contents

<u>LIST OF ABBREVIATIONS</u>	6
---	----------

<u>ABOUT SLDP'S INTERNATIONAL LAW SUPPORT UNIT</u>	7
---	----------

<u>OVERVIEW OF THE GUIDE</u>	8
---	----------

1

INTRODUCTION TO THE SPECIAL PROCEDURES	10
---	-----------

<u>1.1</u> <u>WHY SHOULD SYRIAN NGOs ENGAGE WITH THE SPECIAL PROCEDURES?</u>	11
---	-----------

<u>1.2</u> <u>HOW DO SPECIAL PROCEDURES CARRY OUT THEIR MANDATES?</u>	12
--	-----------

<i>1.2.1</i> <u>Country Visits</u>	13
--	-----------

<i>1.2.2</i> <u>Annual Reports</u>	14
--	-----------

<i>1.2.3</i> <u>Communications</u>	14
--	-----------

<i>1.2.4</i> <u>Other Activities</u>	17
--	-----------

<u>1.3</u> <u>DO SPECIAL PROCEDURES INTERACT WITH NON-STATE ACTORS?</u>	17
--	-----------

2

PROFILES OF SELECTED SPECIAL PROCEDURES	19
--	-----------

<u>2.1.</u> <u>THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT</u>	21
--	-----------

<u>2.2.</u> <u>THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES</u>	24
---	-----------

<u>2.3.</u> <u>THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION</u>	27
--	-----------

<u>2.4.</u> <u>THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD</u>	31
---	-----------

<u>2.5.</u> <u>THE SPECIAL RAPPORTEUR ON THE RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH</u>	34
---	-----------

2.6.	<u>THE SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION</u>	37
2.7.	<u>THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION</u>	40
2.8.	<u>THE WORKING GROUP ON ARBITRARY DETENTION</u>	45
2.9.	<u>THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS</u>	49
2.10.	<u>THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS</u>	51
2.11.	<u>THE WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS</u>	54
2.12.	<u>THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES</u>	57
2.13.	<u>THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS</u>	59
2.14.	<u>THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT</u>	63
2.15.	<u>THE SPECIAL RAPPORTEUR ON THE PROMOTION OF TRUTH, JUSTICE, REPARATION AND GUARANTEES OF NON-RECURRENCE</u>	67

3

ANNEXES	70
ANNEX 1	70
ANNEX 2	73

List of Abbreviations

SLDP	The Syrian Legal Development Programme
ILSU	International Law Support Unit
SNGOs	Syrian Non-Governmental Organizations
OHCHR	Office of the High Commissioner of Human Rights
NGOs	Non-Governmental Organizations
CSOs	Civil Society Organizations
API	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts
APII	Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
GCIV	Geneva Convention relative to the Protection of Civilian Persons in Times of War, 12 August 1949
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
UDHR	Universal Declaration of Human Rights
UNGA	United Nations General Assembly
IHL	International Humanitarian Law
CRPD	Convention on the Rights of Persons with Disabilities

About SLDP's International Law Support Unit

The Syrian Legal Development Programme (SLDP) was established in 2013 to respond to complex human rights matters triggered by the Syrian conflict through the utilization of international law, and operates as a non-aligned, non-governmental organization. SLDP carries out its work through two units: The Business and Human Rights Unit, and the International Law Support Unit.

The International Law Support Unit (ILSU) has a mandate to support and equip Syrian non-governmental organizations (SNGOs), including victim groups, with the legal capacity in international law to conduct their efforts and objectives. The ILSU seeks to provide more practical and direct facilitatory international law assistance, taking advantage of the wealth of experience resulting from several years of its engagement and interaction with SNGOs, and more than six years of experience more generally since the establishment of SLDP.

ILSU implements a number of projects and initiatives to fulfill its mandate, including supporting SNGOs and victims and families groups in their engagement with non-traditional states, supporting them in adopting human rights based strategies, supporting them in the engagement with the United Nations human rights and accountability mechanisms, and providing them with *ad-hoc* legal support that includes the provision of legal capacity building, trainings and other activities.


“*SLDP wishes to express its gratitude to the colleagues at the Tahrir Institute for Middle East Policy (TIMEP) for their valuable insights and comments during the drafting process of this guide.*”

Overview of the Guide

This document is intended to serve as a practical guide for (SNGOs) working on the situation of human rights in the Syrian Arab Republic and places where Syrian refugees are present.

The **first** introductory section of the guide will provide a brief overview of the Special Procedures, their methods of work, and the role that engagement by SNGOs has in furthering the impact of the Special Procedures. The **second** section is dedicated to overviewing 15 of the Special Procedures that SLDP has considered to be of the most relevance to the Syrian context. Information regarding the mandate, applicable international standards, Syria-related activities, and process for submitting information to each of these special procedures is included.

SLDP recognizes the security and political challenges facing SNGOs working on issues related to Syria. SLDP is aware that some of the information mentioned in this guide (e.g. country visits by special procedures, or NGOs meeting with special procedures during country visits) are not possible in light of the current circumstances in Syria. However, SLDP has put together this guide with its eyes not only on the present, but also on the future, where political and security circumstances may be different.



Users of the guide who are interested in a particular Special Procedure may navigate directly to the relevant part of the guide where they will find the necessary information on the Special Procedure of interest.

The Special Procedures

Page **21**

The Special Rapporteur on the
Right to Adequate Housing

Page **24**

The Working Group on
Enforced Disappearances

Page **27**

The Special Rapporteur on the
Rights to Water and Sanitation

Page **31**

The Special Rapporteur on
the Right to Food



Page **34**

The Special Rapporteur on
the Right to Health

Page **37**

The Special Rapporteur on
the Right to Education

Page **40**

The Special Rapporteur on the
Right to Freedom of Opinion
and Expression

Page **45**

The Working Group on
Arbitrary Detention

Page **49**

The Special Rapporteur
on the situation of Human
Rights Defenders

Page **51**

The Special Rapporteur on
Internally Displaced Persons

Page **54**

The Working Group on Discrimi-
nation against Women and Girls

Page **57**

The Special Rapporteur on
Violence against Women

Page **59**

The Special Rapporteur on
Summary Executions

Page **63**

The Special Rapporteur on
Torture and Other Cruel Acts

Page **67**

The Special Rapporteur on
Truth, Justice, Reparations and
Non-Recurrence

1. Introduction to the Special Procedures

The Special Procedures of the United Nations Human Rights Council (HRC) are mechanisms that can be leveraged by civil society and non-governmental organizations (CSOs/NGOs)¹ to draw the attention of the international community to patterns of human rights violations and the general situation of human rights in a given country, and to contribute to the emergence and interpretation of human rights norms.

The Special Procedures are independent human rights experts appointed by the HRC to monitor and report on human rights from either a country-specific ([Country Mandates](#)) or thematic perspective ([Thematic Mandates](#)). Depending on the particular resolution establishing their mandate, a particular Special Procedure is either a “Special Rapporteur,” an “Independent Expert,” or a “Working Group.” The Special Procedures are not a judicial mechanism, and mandate holders do not have the authority to enforce their recommendations on states.

The Special Procedures are supported in their activities by the United Nations Office of the High Commissioner of Human Rights (OHCHR). Mandate holders are appointed by the HRC, which is an inter-governmental body of the United Nations made up of 47 states that is responsible for the protection and promotion of human rights around the world. Mandate holders are appointed in their private capacity and they are not employees of the United Nations.

The Working Group on Enforced or Involuntary Disappearances was the first thematic Special Procedures mandate established by the United Nations Commission on Human Rights (predecessor of the HRC) in 1967. When the HRC was established in 2006, it passed decision [1/102](#) extending the mandates of all Special Procedures, resolution [5/1](#), which regulated the selection of mandate holders, and resolution [5/2](#), which contained a code of conduct for the Special Procedures.

As of August 2020, there are 44 thematic and 12 country mandates. The mandate of the Special Rapporteur on the situation of human rights in the Syrian Arab Republic was established in 2011 and will commence his or her mandate once the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) ends.

The principal functions of the Special Procedures include:²

- Analyzing the relevant thematic issue or country situation, including undertaking on-site missions;

1. Both terms are used interchangeably throughout the document.

2. Manual of Operations of the Special Procedures of the Human Rights Council, August 2008.

- Advising on the measures which should be taken by the Government(s) concerned and other relevant actors;
- Alerting UN organs and agencies, in particular, the HRC, and the international community in general to the need to address specific situations and issues (including providing “early warning” and encouraging preventive measures);
- Advocating on behalf of the victims of violations through measures such as requesting urgent action by relevant States and calling upon Governments to respond to specific allegations of human rights violations and provide redress;
- Activating and mobilizing the international and national communities, and the HRC to address particular human rights issues and to encourage cooperation among Governments, civil society and inter-governmental organizations;
- Following up on recommendations.

1.1 Why Should Syrian NGOs Engage with the Special Procedures?

In Syria, the decade-old conflict has seen the commission of countless horrific crimes by parties to the armed conflict. SNGOs have documented and exposed the commission of many of these crimes. At the same time, the government of Syria and its allies continuously attempt to silence SNGOs through systematic campaigns of disinformation and propaganda. These attempts by the government and its supporters aim at ultimately sabotaging any accountability efforts and providing immunity to perpetrators of crimes.

Accountability in Syria can take forms other than the pronouncing of a judgment by a court of law. Reports and official letters by international organizations and mechanisms (e.g. the Special Procedures of the Human Rights Council) can serve accountability efforts by documenting the commission of crimes in Syria. These reports and letters of communications serve as a permanent public record of crimes committed in Syria.

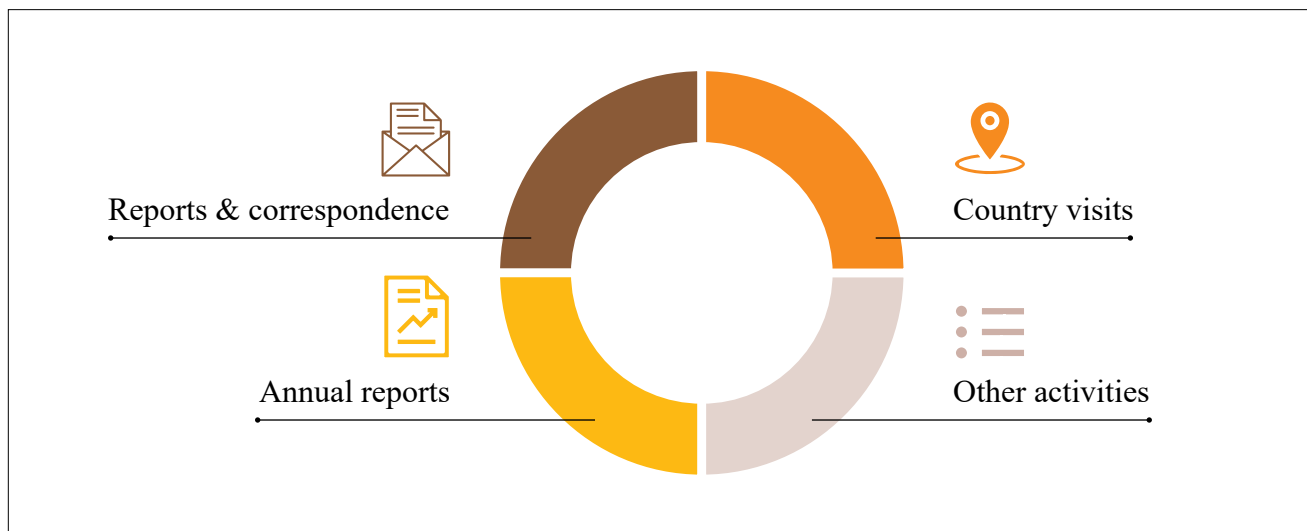
Furthermore, the ILSU carried out the work on this guide after observing that despite SNGOs documenting thousands of human rights violations and abuses committed by parties to the armed conflict in Syria, the engagement of the Special Procedures of the Human Rights Council in Syria has been limited, with only 46 communications sent to the Government of Syria between March 2011 and August 2020. In light of this, ILSU took the initiative to create this guide, with the aim of its content informing and consulting SNGOs in their engagement with the Special Procedures.

In addition, there are a number of reasons why SNGOs may choose to engage with the special procedures:

1. The Special Procedures mechanism is accessible in that anyone can submit credible information to mandate holders. SNGOs do not need to have a consultative status (ECOSOC status) with the UN in order to submit information and cases to the special procedures.
2. Often times, human rights defenders and SNGOs are regularly documenting and reporting on information relevant to the Special Procedures; turning this information into a submission can often be a natural and actionable next step.
3. The Special Procedures may engage on any country around the world irrespective of whether the concerned country has ratified any particular human rights treaties.
4. The Special Procedures mechanism is available to actors without the need to exhaust domestic remedies before submitting information.
5. The Special Procedures offer an opportunity for SNGOs to engage in advocacy on a national, regional and international level. The submission of information/cases and the follow-up by SNGOs and Special Procedures may create an additional tool to bring the attention of the international community to specific human rights issues or particular cases. It can also support SNGOs in networking with, and building a credible reputation among, UN mechanisms and bodies.
6. The work of the Special Procedures may further accountability and justice in Syria, through documentation and reporting that help establish a narrative and contribute to the collection of evidence; and through the creation of a platform for victims and their families to tell their stories on the national and international level. Furthermore, communications and reports of Special Procedures support the relaying of events that unfolded in Syria in a truthful manner and may be viewed as standing public records.

1.2 How Do Special Procedures Carry Out Their Mandates?

The Special Procedures implement a number of working methods (activities) that are geared towards the fulfillment of their mandates. The most commonly used methods are country visits, the submission of annual reports, and communications. They also carry out other activities such as the publication of thematic studies, participation in seminars and conferences, and the dissemination of information concerning their mandates.



The authors of the guide acknowledge that some activities of the Special Procedures (e.g. country visits) may not be feasible at the time of writing, due to the prevailing political and security circumstances. The guide however is written with the aim of it serving as a useful tool in current and future circumstances.

1.1.1 Country Visits

Upon the request of mandate holders, willing governments may extend an invitation to conduct a visit to the country. Some States may take the initiative and extend an invitation to a specific mandate holder. Other states may issue standing invitations to the Special Procedures, which indicates a willingness to receive any of the thematic mandate holders on their territory. The purpose of country visits is to assess the situation of human rights in the country, provide recommendations on issues that fall within the mandate of the Special Procedure conducting the visit, and raise attention to particular issues. Country visits allow Special Procedures to interact with the different governmental institutions, victims, relatives of victims, witnesses, national human rights institutions, NGOs. Country visits generally last between 7-14 days.

In the preparation of country visits, NGOs may provide information to the Special Procedures on specific issues within that country. They may also attempt to meet with the visiting Special Procedure during the visit by contacting it or the local staff of the OHCHR in that country. These meetings between the Special Procedures and local actors inform the former on specific human rights issues within the country, which allows them in turn to raise it with the Government. After the visit, NGOs may make submissions to the Special Procedure that visited the country as they prepare their visit report.



The Special Rapporteur on extrajudicial, summary or arbitrary executions at an academic conference in Salvador.

1.1.2 Annual Reports

Special Procedures are required under their mandates to annually report to the HRC. Annual reports summarize the activities of the Special Procedure in that year and direct the attention of the HRC to present and/or emerging human rights issues within the scope of their mandate. They also summarize the communications sent by the Special Procedure to Governments and any country visits they may have undertaken during that year. In addition to the HRC, some Special Procedures are also mandated to report to the United Nations General Assembly (UNGA).

1.1.3 Communications

When a human right of an individual or a group is violated or is at risk of being violated, or when a State adopts or intends to adopt legislative, judicial or administrative measures that will affect the enjoyment of human rights, legal professionals, individuals, families of victims, NGOs can submit cases/information to the relevant Special Procedures asking them to issue a communication to the concerned government.

Often referred to as “the complaint mechanism,” this is not a judicial process; additionally, the Special Procedures cannot oblige the concerned State to adopt their views or recommendations. The main purpose of these communications is to obtain clarifications from the State on the accuracy of allegations contained in communications and steps taken to remedy the situation. These communications may place

The screenshot displays the OHCHR 'Communication report and search' interface. It features a search bar, navigation menus for 'SEARCH', 'LATEST REPORT', and 'SEARCH HELP', and a search results table. The table shows a communication from 15 Aug 2019 regarding the Syrian Arab Republic, with details on mandates (education, executions, health, internally displaced persons) and a summary of the information received concerning attacks on healthcare and school facilities in Idlib and northern Hama.

Date, Country, Type and ref. no. of communication	Mandates	Summary	Replies received
15 Aug 2019 Syrian Arab Republic JAL SYR 1/2019	<ul style="list-style-type: none"> education executions health internally displaced persons 	Information received concerning an increase in the attacks against healthcare and school facilities between 1 April and 4 July 2019 in Syria, especially in southern Idlib and areas of northern Hama. Alleged victims: - More details...	

political pressure on Governments and draw the attention of the international community to the subject of the communication, which can prove helpful in improving the human rights situation in a country or in protecting a particular individual or set of individuals against further human rights violations.

Each Special Procedure is at liberty to decide whether to act on the information they receive. However, general criteria that may influence the decision of the Special Procedure are the reliability of the source and the credibility of information received; the details provided; and the scope of the mandate. Also, cases and information submitted must not include abusive language, be politically motivated, be submitted anonymously, or be solely based on media reports with no first-hand account of the facts.

If a Special Procedure opts to take action in response to information or a case submitted to it, the communications that it may send to the Government may address past human rights violations (allegation letters); ongoing or potential human rights violations (urgent letters); or legislative, administrative or judicial regulations and/or bills practices that do not comply with international human rights law standards.

When submitting information, CSOs and NGOs need not to worry about the categorization of their submissions as “urgent appeal” or “allegation letters” as the Special Procedure will carry out their own assessment to categorize the communication. Still, organizations are encouraged to attempt to correctly categorize their submissions, especially if they plan to follow up their submission with advocacy.

1.1.3.1 What Happens to Submitted Information?

Actors submitting information will not receive confirmations if Special Procedure(s) send(s) communication(s) based on their information. Communications will remain confidential for a certain period of time before being publicly published in one of three [reports](#) compiling communications to the HRC every year (March, June and September). It should be noted that the Working Group on Arbitrary

Detention has a slightly different working methods, as it adopts Opinions on the lawfulness of detention. The working methods of the Working Group on Arbitrary Detention will be addressed in Section two.

SNGOs that have made submission do not need to wait for the communications to be made public, they can utilize the submitted information in advocacy and other efforts.

1.1.3.2 Security of Victims and Confidentiality

It is important to note that the Special Procedures are not a protection mechanism and they do not have the means to ensure the safety of individuals on whose behalf they send communications. Therefore, it is important for actors submitting information to assess the risks associated with the submission of information on the safety of victims and their families.

The identity of victims is usually included in communications to Governments. In communication reports, the identity of victims may on grounds of privacy or protection be kept confidential. The identity of the source submitting the information is kept confidential and will not be shared with the Government concerned or within public reports.

1.1.3.3 How and What Information to Submit?

While each Special Procedure establishes specific requirements for the submission of information, information must at minimum include the following:

- The identification of the alleged victim(s);
- The identification of the alleged perpetrators of the violation (if known), including substantial information on all the actors involved;
- The identification of the person(s) or organization(s) submitting the information, if different from the victim (this information will be kept confidential in communications with the Government);
- The date, place and detailed description of the circumstances of the incident or violation. The information submitted can refer to violations that are said to have already occurred, that are ongoing or about to occur; and
- The consent of the alleged victims or their families for: (a) the use of their names in communications to Governments and other entities, (b) the use of their names in reports to the HRC and the UNGA and, (c) the use of their names in communications published on the communication website.

SLDP recommends that submissions to the Special Procedures are strategic, jointly submitted, reflective of current and past human rights violations/abuses trends, concern multiple mandate holders, and are complimented by advocacy efforts.

Submissions to the Special Procedures should be made in written form in English, French or Spanish. To make submissions to the Special Procedures, an online platform can be found [here](#). We recommend that SNGOs make their submissions online *and* send it by email to urgent-action@ohchr.org (or any other designated email address by the concerned Special procedure) or by postal mail to:

[Name of the Special Procedure Recipient of the Information]

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

1.1.4 Other Activities

In addition to the aforementioned activities, Special Procedures may issue thematic studies on certain topics that are relevant to the mandate. These thematic studies may be at the initiative of the Special Procedure or upon the request of the HRC and/or other relevant bodies.

In order to raise awareness and knowledge with regards to their mandates and activities, Special Procedures may attend conferences and seminars in their official capacities. This can be done for example during a country visit. They may also attend in their private capacity, but in this case, they cannot issue any official statement or report with regards to the activity, or the situation of human rights in a country if the conference was held in a country that did not extend an official invitation to the Special Procedure. Each Special Procedure maintains a webpage on the [OHCHR website](#) that provides information on the mandate and links to their reports, communications and other publications.

1.3 Do Special Procedures Interact with Non-State Actors?

While Special Procedures primarily engage with States as the primary subject of international law, practice shows that some mandate holders are willing to engage with non-state actors and make recommendations with regards to their activities. For example, in its July 2016 [report](#) to the HRC, the independent expert on Sudan called on the armed opposition movements in Sudan to protect the civilian population and respect applicable international human rights law and international humanitarian law.

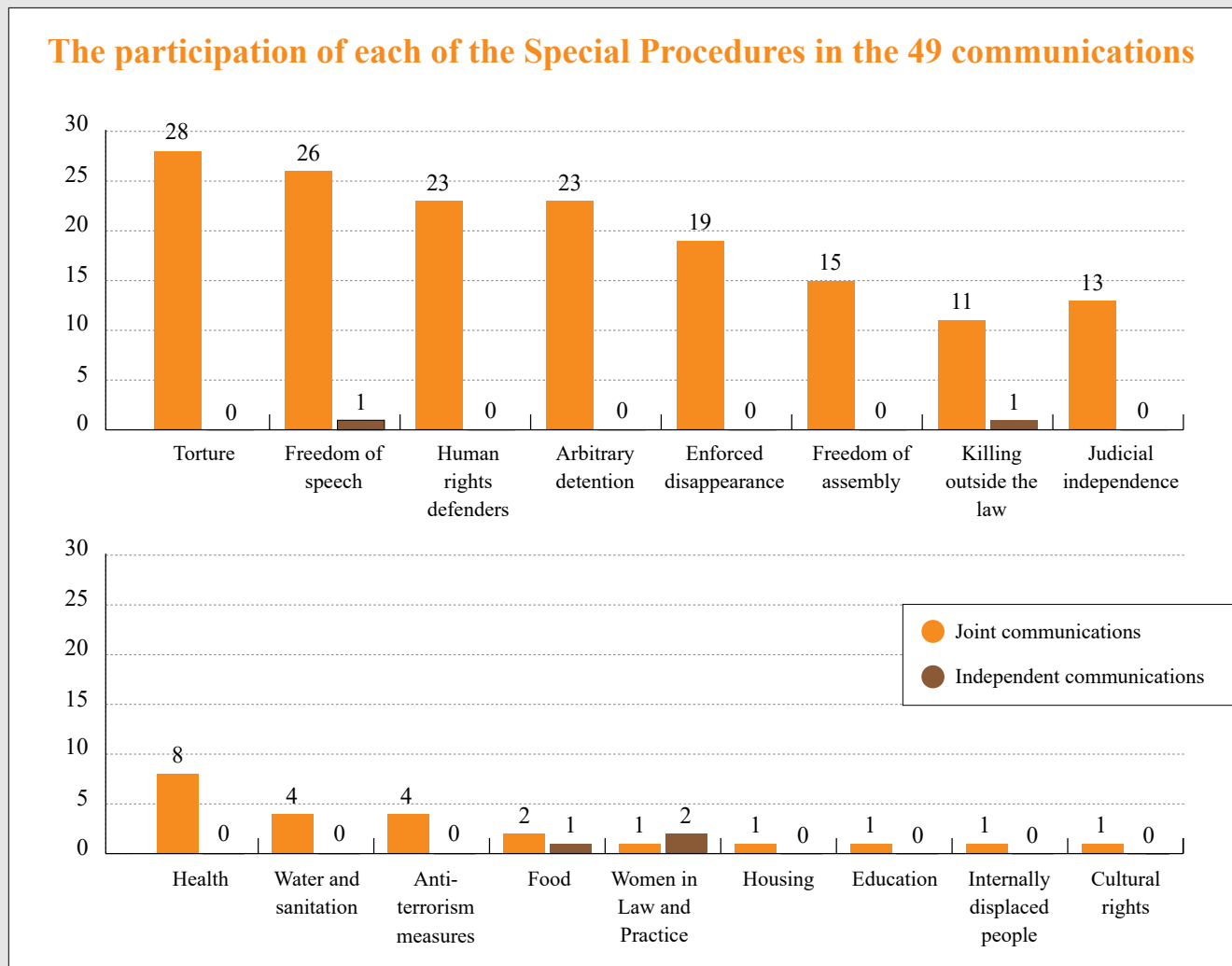
It should be noted that while Special Procedures may address abuses committed by armed non-state actors, the communications are still addressed to the State. For example, a number of mandate holders jointly sent a [communication](#) to the Government of Syria concerning the capture and detention of a French national and her child by armed groups in North and Northeast Syria.

In the context of other types of non-state actors such as corporations, some Special Procedures may be more willing to send communications directly to those concerned actors. For example, the Special Rapporteur on right to privacy sent in 2019 a [communication](#) to Google over one of its initiatives to gather health data of patients across a number of American States.

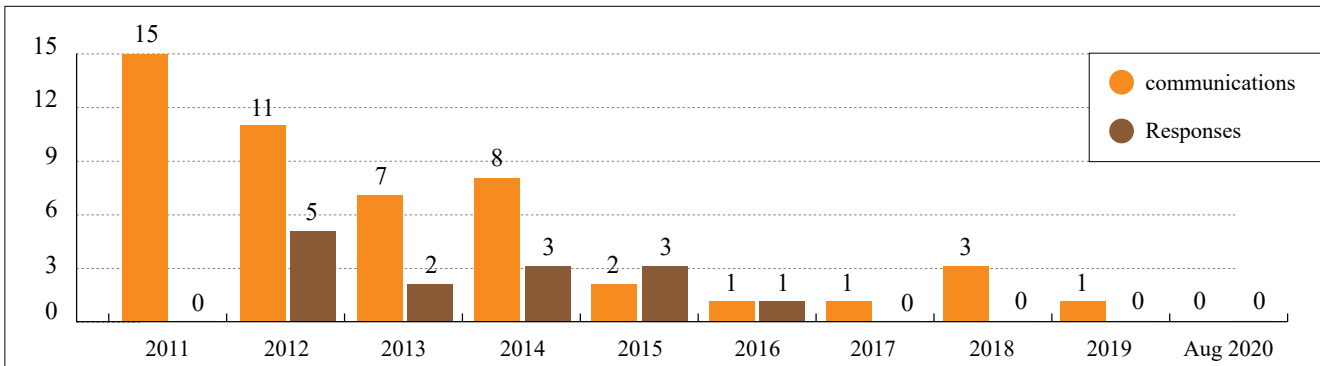
2. Profiles of Selected Special Procedures

This section is dedicated to overviewing the most relevant Special Procedures to the Syrian context. Under each profile, information regarding the mandate, applicable international standards, Syria-related activities, and how to make submissions to each of these special procedures is included.

As of August, 2020, the Special Procedures have sent 49 communications to the government of Syria, with 46 of these communications taking place after the start of events in March 2011. The great majority of these communications were made jointly by more than two mandate holders. The government of Syria sent 16 letters in reply to those communications. It is worth noting that 38 of the 49 communications were sent by the Special Procedures between March 2011 and December 2014, showing a clear decline in the number of communications in the years that followed.



The great majority of communications to the government of Syria concerned a few numbers of thematic issues, focusing in particular on torture, freedom of opinion and expression, human rights defenders, arbitrary detention, and enforced disappearances. Furthermore, many communications concerned the laying of sieges and starvation of the civilian population, raising issues concerning the right to access food, water, and medical services. Protection of schools, civilian and medical facilities against attacks were also subject of a number of communications.



Annex 1

Provides a sample for the submission of information that SLDP put together and encourages SNGOs to use when the concerned Special Procedure did not provide a standard form for the submission of information. The use of this sample is encouraged in cases that concern individual victims of human rights violations.

Annex 2

Provides a sample for the submission of information that SLDP put together and encourages SNGOs to use when the concerned Special Procedure did not provide a standard form for the submission of information. The use of this sample is encouraged in cases that concern groups of individuals and/or cases of widespread or systematic human rights violations, and when SNGOs aim to utilize the submitted information in advocacy efforts.



2.1. The Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context

Mandate

In 2007, the HRC reviewed the existing mandate of the Special Rapporteur on adequate housing (Special Rapporteur), and passed resolution [6/27](#) re-defining the scope of the mandate. The HRC mandated the Special Rapporteur to, among other things, promote the full realization of adequate housing, identify best practices and obstacles to the full realization of the right to adequate housing, and report to the HRC and the UNGA on the implementation of the mandate.

International Standards

The right to adequate housing is protected under a number of human rights treaties and declarations including: Article 25 (1) of the UDHR, Article 21 of the [Convention Relating to the Status of Refugees](#) of 1951, Article 11(1) of the ICESCR, and Article 17 of the ICCPR.

The Committee on Economic, Social and Cultural Rights (body responsible for monitoring the implementation of the ICESCR) issued a number of General Comments elaborating on the components of the right to adequate housing and its implementation.

In [General Comment No.4](#), the Committee clarified that the right to adequate housing includes the following components:

1. Legal security of tenure: States should adopt regulations that provide legal protection against forced evictions for all types of tenure.
2. Availability of services, material, facilities and infrastructure: beneficiaries of the right to housing must have sustainable access to natural resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage and emergency services.

3. **Affordability:** financial costs associated with housing should not be at a level the satisfaction of other basic needs is threatened or compromised.
4. **Habitability:** adequate housing must be habitable providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health.
5. **Accessibility:** housing must be accessible to those entitled to it.
6. **Location:** housing must be in a location that allows the inhabitants to access employment options, health-care services, schools and other social facilities.
7. **Cultural adequacy:** the construction of the house and the material used in the process must appropriately enable the expression of cultural identity.

When a violation of the right to housing occurs, such as the forced eviction of individuals, remedy must be provided to these individuals. Legal remedies include: (a) ability to appeal the decision of eviction; (b) compensation; (c) filing of complaints against landlords for illegal acts carried out by them or inadequate housing conditions; (d) ability to file complaints against discrimination in the allocation and availability of access to housing.

The Committee further clarified in [General Comment No.7](#) that evictions should not result in the individuals being rendered homeless or vulnerable to the violation of human rights. Where evictions occur, “the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

Forced eviction is defined by the Committee in General Comment No. 7 as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

Accordingly, any eviction under international human rights law must be:

1. Authorized by law;
2. Carried out in accordance with international human rights law;
3. Undertaken solely for the purpose of promoting the general welfare;
4. Reasonable and proportional; and
5. Regulated so as to ensure full and fair compensation and rehabilitation.

Under [customary IHL](#), parties to a non-international armed conflict, such as the one in Syria, may not order the displacement of the civilian population unless the security of the civilians involved or imperative military reasons so demand.

How Does the Special Rapporteur on the Right to Adequate Housing Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur adopts different working methods that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and HRC, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the right to adequate housing. The Special Rapporteur had issued [guidelines](#) on the implementation of the right to adequate housing.

As of August 2020, the Special Rapporteur on adequate housing has sent [one communication](#) (joint urgent appeal) to the Government of Syria over allegations that Government and pro-Government forces have purposefully denied access to food, safe drinking water, housing and other services for civilians in different parts of Syria. The submitted information to the Special Rapporteur also alleged that houses in different parts of Syria are being demolished, targeted and/or destroyed by Government and pro-Government forces, and opposition armed groups.

How to Submit Information to the Special Rapporteur on Adequate Housing?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on Adequate Housing

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur on adequate housing by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.

2.2. The Working Group on Enforced or Involuntary Disappearances³

Mandate

In 1980, the UN Commission on Human Rights established the Working Group on Enforced or Involuntary Disappearances (Working Group). Among other things, the Working Group seeks to “assist families in determining the fate or whereabouts of their family members who are reportedly disappeared.” It does so by establishing a channel of communication between the families and the country in which the person is believed to be disappeared (hereinafter “concerned State”), with the ultimate goal of clarifying the fate or whereabouts of the disappeared person. This Working Group can do so irrespective of whether or not the State concerned has ratified any relevant human rights treaties.

In 1992, the Declaration on the Protection of all Persons from Enforced Disappearances (The Declaration) was adopted, and the Working Group was entrusted with monitoring the implementation of State’s obligations and commitments under the Declaration.⁴ The Working Group therefore has the mandate both to help disclose information about cases brought before it and to monitor States’ performance on the topic more broadly.

International Standards

The Declaration considers that an enforced disappearance took place when “persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of, the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.”

3. Moving forward, all links referring to the number of communications sent by a specific Special Procedure to the Government of Syria will redirect the reader to the general page where all communications sent by the Special Procedures can be found.

4. Working Group on Enforced and Involuntary Disappearances, available at: <https://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>

An enforced disappearance is defined by three cumulative elements:

- Deprivation of liberty against the will of the person;
- Involvement of Government officials, at least by having knowledge and not protesting to the deprivation of liberty;
- Refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.

The second element around Government involvement means that the Working Group does not intervene in cases that are attributed to non-state actors fighting the Government on its own territory.

How Does the Working Group on Enforced or Involuntary Disappearances Carry Out Their Mandate?

Similar to other Special Procedures, the Working Group adopts different working methods that are geared towards the fulfillment of their mandate. The Working Group undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and HRC, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the issue of enforced disappearances.

In its [2019 annual report](#), the Working Group on enforced disappearances noted with concern the occurrence of acts of enforced disappearances in Syria:

“The Working Group continues to be gravely concerned about the situation in the Syrian Arab Republic, which facilitates the occurrence of enforced disappearances. It is particularly concerned about the information documented by the Independent International Commission of Inquiry on the Syrian Arab Republic, according to which a large number of the estimated tens of thousands of Syrians who have been disappeared by pro-Government forces are confirmed deceased.”

As of August 2020, the Working Group has sent 19 joint [communications](#) to Syria. These communications addressed the enforced disappearances of human rights activists, journalists, cartoonists, and other individuals in Syria. The Government of Syria replied to 3 of those communications.

How to Submit Information to the Working Group on Enforced or Involuntary Disappearances?

When an individual is enforcedly or involuntary disappeared, the family of that individual or their representatives (i.e. NGOs), may submit their case to the Working Group. All Special Procedures, including

the Working Group, receive and accept cases involving any State, without any requirement to exhaust domestic remedies before submitting a case to the Working Group.

Cases involving disappearances that took place within three months or less prior to submission to the Working Group are referred to as “Urgent Cases.” Cases of enforced disappearance that are reported after three months are referred to as “Standard Cases.” As mentioned above, the aim of communications by the Working Group is to help reveal information on the whereabouts or fate of alleged victims.

Once a communication is sent, any responses from the Government on the fate or whereabouts of alleged victims will appear in the Working Group reports, the Communication website, and will be communicated to the source of the information.

The Working Group considers that clarification occurs when the fate or whereabouts of disappeared person are clearly established. If a State replies with clear and detailed information on the fate or whereabouts of the disappeared person, the Working Group will consider the case to have been clarified if the source of the report/case does not contest the information on reasonable grounds within six months of the date from which the state’s reply was communicated to it.

In addition to submitting information about individual cases, SNGOs may still send to the Working Group credible information on the practice of enforced disappearance in the State or on any measures that a State is considering that would implicate its obligations under the Declaration. In these cases, the Working Group will send “General Allegations” letters to the State concerned. Any responses by the Government are sent to the source of the information and made public on the webpage of the Working Group.

When a case is submitted to the Working Group, the submitting party can ask for confidentiality on grounds of safety and protection. If reprisals do take place, the Working Group will send prompt intervention letters to the State concerned, calling on the Government to take steps to protect all of the fundamental rights of the person facing reprisals.

Information to the Working Group should be submitted in writing (preferably by fax or e-mail). A template that can be used by SNGOs when submitting cases to the Working Group is provided at <https://www.ohchr.org/en/issues/disappearances/pages/disappearancesindex.aspx> Information can be submitted by email to wgeid@ohchr.org or by postal mail:

Working Group on Enforced or Involuntary Disappearances

OHCHR, Palais des Nations

8-14 Avenue de la Paix

CH-1211 Geneva 10 (Switzerland)



2.3. The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

Mandate

In March 2008, the HRC established the mandate of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

Following a number of developments on the international level and the wider recognition of the human rights to water and sanitation such as resolution [64/292](#) of the UNGA, which “recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”, the HRC passed resolution [16/2](#) in 2011 extending the mandate on water and sanitation and changed the mandate holder’s title to the Special Rapporteur on the human rights to safe drinking water and sanitation (Special Rapporteur).

The Special Rapporteur is mandated by resolution [16/2](#) to promote the full realization of the human rights to safe drinking water and sanitation, to work on identifying challenges and obstacles to the full realization of those rights, to monitor the way in which the human right to water and sanitation is being realized throughout the world, to enter into dialogue with States and concerned stakeholders, to make recommendations on the fulfillment of the right to safe drinking water and sanitation, and to report on annual basis to the HRC and the UNGA.

International Standards

The human right to water and sanitation is not explicitly recognized as a standing alone right in international human rights treaties. Instead, it is usually implicit within other human rights. For example, Article 14(2) of the Convention on the Elimination of All Forms of Discrimination Against Women provides that women have the right to “enjoy adequate living conditions, particularly in relation to [...] water supply”. Article 24(2) of the Convention on the Rights of the Child obliges States to combat diseases “through the provision of adequate nutritious foods and clean drinking-water”. Article 39 of the Arab Charter on Human Rights protects the right of everyone to the highest attainable standard of

health, which includes state's obligation to ensure basic nutrition and clean water for everybody.

Principle 18 of the Guiding Principles on Internal Displacement provides States must at all times, regardless of circumstances, guarantee that internally displaced persons have access to essential food and potable water.

Under [customary IHL](#), attacks against civilian objects that are indispensable for the survival of the civilian population are prohibited. Wells and pipes for the use of the civilian population are protected by this prohibition.

In 2002, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15, in which it elaborated on the normative content of the right to water. The Committee considered that the right to water is implicit in Articles 11 and 12 of the Covenant on Economic, Social and Cultural Rights covering the right to an adequate standard of living, and the right to health respectively.

The Committee stated that while the ability of a State to fulfill the right to water may vary depending on the circumstances and available resources, certain core obligations in relation to the right to water exist at all times, even in situations of armed conflict. These core obligations include:

- To ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease;
- To ensure the right of access to water and water facilities and services on a non-discriminatory basis;
- To ensure physical access to water facilities or services that provide sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive waiting times; and that are at a reasonable distance from the household;
- To ensure personal security is not threatened when having to physically access to water;
- To ensure equitable distribution of all available water facilities and services;
- To adopt and implement a national water strategy plan of action;
- To monitor the extent of the realization, or the non-realization, of the right to water;
- To adopt relatively low-cost targeted water programs to protect vulnerable and marginalized groups;
- To take measures to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation.

The Committee further listed a number of examples of acts or omissions that when they occur, the State had failed to uphold its obligations towards the right to water. These listed acts or omissions include: (a) failure to protect water distribution systems (e.g., pipe networks and wells) from damage or destruction; (b) failure to effectively regulate and control water services providers; (c) failure to adopt mechanisms for emergency relief and; (d) failure to ensure that the minimum essential level of the right to water is enjoyed by everyone.

With regards to sanitation, the Special Rapporteur, in [a report](#) submitted to the Human Rights Council, defined the human right to sanitation as “system for the collection, transport, treatment and disposal or reuse of human excreta and associated hygiene.” This right requires services to be available, safe, acceptable, accessible, and affordable.”

How Does the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur implements different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to states, submit annual reports to the UNGA and HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the human rights to safe drinking water and sanitation.

While the Special Rapporteur has not conducted a country visit to Syria, it has noted during its [visit to Jordan](#) in 2014 the dire situation of Syrian refugees and the scarcity of water in the North of Jordan, where the majority of Syrian refugees are located. The Special Rapporteur also highlighted the disproportionate effect of the scarcity of water on households that are led by women, she noted that “Households headed by women face a daily struggle to secure drinking water, particularly during the hot and dry season. They are particularly vulnerable owing to cultural and social factors. Women often have to send their young male children to the mosque (sometimes located kilometers away) in the hope of finding water. Procuring precious water from tanker trucks depends largely on one’s social influence.”

As of August 2020, the Special Rapporteur has sent 4 [communications](#) (joint urgent appeals) to the government of Syria. The communications concerned the laying of sieges and the alleged denial of access to food, safe drinking water, shelter and medical supplies in different parts in Syria. They also raised the alleged death of due to the lack of water and food.

It is notable that all the communications sent by the Special Rapporteur on the human rights to safe

drinking water and sanitation were sent jointly with the Special Rapporteur on adequate housing. This shows the interdependency of human rights and how it is strategic for actors submitting information and cases to make their submission to multiple Special Procedures.

How to submit Information to the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur on the human rights to safe drinking water and sanitation by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.



2.4. The Special Rapporteur on the Right to Food

Mandate

In 2000, the Commission on Human Rights adopted [2000/10](#) establishing the mandate of the Special Rapporteur on the Right to Food (Special Rapporteur). With the establishment of the HRC, the mandate was endorsed and extended by resolution [6/2](#). Under both resolutions, the Special Rapporteur is mandated, among other things, to promote the full realization of the right to food, to work in close cooperation with States and other relevant actors in the realization of the right to food and to provide recommendations on the realization of the right to food, and to report annually to the HRC and the UNGA.

International Standards

The right to food is guaranteed under a number of international human rights treaties and declarations. Article 25 of the UDHR ensures everyone the right to adequate standard of living, including food. Article 11 of the ICESCR similarly guarantees the right to food as a component of the right to an adequate standard of living. Article 24(2)(c) of the Convention on the Rights of the Child obliges States to take appropriate measures to combat disease and malnutrition among children, including through the provision of nutritious food.

Principle 18 of the Guiding Principles on Internal Displacement provides that States must at all times, regardless of circumstances, guarantee that internally displaced persons have access to essential food and potable water.

Under [customary IHL](#) applicable to non-international armed conflicts, starvation of the civilian population is prohibited, and the destruction of civilian objects indispensable for the survival of the civilian population (e.g., food-stuffs, livestock, crops) is prohibited. Furthermore, [customary IHL](#) obliges parties to a non-international armed conflict to allow and facilitate access for humanitarian relief to civilians in need. Consent by parties to the armed conflict to humanitarian organization to deliver relief cannot be arbitrarily denied.

In its first [report](#) to the HRC, the special rapporteur on the right to food defined the right to food as “the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.”

In [General comment No. 12](#), the Committee on Economic, Social and Cultural rights clarified that the right to adequate food implies that food must be both, available and accessible. The availability of food must be in a “quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.”

The accessibility of food must be in ways that does not interfere with the enjoyment of other human rights. Accessibility encompasses both economic accessibility (ability of individuals to afford food without the costs of food threatening or compromising the satisfaction of other basic needs), and physical accessibility (food must be accessible to everyone).

The Committee further stated that States have an obligation to “ensure for everyone under its jurisdiction access to the minimum essential food, which is sufficient, nutritionally adequate and safe, and to ensure their freedom from hunger”. Accordingly, violations of the right to food under the ICESCR happen when a State “fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger... the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations.” In situations of armed conflicts, a State violates the right to food if it arbitrarily prevents access to humanitarian food aid.

How Does the Special Rapporteur on the Right to Food Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to states, submit annual reports to the UNGA and HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the human right to food.

In 2010, the Special Rapporteur conducted a country visit to Syria. In their [report](#) of the visit, they highlighted the effects of drought and climate change on food availability in Syria. They also addressed the access to food by specific groups such as Iraqi refugees and stateless Kurds, and the effects of the change from a centrally planned to a social market economy on the right to food.

As of August 2020, the Special Rapporteur on the right to food had sent 3 **communications** (1 urgent appeal and 2 joint urgent appeals) to the Government of Syria. The communications contained information alleging the denial of access to food and other basic needs by Government and pro-Government forces, the starvation of besieged areas, and the death of prisoners due to lack of food and safe drinking water. The Government of Syria replied to two of the communications.

How to Submit Information to the Special Rapporteur on the Right to Food?

Information to the special rapporteur can be submitted **online**. Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on the Right to Food

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.

PHYSICAL MENTAL



2.5. The Special Rapporteur on the Right of Everyone to the enjoyment of the Highest Attainable Standard of Physical and Mental Health

Mandate

In 2007, the HRC adopted resolution [6/29](#) endorsing the mandate of the Special Rapporteur on health (previously established under resolution [60/251](#) of the Commission on Human Rights). Under resolution 6/29, the Special Rapporteur is mandated, among other things, to monitor and gather information on the realization of the right of everyone to the highest attainable standard of health, to enter into dialogue with States and other actors and provide recommendations on the implementation of the right to health, and to report to the HRC on annual basis and the UNGA on interim basis.

International Standards

The right to health is guaranteed under Article 25(1) of the UDHR, where it is a component of the right of individuals to an adequate standard of living. Article 12(1) of the ICESCR guarantees the right if everyone “to the enjoyment of the highest attainable standard of physical and mental health.” Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination obliges States to take steps and adopt regulations to ensure that no one is subject to discrimination in the enjoyment of their right to health and medical care. Other international human rights treaties that are focused on specific groups (e.g., Convention on the Right of the Child and Convention on the Elimination of All Forms of Discrimination against Women) also guarantee the right to health.

Articles 4 and 5 of the [Second Additional Protocol](#) to the Geneva Conventions of 1949, which reflect [customary IHL](#) guarantees the respect of the mental and physical health, and well-being, of all civilians, and all individuals who have been captured.

In [General Comment No. 14](#), the Committee on Economic, Social and Cultural Rights elaborated on the meaning and components of the right to health. Its statement could be summarized as follows: “The right to health requires that health-care goods, services and facilities be available in adequate numbers; financially and geographically accessible, as well as accessible on the basis of non-discrimination; acceptable,

that is, respectful of the culture of individuals, minorities, peoples and communities and sensitive to gender and life-cycle requirements and of good quality, thus meeting all the criteria of availability, accessibility, acceptability and quality”.⁵

Furthermore, the Committee stated that there exist minimum core obligations on States with regards to the right to health, and states must comply with those obligations regardless of the circumstances:

- To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups;
- To ensure access to the minimum essential food, which is nutritionally adequate and safe, to ensure freedom from hunger to everyone;
- To ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water;
- To provide essential drugs, as from time to time defined under the WHO [Action Programme on Essential Drugs](#);
- To ensure equitable distribution of all health facilities, goods and services;
- To adopt and implement a national public health strategy of action.

Examples of violations of the right to health include: denial of access to health facilities and services as a result of discriminatory policies, the suspension of laws or the adoption of regulations that interfere with the enjoyment of the right to health, the failure to reduce infant and maternal mortality rates, and the failure to protect consumers and workers from practices that affect health.

How Does the Special Rapporteur on the Human Right to Health Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the HRC and UNGA, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the human right to health.

The Special Rapporteur on health carried out a visit to Syria in 2010. The visit was focused on observing

5. United Nations General Assembly, Report of the Special Rapporteur on the of Everyone to the enjoyment of the Highest Attainable Standard of Physical and Mental Health, A/72/137, 14 July 2017.

and documenting the general status of the health system in Syria, and the access of vulnerable and marginalized groups (women, children, refugees, Kurds) to health services, goods and facilities.

As of August 2020, the Special Rapporteur on health has sent 8 [communications](#) to the Government of Syria. Some of these communications were joint allegation letters while other were joint urgent appeals. The communications dealt with a number of thematic issues other than health, including water and sanitation, education, torture, arbitrary detention, housing, internally displaced persons, and freedom of opinion and expression. The Government of Syria has replied to 3 of those communications.

How to submit Information to the Special Rapporteur on the Human Right to Health?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on the Right of Everyone to the enjoyment of the Highest Attainable Standard of Physical and Mental Health

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.



2.6. The Special Rapporteur on the Right to Education

Mandate

The first Special Rapporteur on the right to education was appointed in 1998 by the Commission on Human Rights. In 2008, the HRC passed resolution 8/4 to extend the mandate of the Special Rapporteur on the right to education for three years (Special Rapporteur). Under this resolution, the Special Rapporteur is requested, among other things:

- To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations, civil society, including NGOs, and other concerned stakeholders, on the realization of the right to education and obstacles limiting effective access to education, and to make recommendations on appropriate measures to promote and protect the right to education;
- To review the interdependence and interrelatedness of the right to education with other human rights;
- To report to the HRC on a yearly basis, in accordance with the Council's Programme of work, and to report yearly to the UNGA on an interim basis.

International Standards

The right to education is enshrined in the UDHR, Article 13 of the ICESCR, Article 18 of the ICCPR, Articles 28 and 29 of the CRC, and Article 10 of the CEDAW.

In [General Comment No. 3](#), the United Nations Committee on Economic, Social and Cultural Rights (the body in charge of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in the States which are party to it), State parties have “a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels” of each of the rights enunciated in the Covenant, including “the most basic forms of education”. In General Comment No. 13 of, the Committee on Economic, Social and Cultural Rights clarified that “In the context of article

13, this core includes an obligation: to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; to ensure that education conforms to the objectives set out in article 13(1); to provide primary education for all in accordance with article 13(2)(a); to adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education; and to ensure free choice of education without interference from the State or third parties, subject to conformity with “minimum educational standards” (art. 13(3) and (4)).” Furthermore, “education in all its forms and at all levels shall exhibit the following interrelated and essential features: a) availability; b) accessibility; c) acceptability; and d) adaptability.”

To illustrate, General Comment No. 13 lists out the following as violations of the right to education under article 13: “the introduction or failure to repeal legislation which discriminates against individuals or groups, on any of the prohibited grounds, in the field of education; the failure to take measures which address de facto educational discrimination; the use of curricula inconsistent with the educational objectives set out in article 13(1); the failure to maintain a transparent and effective system to monitor conformity with article 13(1); the failure to introduce, as a matter of priority, primary education which is compulsory and available free to all; the failure to take “deliberate, concrete and targeted” measures towards the progressive realization of secondary, higher and fundamental education in accordance with article 13(2)(b)-(d); the prohibition of private educational institutions; the failure to ensure private educational institutions conform to the “minimum educational standards” required by article 13(3) and (4); the denial of academic freedom of staff and students; the closure of educational institutions in times of political tension in non-conformity with article 4.”

How Does the Special Rapporteur on the Right to Education Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur on the right to education carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the HRC and UNGA, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the human right to education.

As of August 2020, the Special Rapporteur on education has made 1 joint [communication](#) (allegation letter) to the Government of Syria regarding the targeting of educational facilities in Idlib and Hama Governorates.

How to Submit Information to the Special Rapporteur on the Right to Education?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on the Right to Education

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur on the right to education by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.



2.7. The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Mandate

In 1993, the Commission on Human Rights – replaced in 2006 by the HRC – established the existing mandate of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (Special Rapporteur). HRC’s resolution [7/36](#) mandated the Special Rapporteur to, among other things, gather all information relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information. The Special Rapporteur is also mandated to make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations.

International Standards

The right to freedom of opinion and expression is protected under a number of human rights treaties and declarations including: Article 10 of the UDHR, Article 15(3) of the ICESCR, Article 19 of the ICCPR, Article 13 of the CRC, Article 21 of the CRPD, and Article 5(d)(viii) of the ICERD.

Although IHL does not express explicit provisions that protect this right, this does not mean that it may be disregarded in times of armed conflict. The protected persons under IHL include journalists considering them civilians. More importantly, the applicability of IHL does not itself suspend the applicability of the human rights law that protects this right. Any restrictions to this right – in times of armed conflict – should be provided by law and for the justified and reasonable protection of national security or public order.

The Human Rights Committee (body responsible for monitoring the implementation of the ICCPR), addressed this right in its [General Comment No. 34](#):

- The two freedoms in this right are closely related where the freedom of expression is the vehicle for the exchange and development of opinions.
- The right to the freedom of opinion is a right which no exception, reservation or restriction is permitted. Therefore, any criminalization, intimidation, harassment, or stigmatization of a person for any political, moral, scientific, historic, or religious opinion constitutes a violation of Article 19(1).
- The right to the freedom of expression includes the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. It guarantees the freedom to transmit ideas and impressions non-orally as well, such as through symbols, books, paintings, or other forms of artistic expression.
- Free press and other media should be able to comment on public issues without censorship or restraint and to inform public opinion. States parties should take particular care to encourage and protect an independent and diverse media.
- Two grounds for restrictions on the right to the freedom of expression are permitted under Article 19(3): to respect the rights or reputation of others, or to protect national security, public order or public health or morals.
- These restrictions are subject to strict conditions and should not by any means put in jeopardy the right itself. The conditions are:
 - i. The restriction must be provided by law.
 - ii. It must conform with strict tests of necessity and proportionality.
 - iii. It must be on one of the grounds permitted for restriction in Article 19(3).
- The laws restricting the rights must be compatible with the provisions, aims and objectives of the Covenant. It must not violate the non-discrimination provisions.
- Restrictions to the right to the freedom of expression pursuant to Article 19(3) must not be based on laws that prosecute journalists, researchers, human rights defenders, or others, for having disseminated information that does not harm national security.
- Restrictions must be necessary for a legitimate purpose, i.e. if the protection intended by the restriction can be achieved in other ways that do not restrict freedom of expression, then the restriction measures violate the test of necessity.

- Restrictions must be proportionate to the interest of the protected and must be the least intrusive instrument among others that might achieve their protective function.
- A State must demonstrate in specific and individualized fashion the precise nature of the threat that a restriction is needed for.
- It is incompatible with Article 19(3) to restrict the freedom of journalists and others who seek to exercise their freedom of expression to travel outside the State, or to restrict the freedom of movement of human rights investigators within the State.
- Counter-terrorism measures must be compatible with the preconditions of legitimate restrictions. Invoked offences such as “encouragement of terrorism” and “extremist activity” must be clearly defined.

How Does the Special Rapporteur on the Right to Freedom of Opinion and Expression Carry Out Their Mandate?

Similar to other Special Procedures, the special rapporteur on the right to freedom of opinion and expression adopts different working methods that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to states, submit annual reports to the UNGA and HRC, issues thematic studies and reports including comments on legislation and policy regarding the adequacy of normative and policy developments with international standards for the right to freedom of opinion and expression. The Special Rapporteur also provides and publishes third-party interventions, amicus curiae and expert opinion before domestic, regional and international courts in cases relating to freedom of opinion and expression.

The Special Rapporteur addressed the situation in Syria in the following reports:

- [Report](#) of the Special Rapporteur to the UNGA on the Right of the Child to Freedom of Expression 2014:
 - Children are subject to excessive violence/arbitrary detention for expressing political views.
 - The Committee on the Rights of the Child recently highlighted such violations to the Syrian Arab Republic in relation to the arrest and incommunicado detention of a group of children between 8 and 15 years of years accused of painting anti-government graffiti on a school wall.

- [Report](#) of the Special Rapporteur to the HRC on the Implications of States' Surveillance of Communications on the Exercise of Human Rights to Privacy and Freedom of Opinion and Expression 2013:

In the most serious circumstances, the Syrian private sector has been complicit in developing technologies that enable mass or invasive surveillance in contravention of existing legal standards.

- [Report](#) of the Special Rapporteur to the HRC on the Protection of Journalists and Media Freedom 2012:

The Special Rapporteur expressed concern regarding journalists, bloggers and activists and the government's attempt to prevent the dissemination of information regarding the extent of the atrocities by refusing access to foreign journalists.

Highlighted that those detained are often subject to torture or ill-treatment

As of August 2020, the Special Rapporteur on the right to freedom of opinion and expression has sent 27 [communications](#) to the Government of Syria. The majority of communications addressed allegations that Government and pro-Government forces have arbitrarily detained journalists and other media and human rights activists. The majority of communications were sent jointly with other mandates mainly the Working Groups on arbitrary detention and enforced or involuntary disappearance, Special Rapporteur on torture, Special Rapporteur on human rights defenders, Special Rapporteur on freedom of assembly and association, and Special Rapporteur on extrajudicial killing.

How to Submit Information to the Special Rapporteur on the Right to Freedom of Opinion and Expression?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

The Special Rapporteur on the Right to Freedom of Opinion and Expression

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur on the right to freedom of opinion and expression by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.

The Special Rapporteur on the right to freedom of opinion and expression demonstrates a particular interest in receiving follow-up information on previous cases, in addition to contextual information on legislation and/or policy.



2.8. The Working Group on Arbitrary Detention

Mandate

In resolution [1991/42](#), the Commission on Human Rights established the mandate of the working Group on Arbitrary Detention (Working Group). The Commission then passed the resolution [1997/50](#), which clarified and extended the mandate of the Working Group. The HRC most recently renewed the mandate of the Working Group in its resolution [42/22](#).

The Working Group has a mandate to investigate cases of arbitrary deprivation of liberty, to seek and receive information from Governments, NGOs and individuals, to conduct field missions upon the invitation of Governments, to formulate deliberations on issues of a general nature with the aim of assisting states to prevent and guard against arbitrary detention, and to report on annual basis to the HRC on its activities, findings, conclusion and recommendations.

International Standards

In 2017, the Working Group adopted its [methods of work](#). When considering a case of detention, the Working Group refers to the international standards set out in the UDHR, as well as any other relevant international treaty to which the state concerned is a party to.⁶ Particularly, the Working Group will refer to the ICCPR, Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, and ICERD.

6. As of April 2020, Syria has ratified the following international treaties: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; International Covenant on Civil and Political Rights; Convention on the Elimination of All forms of Discrimination against Women; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflict; Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; Convention on the Rights of Persons with Disabilities; Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The question of when a detention of an individual becomes arbitrary is not clearly answered in international treaties. The Commission on Human Rights elaborated on this issue in resolution 1997/50. The methods of work of the Working Group consider that a deprivation of liberty is arbitrary if it falls into one of following categories:

- When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty, as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her (category I);
- When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13-14 and 18-21 of the UDHR and, insofar as States parties are concerned, by articles 12, 18-19, 21-22 and 25-27 of the International Covenant on Civil and Political Rights (category II);
- When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
- When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);
- When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Under customary IHL applicable to non-international armed conflicts (e.g., conflict in Syria), “no one may be convicted or sentenced, except pursuant to fair trial affording all essential judicial guarantees.” Fair trial guarantees, which overlap between IHL and IHRL include: the right to trial by an independent, impartial and regularly constituted court; presumption of innocence; the right to receive information on the nature and cause of the accusation; the right to defense; the right to trial without undue delay; the right to examine witnesses; the right to assistance of an interpreter; the right of the accused to be present at the trial; the right to not testify against oneself or to confess guilt; the right to public proceedings; and the right to not be punished for the same act more than one time.

How Does the Working Group on Arbitrary Detention Carry Out its Mandate?

The Working Group undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the HRC, comments on legislations and policies, issues a

number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the issue of arbitrary deprivation of liberty. The Working Group meets at least three times a year, usually in Geneva.

Notably, the Working Group also investigates cases of arbitrary detention and adopts “Opinions” clarifying whether a case received is a case of arbitrary detention, and whether the State is in violation of its obligations under international law. The Working Group also provides the concerned State with the necessary steps that needs to be taken to remedy the situation (e.g., release of the detained individual). The Working Group has adopted more than **30 opinions** with regards to individuals and/or groups deprived of their liberty in Syria.

When information is submitted to the Working Group, an automated response acknowledging response will be sent. The Working Group will then send a communication to the concerned Government, asking it to clarify the allegations. If the Government replies, the response will be sent to the source of the information. If the Government does not reply within 60 days of sending the communication to the Government, the Working Group may adopt one of the following procedures in a private session:

- If the Working Group decides that the arbitrary nature of the deprivation of liberty is established, it shall render an opinion to that effect and make recommendations to the Government;
- If the Working Group considers that the case is not one of arbitrary deprivation of liberty, it shall render an opinion to this effect; the Working Group can also make recommendations in this case if it considers it necessary;
- If the person has been released, for whatever reason, following the reference of the case to the Working Group the case is filed; the Working Group, however, reserves the right to render an opinion, on case-by-case basis, whether or not the deprivation of liberty was arbitrary, notwithstanding the release of the person concerned;
- If the Working Group considers that further information is required from the Government or the source, it may keep the case pending until that information is received.

The Opinions of the Working Group will appear in the annual report submitted to the Human Rights Council. The Opinion adopted in a certain case will be sent to the concerned Government, and to the source of the information. Opinions are published online on [a webpage](#).

The Working Group developed an “urgent action” procedure for cases when it receives information that an individual is detained arbitrarily and that the continuation of the detention may constitute a serious danger to their health or life. These allegation letters or urgent appeals sent by the Working Group under

the “urgent action” procedure are sent to the Government in a confidential manner to facilitate the engagement with the Government. After 60 days, they will be made public.

Urgent actions sent by the Working Group are done on humanitarian basis and do not exclude the sending of the same case under its regular procedure, which leads to the adoption of an Opinion by the Working Group on whether a detention was arbitrary.


As of August 2020, the Working Group on Arbitrary Detention has sent **23 communications** to the Government of Syria. Notably, the majority of communications by the Working Group on Arbitrary Detention were sent jointly with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders.

How to Submit Information to the Working Group on Arbitrary detention?

To make submissions to the Working Group on Arbitrary Detention, SNGOs can fill the questionnaire provided at <https://www.ohchr.org/EN/Issues/Detention/Pages/Contact.aspx> and send it by email to wgad@ohchr.org or urgent-action@ohchr.org or by postal mail to:

Working Group on Arbitrary Detention

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland



**HANDS OFF
HUMAN RIGHTS
DEFENDERS!**

KARAPATA

2.9. The Special Rapporteur on the Situation of Human Rights Defenders

Mandate

in 2000, the Commission on Human Rights [requested](#) the Secretary General of the United Nations to appoint a special representative on the situation of human rights defenders. The special representative was to enhance the protection of human rights defenders around the world, and to support the implementation of the [Declaration](#) on human rights defenders.

In 2008, the HRC passed resolution [7/8](#), renewing the mandate of the Special Rapporteur on the Situation of Human Rights Defenders (Special Rapporteur). Resolution 7/8 mandates the Special Rapporteur to, among other things, promote the implementation of the declaration on human rights defenders, study the trends and developments facing human rights defenders, seek, receive, examine and respond to information on the situation of human rights defenders, and to report annually to the HRC and the UNGA.

International Standards

According to the declaration on human rights defenders, any individual or association of individuals who work to promote the protection and realization of human rights and fundamental freedoms are human rights defenders. The declaration is not a binding instrument in itself but was adopted by consensus at the UNGA and therefore represents a strong commitment by States.

There is no qualification on who can be a human rights defender, the declaration makes this clear by adopting a broad definition. Still, key issues that arise when assessing whether the individual is in fact a human rights defender include whether the individual accepts the universality of human rights, whether the concern or subject of the work/activity of the individual falls within the scope of human rights, and whether the actions taken by the human rights defender(s) were peaceful in accordance with the declaration.

Customary IHL applicable to non-international armed conflicts provides civilians with, among other things, the right to receive humane treatment at all times, protection against attacks, protection against

violence to life and person, protection against outrages upon personal dignity, and the right to fair trial. Since IHL does not regulate the status of human rights defenders in specific, human rights law standards may be relied on to ensure the protection of human rights defenders during times of armed conflict.

How Does the Special Rapporteur on the Situation of Human Rights Defenders Carry Out Their Mandate?

Similar to other special procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and the HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of the situation of human right defenders.

In their 2015 annual [report](#), the Special Rapporteur on the situation of human rights defenders noted that they are “gravely concerned for the physical and psychological integrity of human rights defenders in the Syrian Arab Republic amid reports of threats, abductions, arbitrary arrest, incommunicado detention and attempted killings, as well as the continued targeting of certain human rights defenders.”

As of August 2020, the Special Rapporteur on the situation of human rights defenders sent 23 [communications](#) to the Government of Syria. The Government replied to four of these communications. These communications addressed alleged threats of death, detention, physical violence, torture, ill-treatment, enforced disappearances, reprisal, kidnapping and other acts against human rights defenders due to their work on human rights in Syria, cooperation with United Nations agencies, documentation of human rights violations in Syria and other activities within the field of human rights.

How to Submit Information to the Special Rapporteur on the Situation of Human Rights Defenders?

To make submissions to the Special Rapporteur, SNGOs can fill the questionnaire provided at <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx> and send it by email to urgent-action@ohchr.org



2.10. The Special Rapporteur on the Human Rights of Internally Displaced Persons

Mandate

In 2010, the HRC appointed its first Special Rapporteur on the Human Rights of Internally Displaced Persons (Special Rapporteur), to continue the work of the previous UN Commission on Human Rights Representative on the human rights of internally displaced persons.

According to the HRC resolution [32/11](#) establishing their mandate, the Special Rapporteur is charged with:

1. Addressing the complex problem of internal displacement, in particular by mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system;
2. Working towards strengthening the international response to the complex problem of situations of internal displacement and engaging in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and NGOs and other relevant actions.

International Standards

Unlike refugees, IDPs are not in need of international protection that replaces the protection of their country of origin considering they do not flee to another country. Therefore, they are entitled in principle to invoke all human rights recognized in their country as well as the applicable norms of IHL during armed conflicts. However, leaving their homes involuntarily or coercively makes them particularly vulnerable and creates special needs that differentiate them from those who can remain in their homes.

The [Guiding Principles](#) on Internal Displacement restate and compile human rights and humanitarian law relevant to internally displaced persons. According to the Guiding Principles, internally displaced persons are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of

armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border.”

Everyone has the right to be protected against being arbitrarily displaced. In situations of armed conflicts such as the one in Syria, only “the security of the civilians involved or imperative military reasons” may justify the displacement of individuals. Displacement for any other reason is considered arbitrary and unlawful and can be prosecuted as a war crime. This prohibition is a reflection of customary IHL as stipulated in [Rule 129](#). In human rights law, this prohibition is stemmed from Article 12(1) of ICCPR that guarantees everyone not just freedom of movement but also the right to choose one’s residence, which includes the right to remain in the place of his/her choice and not be displaced.⁷

IDPs are entitled to special guarantees to protect them during displacement: prohibition of discrimination; freedom of movement; protection in respect of special needs; and documentation. States are under the obligation to ensure that IDPs enjoy their right to be protected after the end of displacement. IDPs have the right either voluntarily to return to their original place or residence or to settle in another part of the country. States are obliged to assist IDPs in recovering their property or, if this is not possible, obtaining compensation.

How Does the Special Rapporteur on the Human Rights of Internally Displaced Persons Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and HRC, and issues thematic studies and reports the situation of internally displaced persons.

in 2013, the Special Rapporteur produced a [report](#) on the situation and needs of internally displaced persons in Syria, based on the request of the UNGA. In May 2015, the Special Rapporteur undertook an official visit to Syria. During the visit, the Special Rapporteur went to Damascus, Homs and Latakia. The Special Rapporteur met with Government officials and consulted with civil society. The Special Rapporteur’s [report](#) to the HRC addressed the ongoing conflict in Syria, the situation of internally displaced persons, and their access to basic needs such as food, health care services and education.

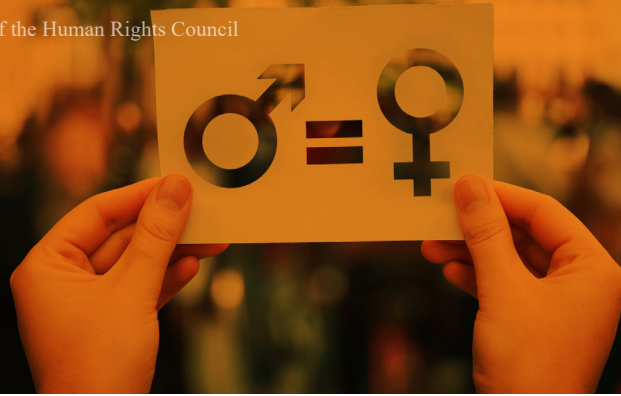
As of August 2020, the Special Rapporteur sent 1 [communication](#) to the Government of Syria concerning attacks on healthcare facilities and schools in different governates between April and July 2019,

7. See generally: UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9. Available at: <https://www.refworld.org/docid/45139c394.html>

which resulted in the displacement of hundreds of thousands of individuals.

How to Submit Information to the Special Rapporteur on the Human Rights of Internally Displaced Persons?

Information to the Special Rapporteur can be submitted [online](#). SNGOs wishing to submit information to the Special Rapporteur on the human rights of internally displaced persons by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission, and send it to idp@ohchr.org



2.11. The Working Group on discrimination against Women and Girls

Mandate

In 2010, the HRC established the mandate of the Working Group on Discrimination against Women and Girls (Working Group). Resolution [15/23](#) mandated the Working Group to enter dialogue with States and other actors to promote and exchange views on best practices related to the elimination of laws that discriminate against women, to offer support to States' initiatives to address forms of discrimination against women, to work closely and in coordination with other Special Procedures and UN agencies, and to report annually to the HRC on its activities and the issue of discrimination against women in law and practice.

International Standards

All core human rights treaties prohibit the discrimination between individuals in the enjoyment of their rights on basis of their sex. The Working Group relies on all the relevant international standards, including the UDHR, the ICCPR, the ICESCR, CEDAW and the Declaration on the Elimination of Violence against Women. The Working Group adopts the definition of Article 1 of CEDAW of what constitutes discrimination against women, which provides that “discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The Working Group also cites the General Comments and/or Recommendations made by treaty bodies, which are relevant to discrimination or violence against women.

Relevant General Comments to the work of the Working Group are [General Comment No. 20](#) of the Committee on Economic, Social and Cultural Rights on non-discrimination in economic, social and cultural rights, and [General Comment No. 28](#) of the Human Rights Committee on the equality of rights between men and women. The Working Group also refers to General Recommendations No. [25](#) and [28](#)

of the CEDAW Committee on the temporary special measures to achieve women's equal opportunity and treatment, and the core obligations of State parties to CEDAW respectively.

In General Comment No. 20, the Committee on Economic, Social and Cultural Rights noted that discrimination could be direct or indirect. Direct discrimination against women is when women are treated less favorably on basis of their sex. For example, the exclusion of women from the membership of political parties, the exclusion of women from trade union, or the exclusion of women from educational institutions.

Indirect discrimination on the other hand occur when the laws and regulation appear to be gender neutral but have in fact a detrimental impact on women. For example, if the law requires that a public official of a manager status must work full-time with no exceptions, this might discriminate against women who will also have responsibilities in their homes, especially in societies where women still take the traditional role of house caring.

How Does the Working Group on Discrimination against Women in Law and Practice Carry Out Their Mandate?

Similar to other Special Procedures, the Working Group carries out different activities that are geared towards the fulfillment of their mandate. The Working Group undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards the elimination of discrimination against women.

The Working Group did not conduct any visit to Syria yet. As of August 2020, the working group sent 3 [communications](#) to the Government of Syria. Those communications concerned different topics including discriminatory provisions against women in national Syrian legislation, and the detention of women and children in camps by armed groups in North and Northeast Syria. The Government of Syria had not responded to any of those communications.

How to submit Information to the Working Group on Discrimination against Women in Law and Practice?

SNGOs prepare their submissions to the Working Group in light of the guidelines provided at <https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/SubmissionInformation.aspx> and then send it to urgent-action@ohchr.org or wgdiscriminationwomen@ohchr.org or by fax to +41 22 917 90 06 or by postal mail to:

Working Group on the issue of discrimination against women in law and in practice

c/o OHCHR-UNOG

Office of the High Commissioner for Human Rights

Palais Wilson

1211 Geneva 10, Switzerland

SNGOs wishing to submit information to the Working Group on Discrimination against Women in Law and Practice are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.



2.12. The Special Rapporteur on Violence against Women, Its Causes and Consequences

Mandate

In 1994, the Commission on Human Rights adopted resolution [1994/54](#), deciding to appoint a Special Rapporteur on Violence against Women, Including its Causes and Consequences (Special Rapporteur). The HRC most recently renewed the mandate of the Special Rapporteur on violence against women, its causes and consequence in resolution [41/17](#).

The Special Rapporteur is mandated to seek and receive information on violence against women, recommend measures at the national and international level to eliminate all forms of violence against women, to work closely and coordinate with other UN agencies and bodies, and to report annually to the HRC.

International Standards

The protection of women from violence can be found in multiple international human rights treaties, and declarations. The Special Rapporteur usually refers to the UDHR, CEDAW, and the [Declaration on the Elimination of Violence against Women](#) (the Declaration).

The Special Rapporteur adopts the definition of the Declaration on the meaning of “violence against women”, which is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

General Recommendations of the CEDAW Committee clarify different aspects of the right of women to be free from violence. [General Recommendation 19](#) provides examples of a number of human rights of women that are implicated by violence. These rights include: (a) the right to life; (b) the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; (c) the right to equal protection according to humanitarian norms in the time of international or internal armed conflict; (d)

the right to liberty and security of person; (e) the right to equal protection under the law; (f) the right to equality in the family; (g) the right to the highest standard attainable of physical and mental health; (h) the right to just and favorable conditions of work. [General Recommendation No. 35](#) of the CEDAW Committee updated General Recommendation No. 19, and further elaborated on the different aspects of State's legal obligations under CEDAW.

[Customary IHL](#) affords women the same protection as men. However, recognizing their specific needs and vulnerabilities, IHL grants women a number of further specific protections and rights. These specific rights and protections differ from one armed conflict to the other depending on the circumstances. They include the right to be protected from all forms of sexual violence, including through the separation from men while deprived of liberty, the requirement to treat pregnant women and mothers of children with particular care, and APII prohibition on the imposition of the death penalty on pregnant women.

How Does the Special Rapporteur on Violence Against Women Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submits annual reports to the HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness of their mandate.

The Special Rapporteur did not conduct any visit to Syria. Notably, the Special Rapporteur has not, as of August 2020, issued any communication to the Government of Syria.

How to Submit Information to the Special Rapporteur on Violence Against Women?

SNGOs wishing to submit information to the Special Rapporteur on violence against women, its causes and consequences can fill the questionnaire provided at <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Complaints.aspx> and send it by email to urgent-action@ohchr.org or by Fax to: +41 22 917 9006 (Geneva, Switzerland).



2.13. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Mandate

In 1982, the Economic and Social Council, based on the recommendation of the Commission on Human Rights, appointed a Special Rapporteur on Summary or Arbitrary executions. In 1992, the Commission on Human Rights passed resolution [1992/72](#), which widened the scope of the Special Rapporteur's mandate to include all violations of the right to life. The latest renewal of this broader mandate was adopted by the HRC in its resolution [35/15](#) in 2017.

The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Special Rapporteur) is requested to, among other things, submit his/her findings, conclusions and recommendations to the HRC and the UNGA regarding situations of extrajudicial, summary or arbitrary executions in all circumstances. The Special Rapporteur draws the attention of the HRC and the High Commissioner for Human Rights to serious situations relevant to his/her mandate especially where early action might prevent further deterioration. He/she responds to information that comes before him/her and enhance further the dialogue with Governments and follow up on recommendations made in his/her reports.

International Standards

The right to life is one of the most fundamental human rights and it protects against the deprivation of life by State action or as a consequence of its omission. The right to life is protected under a number of human rights instruments including: Article 3 of the UDHR; Article 6 of the ICCPR; the Convention on the Prevention and Punishment of the Crime of Genocide; Article 6(2) of the CRC; and Article 10 of the CRPD.

The duty to respect life obliges States and their organs to refrain from any intentional killing unless it is permissible under certain and identified circumstances (*addressed below*). Acts such as murder of political opponents, killing of persons in custody, or massacres of civilians constitute violations of the right to life.

Permissible actions that result in non-arbitrary deprivation of life are:⁸

1. The lawful use of force by law-enforcement personnel: Lawfulness is interpreted broadly in which the use of lethal force must be – among other conditions - reasonable and necessary in view of the threat posed by the attacker; representing the last resort after non-lethal alternatives that include warnings; and proportionate that it cannot exceed the amount strictly needed for responding to the threat. The deliberate use of potentially lethal force for law enforcement purposes which is intended to address threats, not of extreme gravity, such as protecting private property or preventing the escape from custody of a suspected criminal or a convict who does not pose a serious and imminent threat to the lives of others, cannot be regarded as a proportionate use of force.
2. The execution of the death penalty in States that have not abolished it yet, imposed by a court that provides the fair trial guarantees. The death penalty should apply only to the most serious crimes, and subject to a number of strict conditions, and must be compatible with other provisions of the Covenant. The most serious crimes appertain to crimes involving intentional killing. Therefore, other crimes such as attempted murder, and economic and political crimes can never serve as the basis for the imposition of the death penalty. Moreover, the criminalization of conduct such as establishing political opposition groups or offending a Head of a State cannot be sanctioned by the death penalty.
3. Actions that take place in accordance with IHL in the context of an armed conflict. Practices inconsistent with IHL, such as violating the fundamental principle of distinction, entailing a risk to the lives of civilians and other persons protected by IHL, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate the right to life. In detail, the following categories of deprivation of life are prohibited:
 - a. ***The killing of persons “hors de combat”***: Persons taking no active part in hostilities, even the members of armed forces who have laid down their arms and those who are no longer taking active part in hostilities due to sickness, wounds, detention or any other cause.

8. See generally: Human Rights Committee, ‘General comment no. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life’, UN Doc. CCPR/C/GC/36, 03 September 2019. Available at: <https://www.refworld.org/docid/5e5e75e04.html>

- b. **Deadly attacks against civilians:** Civilians – persons who do not belong to armed forces and take no active part in hostilities – must not be made the object of military attacks. The principle of distinction obliges the parties to the conflict to distinguish between military and civilian objects and to direct their operations only against military objectives. The accidental civilian casualties – such the killing of civilians or destroying civilian objects during an attack on a military objective – must not be excessive in relation to the concrete and direct military advantage anticipated, otherwise the attack will not be consistent with the principle of proportionality.
- c. **Indiscriminate attacks:** Those attacks which are not directed at a specific military objective; those which employ a method or means of combat which cannot be directed at a specific military objective; or those which employ a method or means of combat the effects of which cannot be limited as required by IHL provisions. Such attacks are of a nature to strike military objectives and civilian objects without distinction.
- d. **Prohibited methods of warfare:** IHL forbids the killing of combatants through prohibited methods of warfare, with weapons that cause superfluous injury or unnecessary suffering, or by means that are otherwise expressly prohibited.
- e. **Death penalty:** The same strict conditions for the execution of the death penalty applies also during an armed conflict especially regarding the affordance of all judicial guarantees.

The duty to protect obliges States and their organs to safeguard the right to life by protecting against attempts on the life of a person by third parties or against dangerous situations. This obligation is particularly strict in circumstances where individuals are in State custody. Additionally, States have the obligation to take positive measures to fulfil the right to life in circumstances of State custody. Detainees must be provided with sufficient food and adequate medical care. State authorities are obliged to prove they bear no responsibility for the death of an individual in their custody, and they must investigate; prosecute and punish perpetrators of such an incident.

How Does the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur on extrajudicial, summary or arbitrary killings adopts different working methods that are geared towards the fulfilment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and HRC, issues thematic studies and reports

including comments on legislation and policy regarding the adequacy of normative and policy developments with international standards on the right to life.

The Special Rapporteur did not address the situation in Syria in particular neither in his/her annual reports nor in the general comments on legislation and policy.

As of August 2020, the Special Rapporteur on extrajudicial, summary or arbitrary executions has sent 12 [communications](#) to the Government of Syria. The majority of communications were sent jointly with other mandates, mainly the Working Groups on arbitrary detention and enforced or involuntary disappearance, Special Rapporteur on torture, Special Rapporteur on human rights defenders, Special Rapporteur on freedom of assembly and the Special Rapporteur on freedom of opinion and of expression. The communications addressed allegations of conduct by Government and pro-Government forces against journalists and other media and human rights activists, with special focus on cases of deaths in custody in addition to urgent appeals to suspend the execution of the death penalty imposed by the authorities' exceptional courts.

How to Submit Information to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions?

SNGOs wishing to submit information to the Special Rapporteur can fill the questionnaire provided at <https://www.ohchr.org/EN/Issues/Executions/Pages/ModelQuestionnaire.aspx> and send it by email to urgent-action@ohchr.org or by Fax to 41 22 917 9006 or by postal mail to:

Special Rapporteur on extrajudicial, summary or arbitrary executions

c/o Office of the High Commissioner for
Human Rights
United Nations Office at Geneva
1211 Geneva 10
Switzerland



2.14. The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment

Mandate

In 1985, The UN Commission on Human Rights passed resolution [1985/33](#), deciding to appoint a special rapporteur to examine questions relevant to torture. In 2008, the HRC reviewed and extended the mandate of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment (Special Rapporteur) in resolution [8/8](#).

The Special Rapporteur is mandated to, among other things: seek, receive and act on information from Governments, civil society organizations, individuals and groups of individuals regarding alleged cases of torture or other cruel, inhuman or degrading treatment or punishment; conduct country visits; study trends, development and challenges in relation to combating and preventing torture; to identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment; and to report to the HRC and UNGA.

International Standards

The right of individuals to be free from torture and the obligation on States to refrain and prevent acts of torture can be found in multiple human rights treaties, principles and declarations, including: Article 2 of the CAT; Articles 7 of the ICCPR; the Standard Minimum Rules for the Treatment of Prisoners; and Article 37 of the CRC.

Article 1 of the CAT defines “torture” as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

Accordingly, for an act to amount to torture under the Convention against Torture, all the following elements must be present:

- The infliction of severe pain or suffering, whether physical or mental.
- The requirement of intent: the act or omission that amount to torture must be carried out with intent.
- The requirement of specific purpose: the act or omissions that is considered as torture must be done for a specific purpose. This specific purpose is “obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.”
- The involvement of a public official: The convention requires that the act or omission constituting torture is “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” The failure of a State to investigate acts of torture and/or to implement its obligation to prevent torture can amount as a de facto permission from the State to private actors to commit torture, and the State is thus responsible.

Article 16 of the CAT puts an obligation on States to prohibit and prevent “other acts of cruel, inhuman or degrading treatment or punishment”, but does not define what amounts to cruel, inhuman or degrading treatment. It is often the case that the act or omission that constitutes ill-treatment is similar to the one that constitutes torture but does not fulfill all the requirements of the definition of torture or the level of severity is not high.

Customary International Humanitarian Law [prohibits torture](#) and other acts of cruel, inhuman or degrading treatment or punishment in non-international armed conflicts. No circumstances whatsoever allow the use of torture.

How Does the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Carry Out Their Mandate?

Similar to other Special Procedures, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the UNGA and the HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards raising awareness and the prevention of torture and other cruel, inhuman or degrading

treatment or punishment.

In their 2016 annual [report](#), the Special Rapporteur noted that child and other forms of forced marriage are on the increase among displaced populations around the world, including in Syria.

The Special Rapporteur have not conducted a country visit to Syria yet. The Special Rapporteur is however one of the most engaged Special Procedures in the context of communications to the Government of Syria, with 28 [communications](#) as of August 2020. It is notable that the majority of these communications are sent jointly with the Working Group on Arbitrary Detention, given the documented use of torture in prisons in Syria.

How to Submit Information to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

SNGOs wishing to submit information to the Special Rapporteur can fill the [form at https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/model.aspx](https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/model.aspx) and send it to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on Torture
 c/o Office of the High Commissioner for Human Rights
 United Nations Office at Geneva
 CH-1211 Geneva 10, Switzerland

Additional sheets should be attached where space does not allow for a full rendering of the information requested. Also, copies of any relevant corroborating documents, such as medical or police records should be supplied where it is believed that such information may contribute to a fuller accounting of the incident. Only copies and not originals of such documents should be sent.

In cases that are time-sensitive, where the individual is at risk of being tortured, the Special Rapporteur will send urgent appeals. The Special Rapporteur will also send urgent appeals when persons are feared to be at risk of:

- Corporal Punishment;
- Means of restraint contrary to international standards;
- prolonged incommunicado detention;
- solitary confinement;

- “torturous” conditions of detention;
- the denial of medical treatment and adequate nutrition;
- imminent deportation to a country where there is a risk of torture; and
- the threatened use of excessive use of force by law enforcement officials.

In other cases, where the alleged act of torture has already occurred, or is the situation not considered to be of urgency, the Special Rapporteur will send allegation letters. Allegation letters may be sent in relation to the following:

- Systematic patterns of torture:
 - specific groups of victims or perpetrators; the use of particular methods of torture; and detention conditions amounting to ill-treatment.
 - Legislation that has an impact of the occurrence of torture may also be the subject of an allegation letter:
 - criminal sentencing provisions (e.g. permitting corporal punishment);
 - criminal procedures legislation (e.g. regarding periods of incommunicado detention, information, etc.), and
 - legal provisions granting amnesty, and other measures providing for de facto or de jure impunity in violations of the prohibition of torture.
-

2.15. The Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence

Mandate

In 2011, the HRC adopted resolution 18/7, in which it decided to appoint a Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence (Special Rapporteur). The HRC mandates the Special Rapporteur to “deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law.”

The requirement for gross violations of human rights and serious violations of international humanitarian law to have occurred to fall within the mandate of the Special Rapporteur indicates that his/her mandate is most relevant in post conflict situations and situations where a political peace process is underway.

Thematically, the Special Rapporteur focuses on measures intended to promote “truth, justice, reparations, and guarantees of non-recurrence.” Resolution 18/7 specifically mentions “individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof” as some forms of these measures, and mandates the Special Rapporteur to identify additional measures that aim to promote truth, justice, reparations, and guarantees of non-recurrence.

In light of this, the Special Rapporteur is mandated, among other things: to identify, exchange and promote good practices and potential additional elements with a view to recommend ways and means to improve the promotion of truth, justice, reparations and guarantees of non-recurrence; to enter into dialogue with Governments, international and regional organizations, national human rights institutions and NGOs; to make recommendations on judicial and non-judicial measures when implementing strategies and policies for addressing violations of human rights and serious violations of international humanitarian law; to conduct country visits; to raise awareness of their mandate; to integrate a victim-centered approach throughout their work; and to report on their work to the HRC and the UNGA.

International Standards

Resolution 18/7 makes reference to a number of international instruments, principles, and declarations, including: the ICCPR, the ICESCR; The Geneva Conventions of 1949 and their Additional Protocols of 1977; the International Convention for the Protection of All Persons from Enforced Disappearance; Updated [Set of principles](#) for the protection and promotion of human rights through action to combat impunity; [Basic Principles and Guidelines](#) on the Right to a Remedy and Reparation for Victims of Gross Violations of IHRL and Serious Violations of IHL.

The Special Rapporteur further relies on General Comments or Recommendations by treaty bodies, General Assembly Resolutions, Secretary-General reports, HRC resolutions and any other document that is relevant to the promotion of truth, justice, reparations and guarantees of non-recurrence. The full list of international standards relied on by the Special Rapporteur can be found on their [webpage](#).

How Does the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence Carry Out their Mandate?

Similar to other Special Procedures, the Special Rapporteur carries out different activities that are geared towards the fulfillment of their mandate. The Special Rapporteur undertakes country visits, receives information/complaints and sends communications to States, submit annual reports to the General Assembly and the HRC, comments on legislations and policies, issues a number of thematic studies and reports, and any other activity that is aimed towards fulfilling their mandate and the promotion of truth, justice, reparation and guarantees of non-recurrence.

As of August 2020, the Special Rapporteur has not conducted a country visit to Syria and has not issued any communication to the Government of Syria.

How to Submit Information to Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence?

Information to the Special Rapporteur can be submitted [online](#). Information may also be sent by email to urgent-action@ohchr.org or by postal mail to:

Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence

OHCHR-UNOG

8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

SNGOs are encouraged to send their submissions using the online form and to send it by email as well. SNGOs wishing to submit information to the Special Rapporteur by email are encouraged to use the form in Annex 1 or 2, depending on their suitability to the situation subject of the submission.

3. Annexes

Annex 1

In situations where no standard form is provided by the concerned Special Procedure, SLDP has put together the following template to assist those making submissions. This template is most relevant for organizations making submissions on behalf of a particular individual or individuals in a specific context.

For the Attention of:

[Title of the Special Procedure(s) addressed in the submission].

Date:

Submitted by:

[Name of Organization(s)]

1. Information Concerning the Alleged Victim(s)

- a. First Name:
- b. Family Name:
- c. Other names the victim is known by (if applicable):
- d. Date of Birth:
- e. Sex:Male.....(.....) Female.....(.....)
- f. Country of Birth:
- g. Occupation/Profession:
- h. Father's name:
- i. Mother's name:
- j. Nationality or nationalities:
- k. Identity document (if any):

- l. Address of usual residence:
- m. Marital status (if relevant):
- n. Pregnant (if relevant):Yes.....(.....)No.....(.....)

2. Identity of Alleged Perpetrators of the Violation (if known), and Information on All Actors Involved

[Please provide all the available details including controlling actors, the history of the presence of those actors, names and/or types of relevant military or security sectors, any detail on the responsible command, etc.]

.....

3. Information Concerning the Incident/Situation/Case

[Please provide a detailed description of the facts surrounding the case. All relevant detail that will help the Special Procedure understand the situation should be provided. (date/place/detailed description of events that took place).]

[SLDP encourages those making submissions to provide, where possible, information that reflects a general pattern and policy of violating the human rights subject of the submission].

.....

4. Legal Analysis

[A *brief* yet concise overview of the applicable international human rights law and other relevant bodies of law, including international humanitarian law. The analysis should demonstrate the domestic legal framework applicable to the case, the obligations of the concerned government(s) under the applicable international law, and how the government is responsible for the human rights violations at issue through the act(s) or omission(s) of its agents, forces and/or representatives].

.....

5. Information Concerning the Individual or Organization Submitting the Information (THIS INFORMATION WILL REMAIN CONFIDENTIAL).

Name:

Contact Info:

Role in the case/situation:

Will you be able to follow the case and convey information to the victim(s) and/or their families:
.....Yes (.....) No(.....).

6. Information Concerning the Consent of Alleged Victims, Their Lawyer, or Family.

- a. Please confirm that the victim(s), their lawyer, or their family have provided their consent for the use of the identity of victims in the following:
- b. Communications to the government responsible for the alleged violation..... Yes..... (.....)No.....(.....).
- c. Public reports submitted to the Human Rights Council and/or the General Assembly..... Yes.....(.....)No.....(.....).
- d. Communications published on the communication website online.....Yes.....(.....)No.....(.....).
- e. Please confirm that the victim(s), their lawyer, or their family have provided their consent for the special procedure to intervene on their behalf.....Yes.....(.....)No..... (.....).
- f. Please confirm that the victim(s), their lawyer, or their family understand the mandate of the concerned special procedure(s), and the risks involved with the submission of information to special procedures Yes.....(.....)No.....(.....).

Annex 2

In situations where no standard form is provided by the concerned Special Procedure, SLDP has put together the following template to assist those making submissions. This template is more suitable for submissions concerning thematic patterns or trends of widespread violations of human rights. For example: chemical weapons attacks, attacks on cities, forced displacement, sieges and starvation.

Special Procedures Submission

[Submission/urgent appeal/allegation letter] to the United Nations Special Procedures on [two-three lines on the submission. For example: on the use of chemical weapons against civilians in the attacks on (place) on the (date).]

Date:

Submitted by:

[Name of Organization(s)]

For the Attention of:

[Title of the Special Procedure(s) addressed in the submission].

1. Overview

[A brief description of the submission in general, the main facts, the victims, demands and recommendations. Two-three short paragraphs].

2. Facts of the incident/phenomena/situation

[A detailed description of the facts of the incident/phenomena including date, place, detailed description of events that took place, and any witness testimonies of the events.]

3. Legal Analysis

[A *brief* yet concise overview of the applicable international human rights law and other relevant bodies of law, including international humanitarian law. The analysis should demonstrate the obliga-

tions of the concerned government(s) under the applicable international law, and how the government is responsible for the human rights violations at issue through the act(s) or omission(s) of its agents, forces and/or representatives].

4. Conclusion and Recommendations

[The organizations' conclusion in light of its legal analysis on the lawfulness of the events/acts that took place. Also include a list of the recommendations and demands of the organization/victims].

5. Annexes

[Any evidence including witness testimonies, photos, reports, copies of codes and statutes, draft bills and any other type evidence].

[If the submission refers to the identity of specific alleged victims, SNGOs must provide evidence of consent from the victim(s), their lawyers, or families for the use of the identity of victims in: (a) communications to the government; (b) public reports to the Human Rights Council and/or General Assembly and; (c) publication on the communication website.]



Guide on the Special Procedures of the Human Rights Council

Produced by the International Law Support Unit at the Syrian Legal Development Programme