

***Engagement with UN human rights mechanisms
General Introduction***

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Equinet and Equality Bodies are important partners for the UN Human Rights Regional Office for Europe, and I am honoured to make a presentation today.

The webinar will focus on engagement with the Universal Periodic Review by the Human Rights Council but I will start by presenting a quick general overview of various UN human rights mechanisms, of which the UPR is just one.

Several EBs present today are both an Equality Body and a National Human Rights Institution and will be familiar with the content of this presentation. I hope it will be helpful to the others, and will trigger interest in greater engagement between Equality Bodies and the UN mechanisms, which I believe would be mutually beneficial in advancing the cause of equality.

The UN human rights system has grown over the years, with the establishment of a number of committees, commissions, working groups, individual experts and specific processes, that constitute as many human rights mechanisms.

I. THREE MECHANISMS RELEVANT TO EQUALITY BODIES

- Treaty Bodies

They are Committees of independent experts established under each human rights convention, to examine and guide the implementation of the provisions of that particular treaty, by the States that have ratified it.

It is the most legal of the three types of mechanisms presented here, and their findings and recommendations are binding to the State concerned.

A quick research on the [Universal Human Rights Index](#), UN Human Rights online database of findings and recommendations by UN Mechanisms, on the number of recommendations on equality and non-discrimination that were made by UN Treaty Bodies to the 20 countries of the EB registered for today, returned a total of 813 recommendations from 12 different TBs.

- Special Procedures

They are independent human rights experts appointed by the Human Rights Council, to monitor, report and advise on human rights from a country-specific or a thematic perspective.

Special Procedures can consist of a Working Group or a single individual. Individual mandates are sometimes called Special Rapporteur and sometimes Independent Expert, but they are all Special Procedures.

The only country-mandate in Europe is Belarus, but all thematic mandates also carry out country visits, such as the visit by the Working Group on Persons of African Descent to Belgium last year.

Special Procedures report annually to the Human Rights Council and some to the UN General Assembly as well, and combine reports on their country visits with global reports on specific topics of relevance to their mandate.

Coming from persons who have been appointed by the UN Human Rights Council for their expertise, their findings and recommendations are authoritative but they are not binding to States.

=> The same research on the Universal Human Rights Index returned a total of 166 recommendations on equality and non-discrimination made by several SPs to the 20 countries of the EB present today.

- Universal Periodic Review

The UPR is a unique peer-review process established by the Human Rights Council in 2006.

It is universal because it covers all 193 UN Member States equally, irrespective of the human rights treaties that they may, or may not, have ratified.

It is universal also, because it covers all human rights - starting with the States' commitments and obligations under the UN Charter and the Universal Declaration of Human Rights.

It is the most political of the three mechanisms. Firstly, because States are reviewed by other States and not by independent experts; secondly, because States have the choice of accepting or only noting the recommendations received from others.

=> The same research on the HR Index returned a total of 1,312 UPR recommendations received to date by the countries of the EB present today, in relation to non-discrimination. These statistics alone highlight the relevance of the mechanism for Equality bodies.

II. WHY ARE THESE THREE MECHANISMS RELEVANT TO EB?

- Several TB and SP are exclusively dedicated to the rights of specific groups or to eliminating the discrimination on specific grounds
 - o TB under the Conventions on the rights of persons with disabilities, rights of migrant workers and their families [only ratified by Bosnia Herzegovina among countries represented today], discrimination against women, and racial discrimination;
 - o SP: IEs on violence and discrimination based on SOGI, on older persons, on persons with albinism; SRs on persons with disabilities, on indigenous peoples, on migrants, on minority issues, on violence against women, and on racism; and finally the WG on discrimination against women and girls, and the WG on persons of African descent.
- However, more mechanisms than those just listed, are relevant to EB, because non-discrimination is central to the entire international HR system. See for example guidance on

‘Non-discrimination in economic, social and cultural rights’ issued by the Committee on ESCR in 2009¹.

III. OPPORTUNITIES AND WAYS TO ENGAGE

The obvious one is when SP carry **country visits**, or, more rarely, when TB also visit a country as part of an Inquiry. Apart from these, spotlight on three others:

- **Firstly, the development of General Guidance by TB and the preparation of SP thematic reports traditionally involve consultations and calls for inputs.**

Responding to calls for inputs can allow EB to share concerns or on the contrary share good practices from the EB’s country. It is also the opportunity to flag specific areas where EB believe human rights guidance is missing and further elaboration by international experts would be helpful.

In turn, EB can use the outcome documents in their own work and advocacy.

For instance, the CERD has just adopted last week an important [General Recommendation on preventing and combating racial profiling](#), that should be useful to EB working on that topic.

Similarly, [CEDAW 2010 General Recommendation on older women and the protection of their human rights](#), has been leveraged by an older persons’ organisation in the UK, long before discussions started on a possible new UN treaty on the rights of older persons.

- **Another occasion is in case of problematic legislation or serious cases, which an EB thinks would benefit from international attention**

SP can issue what is called communications, namely letters to authorities based on information received and crosschecked, to express concerns, ask for clarifications and make recommendations.

For instance: in May 2020, joint [SP letter to Bulgaria](#) concerning COVID19 measures targeting the Roma minorities, incl. the institution of checkpoints at the entrance of some Roma neighborhoods (govt reply [here](#)); April 2020, joint [SP letter to Hungary](#) on then proposed bill making it impossible for trans and gender diverse people to legally change their sex/gender; in February 2019, [communication sent to Croatia](#) on allegations of hundreds of cases of violence and abuse against women during medical procedures related to their reproductive health, and the way medical inspections were carried out (govt reply [here](#)).

Communications sent by Special Procedures as well as responses received by States when any – European States often reply – are made public after a period of time, that varies depending on the nature of the communications. And there are safeguards in place to protect the source if and as requested.

Communications are not always successful. But the very fact that they elevate concerns beyond the national level may be helpful in national advocacy and also serve some protection function, by having international experts weighing in.

¹ CESCR, General comment No. 20 on Non-discrimination in economic, social and cultural rights, para 20 (E/C.12/GC/20), 2009.

- **Finally, the last opportunities for EB engagement are when country is up for examination by a UN treaty body, or up for review under the UPR.**

There are broad similarities in the ways in which EB can engage with the UPR and with TB – prior, during, and after the examinations by the Treaty Bodies or the review at the Human Rights Council.

Emphasis on one point: while experts on the Committees are experts on the substantive rights in their respective treaty, they are not experts in the country they are reviewing.

In that regard, they very much depend on the information they receive. Having access to quality information, data and analysis, as may be provided by Equality bodies, can greatly help the Committees in having a finer understanding of the progress and challenges in EB's respective country.

In turn, this means that they can issue concluding observations and recommendations that are more relevant, more specific, and more concrete, in sum that can better help EBs in their own work to advance the equality agenda at the national level.

UN Human Rights values the mandate and work of Equality bodies as well as the collaboration with Equinet. We remain available to explore further any of the mechanisms presented today.

USEFUL LINKS

- **Recap table**

https://academy.ishr.ch/un_bodies_comparison_table

- **Treaty Bodies**

<https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

- **Special Procedures**

<https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

Online database of SP communications: <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>

- **Universal Periodic Review**

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

- **Universal Human Rights Index database**

<https://uhri.ohchr.org/en/>