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ENGAGING U.N. SPECIAL PROCEDURES TO ADVANCE HUMAN RIGHTS AT HOME: A GUIDE FOR U.S. ADVOCATES

JULY 2015

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INTRODUCTION

Social justice advocates in the United States are increasingly using the human rights mechanisms of the United Nations to advance their domestic advocacy on issues ranging from criminal justice to access to health care. These mechanisms offer unique opportunities for U.S. advocates to mobilize grassroots communities, raise public awareness, exert international pressure, and engage with local, state, and national government officials around local human rights concerns. The U.N. special procedures are among the more versatile of the U.N. human rights mechanisms.

The special procedures are independent human rights experts appointed by the U.N. Human Rights Council to monitor human rights around the world, report on violations, and recommend strategies for governments and other stakeholders to improve human rights conditions within countries. The special procedures draw upon and develop international human rights standards in their analyses. When a country extends an invitation to visit, special procedures can explore issues in the country regardless of the country's treaty ratification practice. This is particularly useful for U.S. advocates, given that the United States has ratified a limited number of human rights treaties.

This report explores ways in which U.S. advocates are making effective use of the U.N. special procedures. Based on interviews with over forty individuals, including human rights advocates, current and former special procedures mandate-holders, and current and former government officials, the report shares successful examples and offers recommendations for how to increase the effectiveness of domestic advocacy efforts. The report provides an inside perspective on both the challenges and opportunities of working with the U.N. special procedures as part of a larger domestic advocacy strategy.

This report is intended as a practical guide for U.S. advocates seeking to engage with the U.N. special procedures. Part I discusses factors that advocates should take into consideration prior to engaging with special procedures. These include the possible benefits, risks, and other outcomes of engagement. Parts II and III explore strategies for engaging with the special procedures and include recommendations illustrated through several case studies.

METHODOLOGY

The content of this report is based on primary and secondary research conducted by students in the Columbia Law School Human Rights Clinic during the 2013-2014 academic year. From October 2013 to February 2014, students interviewed twenty-three international and U.S. human rights advocates, thirteen former and current U.N. special procedures mandate-holders, and six former and current U.S. government officials. They conducted targeted follow-up interviews and research in 2015.

Upon completion of the interviews, the research team undertook a detailed analysis of findings and distilled the consistent and relevant recommendations, as well as pertinent case studies of successful (and unsuccessful) engagement experiences.

A PRIMER ON THE U.N. SPECIAL PROCEDURES

The special procedures, a mechanism of the United Nations Human Rights Council, address human rights issues throughout the world. As independent human rights experts, the special procedures monitor, report, and advise on either country-specific or thematic issues, depending on their mandate.¹ Their primary working methods include (1) country visits and reports; (2) communications, including urgent action letters and letters of allegation; and (3) thematic reports to the U.N. General Assembly and U.N. Human Rights Council. As of March 2015, there are fifty-five special procedures in total. These special procedures fulfill forty-one thematic and fourteen country mandates.² The independent experts appointed as special procedures, or mandate-holders, may be known as Special Rapporteurs, Independent Experts, or members of a Working Group.

Both Special Rapporteurs and Independent Experts can develop and clarify international human rights norms. However, Independent Experts, unlike Special Rapporteurs, typically cannot engage in activities such as country visits and communications. Independent Expert mandates are often created when an issue is new and not widely understood. As the issue develops, the mandate of an Independent Expert may be converted into that of a Special Rapporteur or Working Group and expanded to include the tools which allow for the protection of established norms as well as their promotion.³

While Special Rapporteurs and Individual Experts are individual persons, Working Groups consist of five international experts working together to undertake thematic mandates. Each Working Group is comprised of one expert from each regional division of the United Nations. Currently, there are six working groups appointed with thematic mandates. Working groups often have unique ways of carrying out their mandates. For example, the Working Group on Arbitrary Detentions undertake “Deliberations” to set precedents and standards, and the Working Group on Enforced or Involuntary Disappearances can make “General Comments” interpreting standards. Working Groups can also have very specific mandates. For instance, the Working Group on the issue of human rights and transnational corporations and other business enterprises has a specific mandate related to the implementation of the U.N. Guiding Principles on Business and Human Rights.

A BRIEF HISTORY OF THE SPECIAL PROCEDURES

In 1967, the U.N. Commission on Human Rights established the first thematic special procedures mandate, the Working Group on Enforced or Involuntary Disappearances.⁴ Over the next several decades, the special procedures mechanism expanded,

encompassing twenty-eight thematic and thirteen country mandates by the time the Commission was replaced by the Human Rights Council in 2006.⁵ During its 5th Session, the Council adopted Resolution 5/1,⁶ which included provisions on the selection of mandate-holders as well as the review and improvement of all the mandates. The Council also adopted Resolution 5/2,⁷ which contained a code of conduct for the special procedures. These two resolutions still govern the selection, appointment, and conduct of the mandate-holders.

CREATION AND APPOINTMENT OF A MANDATE

Each new mandate is created through a Human Rights Council resolution, which defines the focus, structure, and contours of the mandate, including the mandate-holder's duties and responsibilities. Once a new mandate is created, the Human Rights Council accepts nominations for potential mandate-holders from governments, international and regional groups operating within the U.N. human rights system, non-governmental organizations, other human rights bodies, individuals, or qualified National Human Rights Institutions.⁸

Candidates for the special procedures are evaluated on six criteria: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity.⁹ The requirements of independence and impartiality necessarily prevent the appointment of individuals whose position in an organization may give rise to a conflict of interest, as well as individuals who currently serve as decision-makers within the executive or legislative branch of their government.¹⁰ Additionally, the Council has recognized that due consideration should “be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.”¹¹

Thematic mandate-holders are initially appointed to a term of three years.¹² At the expiration of the term, the Human Rights Council may (and generally does) extend the term for a second period of three years, provided that the mandate-holder has complied with the provisions of Resolution 5/2.¹³ Mandate-holders are limited to serving a maximum of six years in any given function.

FUNCTIONS OF THE SPECIAL PROCEDURES

Special procedures are supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and serve as the “eyes and ears” of the Human Rights Council.¹⁴ They are able to engage with U.N. member States (“States”) to help further their human rights compliance as well as respond to human rights concerns. Special procedures do this in a variety of ways, including by considering individual complaints, advocating for broader systematic change, and aiding in the articulation, clarification, and application of international human rights standards

through expert consultations and research. Special procedures generally engage with States in three ways: writing and issuing communications, conducting country visits, and reporting to the U.N. Human Rights Council and the U.N. General Assembly.

COMMUNICATIONS

Special procedures can examine specific allegations of human rights violations through information submitted by organizations, advocates, or individuals. Communications are the most common way that special procedures engage with States. Communications generally take one of two forms: urgent action letters (for matters requiring urgent response), or letters of allegation (for other matters). Through these letters to governments, mandate-holders may ask States to explain allegations, explain the law, seek information on new developments, submit observations, or follow up on previous recommendations. Special procedures send many hundreds of letters each year. For example, in 2012, they sent a total of 603 communications to 126 countries.¹⁵ All communications and government responses are reported during the regular session of the Human Rights Council. *See infra*, Part II, Communications.

COUNTRY VISITS

Upon invitation from the government, mandate-holders may conduct country visits to investigate allegations of human rights abuses and understand the human rights situation within a country. While some States have issued standing invitations to mandate-holders, more typically, special procedures write to countries to request an invitation to visit.¹⁶ During the course of a country visit, special procedures often travel throughout the country, speak with alleged victims and witnesses, interview government officials, academics, experts, and civil society, and conduct investigations in order to assess the situation on the ground. After the visit, a mandate-holder issues a press statement and, later, a mission report containing his or her findings and recommendations. *See infra*, Part II, Country Visits.

REPORTS

Mandate-holders are requested to present annual reports to the U.N. Human Rights Council, describing the activities they have undertaken during the course of the year.¹⁷ These reports may reference general trends and developments with respect to their mandate, as well as include theoretical and policy analysis and general recommendations. Typically, they also include as addenda any country-specific reports they have produced, and a summary of all of the communications transmitted to governments and replies received.¹⁸

In addition to annual reports, mandate-holders may prepare separate studies devoted

to a particular topic or theme of relevance to the mandate. These thematic reports may be requested by the Human Rights Council,¹⁹ initiated by the mandate-holder, or undertaken pursuant to specific requests by other relevant bodies.²⁰ Such studies may be the result of substantial research, and may take into account replies to questionnaires and/or other information received from governments, civil society, international and regional organizations and bodies, and other experts or partners.²¹ These reports often provide guidance to governments and civil society on the normative content and implementation of human rights standards, or may analyze specific aspects of a right or type of violation.²²

CASE STUDY: DETROIT WATER SHUTOFF

In early 2014, the city of Detroit shut water service to homes with outstanding water bills.²³ As many as 27,000 households lost water service as a result. Emphasizing that the water shutoffs further marginalize the poorest citizens of Detroit, disparately affect African Americans, and violate residents' right to water, advocates in Detroit are pursuing a multi-dimensional strategy to address the crisis. One component of the advocacy is federal litigation against the Detroit Water and Sewage Department for constitutional violations. Complementing this litigation is deep engagement with the U.N. special procedures.

In the summer of 2014, as federal litigation challenging the water shutoffs got underway, advocates sought to bring increased attention to the issue. In June 2014, a coalition of advocacy groups, including the Detroit People's Water Board, Food and Water Watch, Blue Planet Project, and Michigan Welfare Rights Organization, submitted allegations of human rights violations to the Special Rapporteur on the right to water and sanitation, Catarina de Albuquerque. In the written submission, they explained the situation in Detroit and its impact on the community and fundamental human rights, and requested that the Special Rapporteur make an unofficial visit to the city. Special Rapporteur de Albuquerque reached out to the Special Rapporteur on adequate housing, Leilani Farha, and the Special Rapporteur on extreme poverty, Philip Alston. Together, the three experts issued a joint urgent appeal to the U.S. government calling upon the government to address the human rights implications of the situation.²⁴

Later in the year, upon the request of advocates, Special Rapporteurs de Albuquerque and Farha made an unofficial visit to Detroit to examine the situation first-hand. A coalition of organizations coordinated the visit, organizing biweekly phone calls in advance to collaboratively develop an agenda and engage in outreach to media and local government. During their visit to Detroit, the Special Rapporteurs spent time in neighborhoods that had lost water service, held a town hall meeting, issued press statements, and met with the Mayor and members of the Detroit City Council.

Because of the "unofficial" nature of the visit, the Rapporteurs faced some limitations, including their inability to issue an official report with detailed findings. To help mitigate these restrictions, advocates engaged in a broad media strategy. They arranged for reporters to record all aspects of the visit, with the exception of the government consultation, thereby showcasing conditions and stories that the Rapporteurs may not have been able to comment on officially.

In a joint statement at the conclusion of their visit, the Special Rapporteurs stressed the responsibility of all levels of government to ensure the protection of the human right to water and adequate housing and urged the city to restore water service to residents unable to pay their bills.²⁵ They highlighted the disparate impact of water shutoffs on African Americans and impoverished communities, citing the United States' human rights treaty obligations. The visit and the Special Rapporteurs' statements received national and international media attention, including stories in the New York Times and the BBC, thus raising awareness of the shutoffs within the United States and internationally.

As this report goes to print, advocates are exploring ways to follow up on the Special Rapporteurs' visit. They seek to leverage the visit and the Special Rapporteurs' statements to help further empower affected communities, build greater understanding of the rights at stake, and bring about change in Detroit.

PART I: FACTORS FOR ADVOCATES TO CONSIDER PRIOR TO ENGAGING WITH THE SPECIAL PROCEDURES

The U.N. special procedures offer a promising avenue for advocacy on U.S. domestic human rights concerns. And they present many unique considerations. This section suggests initial factors for advocates to consider when contemplating whether and how to engage with special procedures. It discusses the advantages as well as limitations of engaging with the mechanism.

ADVANTAGES OF ENGAGING WITH SPECIAL PROCEDURES

The value of engaging with the special procedures derives from their ability to identify and explore thematic and country-specific human rights concerns, open channels of communication between civil society and government, and frame local concerns in light of universally accepted human rights standards. Although intervention by special procedures rarely leads to immediate results, it can raise public awareness about an issue, raise the profile of domestic or local issues at the international level, and generate guidance on possible solutions within an international human rights framework. This subsection explores some of the specific advantages of engaging with the U.N. special procedures in the U.S. context, and offers considerations for U.S. advocates seeking to make the most of their engagement with the mechanism.

GAINING VISIBILITY

A main advantage of bringing human rights concerns to the attention of special procedures is the potential to generate visibility about an issue. As international experts, mandate-holders reach a broad audience and can raise wide awareness about a topic. The experts can amplify the concerns raised by civil society and potentially attract media and other public attention. A mandate-holder quite literally places an issue on the agenda of the U.N. Human Rights Council. This increased visibility can exert effective domestic and international pressure on governments.

INFLUENCING THE DISCOURSE

A strength of the special procedures is their ability to influence the discourse around domestic issues. Special procedures can reframe an issue by placing the government's obligation to uphold rights at the center of consideration. In addition, special

procedures can place a domestic concern in the larger, international context. In considering an issue, special procedures can frame it in light of systemic human rights concerns, both within the country itself and globally.

STRENGTHENING INTERNATIONAL LEGAL NORMS

Another advantage of working with special procedures is the opportunity it provides to contribute to the clarification, articulation, and application of international legal norms. Mandate-holders develop and fill gaps in international human rights standards through interpreting and applying international human rights instruments in particular contexts. Mandate-holders often have the ability to articulate context-specific standards on emerging human rights issues and provide guidance on how governments can implement these standards. In doing so, special procedures may help advocacy efforts in the United States and in other countries by providing a legal framework for domestic action.

An example of this is the 2010 thematic report on “targeted killings,” by then-Special Rapporteur on extra-judicial, summary or arbitrary executions, Philip Alston. By clarifying international human rights law relevant to drone strikes and targeted killings, the report offered legal guidance on the issue and presented recommendations that provided the basis for subsequent civil society advocacy. Drawing upon the Special Rapporteur’s report, the American Civil Liberties Union (ACLU) submitted a letter to the U.S. Administration, urging the President to “reject the use of targeted killings out of conflict zones.”²⁶

Advocates can also encourage special procedures to further develop rights protections through the development of their mandates. For example, the World Organization Against Torture (OMCT), a global coalition of nearly three hundred non-governmental organizations (NGOs) dedicated to eradicating torture, together with other organizations advocated for many years for international recognition of violence against women as a form of torture. Advocates succeeded in their efforts, in part when the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment adopted a definition of torture that included such violations. Today, other international mechanisms, including the U.N. Committee Against Torture, accept a similar definition of torture.

PROVIDING LEGITIMACY

A special procedure can lend legitimacy to an issue due to his or her status as an independent, global human rights expert. When a mandate-holder addresses a matter, the issue is elevated to a genuine human rights concern by a U.N.-sanctioned specialist in the field. A special procedure provides an independent, objective evaluation of an

issue. His or her assessment of a situation may be viewed as more evenhanded and credible than that of an advocacy-oriented NGO. Thus, special procedures' recommendations and reports may offer civil society organizations persuasive authority to draw upon in their domestic advocacy efforts.

OPENING CHANNELS OF COMMUNICATION WITH THE GOVERNMENT

A mandate-holder may facilitate advocates' access to public officials, opening the door for dialogue at the domestic level. For example, a country visit by a special procedure may result in opportunities for advocates to meet with local officials in the course of the visit. A communication sent to a special procedure raising domestic human rights concerns may provide an opening for advocates to request a meeting with government officials about the content of the complaint and possibilities for addressing the concerns.

EMPOWERING AFFECTED COMMUNITIES

Engagement with the U.N. special procedures can have inherent value for the individuals and communities affected by rights violations. The mechanism provides victims an opportunity and forum to tell their story, which can in and of itself provide some relief. This is especially visible in the context of a country visit, where mandate-holders can interact directly with impacted individuals and communities. Additionally, engagement with special procedures can provide a catalyst and focal point for organizing impacted communities.

Recounting the community impact of the U.S. visits and subsequent country reports by the Special Rapporteurs on adequate housing and on clean water and sanitation, a Northern California legal services lawyer stated that the human rights framework can be "empowering and validating" by "enabl[ing] our homeless clients to feel that there are others, people in power among them, who share their vision of a world in which everyone, regardless of housing or other status, is treated with . . . basic human dignity."²⁷

BUILDING A RECORD

Engagement with a special procedure can build the international record around a human rights violation. A special procedure's involvement on an issue may generate or disclose evidence and other information about rights violations, which can be instrumental in laying the foundation for future advocacy efforts. In addition, special

procedures may generate discussion among the relevant actors and elicit responses that shed new light on an issue.

PROVIDING AN ENTRY POINT FOR ADDRESSING ISSUES IN THE INTERNATIONAL ARENA

The U.N. special procedures mechanism offers an important entry point for bringing domestic human rights concerns into the international human rights arena. With few formal procedures and prerequisites, mandate-holders are relatively accessible to advocates, who often find mandate-holders to be open, interested, and willing to engage, in spite of constraints on their resources and time.

Moreover, engagement with special procedures does not depend upon whether a country has ratified a particular human rights treaty. In the United States, some domestic human rights concerns may not be addressed squarely by the U.N. treaty monitoring bodies, given the U.S.' failure to ratify core human rights treaties, including those focused primarily on economic and social rights.²⁸ In contrast, special procedures are free to address any issue that falls within their mandate.

Additionally, for the treaties that it has ratified, the United States has not acceded to any of the individual complaint mechanisms. Thus, there is little opportunity for U.S. advocates to bring individual complaints to the attention of the human rights treaty bodies. Special procedures, on the other hand, can receive individual complaints through the communications mechanism and conduct an initial (if not detailed) investigation of individual issues.²⁹

Notwithstanding the above, advocates should not consider the international mechanisms to be mutually exclusive. On the contrary, the mechanisms can and do contribute to and build upon each other. For instance, it is not uncommon for the work of special procedures to be referenced by human rights treaty bodies and during the U.N. Universal Periodic Review, and by regional human rights mechanisms such as the Inter-American Commission on Human Rights. *See infra*, Part III, Leveraging Special Procedures in International and Regional Mechanisms.

“Sometimes the only defense you have against human rights violations . . . is to shine a very bright light.”²⁹

LIMITATIONS OF THE SPECIAL PROCEDURES, AND RECOMMENDATIONS FOR ADDRESSING THEM

Although special procedures offer numerous advantages, they also have inherent limitations. This section explores how such limitations may impact the outcomes of engagement and offers suggestions for mitigating them.

LACK OF RESOURCES

Special procedures are thinly resourced. Mandate-holders serve as volunteers and are assigned staff and resources from the U.N. Office of the High Commissioner for Human Rights (OHCHR). Yet these resources are limited, especially in light of the broad and serious issues each mandate covers. Mandate-holders often express that the staff and financial support they receive from OHCHR is insufficient and that they must rely on their own resources, or those they are able to acquire from academic institutions or outside donors.

This lack of resources can have several implications for advocates' engagement with the special procedures mechanism. For one, mandate-holders, who often lack in-country expertise, may be reliant on civil society to provide or supplement information for their work. Additionally, mandate-holders may simply be unable to examine all of the material they receive from advocates or engage in significant follow-up. Advocates may not receive detailed or frequent responses to their communications, and special procedures may have limited time in-country to meet with advocates. To be successful in their interactions, advocates must work around these limitations, and also recognize when they offer opportunities for deeper engagement and access.

Mandate-holders suggest that advocates be sensitive to these limitations and respectful of the mandate-holders' time. They recommend that advocates ensure that NGO reports are of the highest quality and that they closely connect advocates' concerns to what special procedures are able to do. By establishing this connection clearly, the mandate-holders are better able to focus their efforts and achieve the best result possible. In addition, advocates are urged to make themselves available to assist special procedures in whatever ways are needed and appropriate. *See infra*, Part II, Engagement with Special Procedures, for more specific recommendations.

“Being rapporteur is mission impossible . . . living with a constant sense of frustration that you have a unique opportunity to do things and you cannot do everything you want to do.”³⁰

LACK OF ENFORCEMENT POWER

Mandate-holders cannot compel states to implement their recommendations, and, as with other international human rights mechanisms, depend upon State acquiescence. The lack of an institutionalized follow-up or enforcement mechanism, in conjunction with the lack of resources highlighted above, limits the extent to which a mandate-holder can secure concrete results. Therefore, it is essential for civil society to follow up on the work of the special procedures and urge government officials to implement their recommendations. See *infra*, Part III, Follow-up and Implementation in Domestic Advocacy.

UNDERSTANDING THE SCOPE OF THE MANDATE

Advocates and mandate-holders advise that once advocates have considered the general advantages and challenges of working with the special procedures, they invest time in understanding the specific mandate and mandate-holder they contemplate engaging with. They suggest that, although mandate-holders share many commonalities, they also differ in many ways, including the specific themes they work on within the mandate and the manner in which they work. Individual experts have differing approaches to their work. Some take a more vocal approach, for example by “naming and shaming” governments. Others seek to engage in quiet diplomacy to address underlying human rights concerns. Still others see their role as helping to further articulate human rights norms. And certainly some approach their work in a combination of these and other ways. Familiarity with the mandates and the mandate-holders will enable advocates to approach them in the most effective manner.

In addition, advocates should consider the specific scope of the mandate-holder’s work. An advocate can more successfully influence a mandate-holder to take up an issue by identifying those issues that align most closely with the mandate-holder’s area of interest or substantive agenda. Alternatively, advocates may succeed in persuading a mandate-holder to take up an issue by identifying significant new or unexamined concerns that have not yet received attention.

Advocates are recommended to consider the following factors:

The Mandate:

- Type of mandate (i.e., Special Rapporteur, Independent Expert, or Working Group) and corresponding mode of work
- Resolution creating the mandate and defining its scope and objectives (found on OHCHR website)
- Work that has been done under the mandate by past mandate-holders
- Type of issues the mandate addresses

- Ways in which States have interacted with the mandate

The Mandate-Holder:

- Previous work and interests
- His/her/their interpretation of the mandate's scope
- Publications, reports, statements indicating the mandate-holder's thematic and geographic areas of focus
- Communication preferences (e.g., formal or informal)
- Preferred advocacy style vis a vis governments
- Past and recent country visits
- Past interactions with civil society

CHALLENGES OF THE U.S. CONTEXT

Some advocates and mandate-holders report that they have encountered particular challenges when engaging in the context of the United States. This section provides an overview of these challenges and suggestions for addressing them.

LIMITED KNOWLEDGE AND AWARENESS OF HUMAN RIGHTS

In the United States, the general public, media, and even some government officials may lack awareness about relevant international human rights standards and obligations. Advocates suggest that this is a particular challenge when seeking to leverage the strengths of the U.N. special procedures, and it can hamper attempts to advocate around and through the mechanism. Additionally, disinterest and even skepticism on the part of the public and media on issues relating to the United Nations may make it difficult to attract sufficient media coverage and at times can even lead to a backlash. Advocates suggest that one way of combatting this is through general public education and education targeted at government officials and the media.

PERCEPTIONS OF DOMESTIC CIVIL SOCIETY

The United States has a sophisticated and vibrant civil society. As such, and given the global nature of the mandates and the limited resources they have, some mandate-holders may be inclined to give higher priority to countries that lack a strong civil society and have fewer meaningful avenues for advocacy and government accountability.

The special procedures interviewed suggest that one way of addressing this challenge is for advocates to make a clear and compelling case regarding the added value that the special procedure would bring to a particular domestic human rights issue or advocacy effort. This may include explaining the value added of a country visit or the taking up of a new thematic issue.

FEDERALISM AND GEOGRAPHIC CONCERNS

Special procedures that have engaged in the context of the United States report that the U.S.' federalist system and large size can make it difficult to gain a clear and complete picture of the relevant human rights concerns. An issue may manifest itself in a number of complex and varied ways, in several different locations throughout the country. Special procedures indicate that this can create difficulties in mapping out all of the components of an issue, both theoretically and logistically, within the context of a short country visit and short written report. Mandate-holders also state that they have faced difficulties in identifying the relevant policy-makers and structuring appropriate recommendations, particularly as state and local governments often do not consider themselves bound by international law (though many issues falling within the scope of human rights protections fall within their jurisdiction).

However, mandate-holders identify this as a challenge that civil society can help to ameliorate. Domestic advocates are in a strong position to help mandate-holders identify relevant officials as well as relevant government procedures. Additionally, advocates may assist special procedures in understanding the scope of issues, so that mandate-holders can meaningfully and accurately assess the situation in the United States and focus on discrete, representative cases or particularly important issues where their input can add value. In addition to providing information regarding allegations, advocates can help the mandate-holders understand a country-specific situation by mapping out its relevant aspects and explaining the applicable laws and structure of the political system.

OVERALL ADVOCACY STRATEGY

A consistent suggestion from advocates and mandate-holders alike is that advocates engage the special procedures mechanism in conjunction with other domestic and international mechanisms in order to address human rights concerns. Advocates are advised to think of special procedures as one component in a larger advocacy strategy. Advocates should have a clear sense of how their work with special procedures will fit within a greater strategy and advance long-term goals.

The following questions may be useful in conducting this analysis:

- Is this an area in which the invocation of a human rights framework would prove useful? How?
- Would the added voice of the U.N., and the mandate-holder(s) in particular, be useful in moving the issue forward? Does the special procedures mechanism offer something unique?

- What is the record and reputation of this particular mandate-holder? Is he/she likely to be effective in advancing this issue?
- Is there a clear objective that could be served by any of the methods available to the special procedures?
- How can domestic advocates subsequently use the special procedure's work to advance human rights within the country?
- How will engagement with the special procedure complement other advocacy efforts?

Determining from the outset how U.N. special procedures fit into an overall advocacy strategy allows advocates to make more effective decisions regarding (1) the ways in which they will engage with the special procedures; (2) the actions they will request of the special procedures; and (3) the follow-up that will be required to achieve their goals.

CASE STUDY: CRIMINALIZATION OF HOMELESSNESS

The National Law Center on Homelessness and Poverty (NLCHP)'s work to address the criminalization of homelessness in the United States shows how advocates can leverage the work of special procedures to achieve their objectives. NLCHP breaks its approach into three elements (goal, strategy, and actions) below:

Goal

NLCHP sought to encourage the federal government to prohibit the criminalization of individuals who do not have a home (for example by prohibiting activities such as loitering, camping, and sleeping in public spaces) by building international recognition of the criminalization of homelessness as a human rights violation, and incorporating that standard into domestic litigation and policy advocacy.

Strategy

NLCHP surveyed all of the international mechanisms and determined how the organization could engage with them to frame the international discourse around criminalization of homelessness and characterize it as cruel, inhuman, and degrading punishment. This recognition could then be leveraged domestically by framing criminalization as prohibited punishment under the Eighth Amendment of the U.S. Constitution.

Actions

1. NLCHP encouraged several Special Rapporteurs to address criminalization of homelessness. The Special Rapporteur on adequate housing included the issue in the report on her visit to the U.S. in 2010; the Special Rapporteur on extreme poverty included this issue in her 2011 thematic report regarding penalization of poverty; the racially disproportionate impact of criminalization of homelessness was addressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerances in his U.S. visit in 2008; and the Special Rapporteur on safe drinking water and sanitation included discussion about criminalization of homelessness both in her 2011 country report and her thematic report on "Stigma and the realization of the human right to water and sanitation."
2. When the Special Rapporteur on extreme poverty presented her report on penalization of poverty to the U.N. General Assembly, NLCHP invited her to Washington, D.C. to talk with federal agency officials about the ways in which the United States could implement the report's recommendations. This was followed by a 2012 report from the U.S. Inter-Agency Council on Homelessness (USICH), which stated that criminalization of homelessness may violate not only domestic constitutional obligations, but also international human rights treaty obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT).
3. Once the federal government released the USICH report, NLCHP brought the report to the attention of the Special Rapporteurs that had intervened. The Special Rapporteurs issued a joint press release welcoming the U.S. government's recognition of the potential human rights violations.
4. NLCHP highlighted the Special Rapporteurs' recommendations in advocacy before the U.N. Human Rights Committee, which monitors compliance with the ICCPR, and leveraged the recommendations to engage the U.S. government in discussion of the issue in conjunction with the 2014 review of its compliance with the ICCPR. The USICH has since taken a proactive role opposing local criminalization ordinances, specifically using human rights framing.

PART II: ENGAGEMENT WITH SPECIAL PROCEDURES

This section offers recommendations for advocates seeking to engage with the U.N. special procedures. The experiences of advocates, special procedures, and government officials suggest that building and maintaining a strong working relationship with the mandate-holder and the U.N. Office of the High Commissioner of Human Rights can be as important to success as any discrete interaction. Thus, the first section distills recommendations for cultivating a working relationship with the special procedures. The second section explores specific ways that advocates can engage with special procedures to advance their efforts.

CULTIVATING A RELATIONSHIP

Advocates who have had successful experiences with the special procedures report that one essential element of their success was the ability to develop a strong working relationship with the mandate-holders and their staff. Mandate-holders themselves also indicate the importance of strong working relationships with advocates, to whom they may turn to provide accurate and reliable information on in-country conditions and facilitate aspects of country visits, among other things. By establishing and maintaining a positive working relationship, advocates can reach out to special procedures for continued engagement on an issue.

For example, in 2011, advocates from the Safe Water Alliance—a coalition of civil society organizations seeking to ensure safe drinking water for Californians—approached Catarina de Albuquerque, the Special Rapporteur on the right to safe drinking water and sanitation, when they wanted to introduce a Human Right to Water Bill in the California state legislature.³¹ The advocates at Environmental Justice Coalition for Water (EJCW) had developed a relationship with the Rapporteur during her official visit to the United States in 2011, and had since kept her apprised of developments related to the bill.³² De Albuquerque's findings and recommendations were referenced in the discussion and adoption of the bill, and when the bill was ultimately signed,³³ de Albuquerque recognized the efforts and actions of the government through a press release.³⁴

Advocates and mandate-holders suggest several ways in which advocates can approach mandate-holders to build positive working relationships:

- Engage in OHCHR’s processes for creating a new mandate or nominating a candidate to replace a mandate-holder whose term is expiring.
- Seek out organizations or advocates with established relationships with the special procedures, such as the International Service for Human Rights, to facilitate introductions to current mandate-holders.
- Arrange for in-person meetings with mandate-holders, for example in New York (when the mandate-holders report to the U.N. General Assembly) or Geneva (when the mandate-holders report to the U.N. Human Rights Council).³⁵
- Subscribe to the mailing list of the Civil Society Section of OHCHR³⁶ to learn about special procedures’ calls for submissions, consultations, and other relevant information.
- Occasionally email special procedures and OHCHR staff to keep them apprised of relevant developments.

In addition to cultivating relationships with mandate-holders, advocates are encouraged to build relationships with special procedures’ staff at OHCHR. Most mandate-holders have at least one OHCHR staff member who assists with their work. Mandate-holders generally rely on their staff to help with the organization and substance of their work. In many instances, OHCHR staff members act as the first point of contact between a special procedure and advocates.

Once advocates establish a relationship with the mandate-holder, they are encouraged to maintain it. Advocates can do this by keeping the mandate-holder up to date on the issues they are working on, including any substantive developments. Mandate-holders also advise advocates and organizations to alert them and their staff to changes in an organization’s personnel or contact information.

METHODS OF ENGAGEMENT

The special procedures offer several opportunities and methods for interaction. In determining which method of engagement to pursue, advocates are advised to consider the specific outcome they seek (e.g., a tailored recommendation vs. wider exposure and attention to an issue) in order to determine the appropriate form of engagement.

The U.N. special procedures mechanism offers civil society three unique methods for “formal” engagement. In addition to these formal methods, this section explores more “informal” avenues that advocates and mandate-holders may find useful when engaging on particular issues.

FORMAL METHODS

The three primary methods by which special procedures engage in their work include communications, thematic reports, and country visits. This list is by no means exhaustive, however. Mandate-holders are constrained primarily by the scope of their mandates and their available resources. This section explores the three formal working methods of the special procedures. The next section discusses other, more informal methods.

COMMUNICATIONS

Advocates can submit allegations of human rights violations to special procedures, who can in turn send formal communications to governments. Depending on the information presented and the urgency of the issue, communications take the form of either “urgent appeals” or “letters of allegation.” Urgent appeals request governments to take preventive or investigatory action and generally address violations that are ongoing or about to occur. Letters of allegation generally request information and responses from governments regarding allegations of past violations or where the harm cannot be undone.³⁷

Communications are an effective tool for advocates looking to draw the attention of special procedures to a country’s situation and highlight specific issues. Given that the United States has not accepted the jurisdiction of any international court or treaty body’s individual complaint mechanism, communications are particularly advantageous in the U.S. context, since they are one of the few methods by which advocates can raise individual cases in the international system. This method of engagement is appropriate for addressing individual instances of abuse as well as ongoing systemic human rights concerns. Allegations of this nature may also critique public policies and legislation.

The communications function can be particularly useful to urge the government to respond to and address allegations that it has previously avoided. By leveraging the media and incorporating other advocacy strategies, advocates can use the communications function to place a human rights situation on the national agenda. See *infra*, Engaging with Media.

To request that special procedures send a communication about a specific issue to the government, advocates must first submit a complaint or set forth allegations to the relevant mandate-holder(s). Mandate-holders and their staff review and analyze such submissions in order to determine if they should proceed with a communication. This determination depends on whether the issue is within the scope of the mandate, whether it is suitable to address in a communication, and whether the allegations are credible. For both letters of allegation and urgent appeals, the mandate-holder will send requests to the government to clarify the information or inquire about specific

situations. Governments usually have sixty days to reply after receiving the letter. Within that period, the special procedure cannot reveal the content of the communication. When the government responds, or if sixty days have passed with no reply, the communication is no longer confidential (though the special procedure may keep the communication and the government's response confidential until published in the communications report published for each session of the Human Rights Council, which may occur beyond the period of sixty days). Depending on the response of the government, the special procedure may decide to inquire further or make recommendations with regards to the specific violation.³⁸

A response by the government to the communication can result in further engagement with the special procedure. In many cases, the success of the communication is not just in the response it generates from the government, but rather in its ability to move the government towards specific action. One example of where a communication appeared to have positively contributed to an advocacy effort is the December 2010 letter sent by the Special Rapporteur on torture, Juan Mendez, raising concerns about the U.S.' actions in holding U.S. Army private Chelsea Manning in solitary confinement for almost a year, on suspicion of providing confidential U.S. documents to WikiLeaks. The government responded to the Rapporteur in writing, stating that the reason for the confinement of Manning was not punitive, but was in relation to the gravity of her crime. Following the communication, and early in 2011, Mendez attended a meeting with the State Department and the Pentagon about a number of issues including the subject of Private Manning, where the issue of solitary confinement was again raised. Subsequent to the communication, the meeting, and additional pressure and advocacy, the government reevaluated Manning's situation and relocated her from solitary confinement.

In addition, even without a response from the government, communications can help to build a record of human rights concerns in a country. As noted earlier, this is a strategic benefit of engaging with special procedures, and it can prove especially useful in future advocacy efforts. The communications are published online in each mandate's annual report³⁹ and in a communications report presented in each session of the Human Rights Council (three per year).⁴⁰ Advocates can integrate the communications into a wider media and public education campaign to raise greater awareness around the issues addressed in the communications and the government's response (or lack of response).

▪ Form and Content

There is no one required format for submitting complaints to the special procedures. Nevertheless, the mandate-holders interviewed for this report stressed their need for information adequate to allow them to properly assess the complaints they receive. Letters should explain in detail the nature of alleged violations and the types and sources of evidence. Letters should also explain and analyze the rights that are alleged

to have been violated. Generally speaking, special procedures encourage advocates to submit materials that are clear, precise, and not based solely on media reports. They also encourage advocates to include information or evidence that establishes causation of the violation, such as government action or inaction.

Additionally, OHCHR indicates that the following information should be provided:

- Identity of the alleged victim, including full name, age, sex, and residence. In the case of group violations, advocates should provide as much information as possible.
- Name of the person or organization submitting the communication. This information is kept confidential.
- Identity of the alleged perpetrators of the violation, and the reasons for such allegation.
- Date, place, and detailed description of the incident in which the alleged violation occurred.

While it is not required, OHCHR also recommends that communications to mandate-holders include steps taken by the government at the national and international level to address the situation. In the case of allegations regarding legislation, it is recommended to include a copy of the draft or law.

Some mandate-holders have developed questionnaires, posted on their individual websites or the OHCHR website, in which they specify the information they require to evaluate communications. Where available, advocates are advised to use such questionnaires. See Annex 2, Sample Questionnaire for Allegations Provided by Some Special Procedures.

In addition to the essential elements detailed above, mandate-holders often appreciate background research on a matter and may request that advocates provide this background information before acting upon an allegation.

Mandate-holders and their staff handle many allegations and have limited resources. As such, it may also be helpful for advocates to provide a draft of the communication that they would like sent to the government. This gives the special procedures and their assistants a baseline to work with and build upon. Advocates can review a special procedure's previous communications as a model for how to engage an analysis of the law and rights at issue, and for ways to frame suggested questions for the special procedure to ask of the government. The special procedures interviewed for this report indicate that although they are open to receiving such drafts, and may find them useful, advocates should keep in mind that mandate-holders have an obligation to be independent and will revise

“The easier you make it for [the special procedures], the more likely you will be to get the results.”⁴¹

advocates' suggestions as appropriate and necessary to reflect their own observations and input.

As with all interactions, credibility is essential. Mandate-holders are most likely to act when they receive high-quality information about a clear violation, along with all of the facts and information necessary to act upon the allegation. Mandate-holders indicate that the more specific, well-documented, reliable, objective, and comprehensive a submission is, the more able and likely they are to take action.

▪ Confidentiality

As a general rule, special procedures do not keep the name of the alleged victim(s) confidential in their communications to the State. In some cases, the victims and their organizations may not want the name of the victims to be explicitly included in the communication. In this case, and according to some of the mandate-holders interviewed, advocates should explicitly state so in the allegation. Mandate-holders will then often attempt to send the allegation without the individuals' names. If they are not able to do so, they may avoid sending the communication altogether to prioritize the security of the victims. Advocates may also choose to be more cautious about sharing any identifying information where security is a real concern.

As another component of confidentiality, special procedures may not reveal the content of communications they send to government officials until sixty days after sending the communication, or until the government responds (whichever comes first). Once the sixty days has passed, or the government responds, the content of the special procedure's communication is no longer confidential. Some special procedures wait until the communications and responses are published in the communications report published for each session of the Human Rights Council. Advocates may disclose what they have submitted to the special procedures at any time, however.

▪ Publicity and Follow-Up

Advocates have several opportunities to publicize and follow up on a special procedure's communication.

The first opportunity arises when an advocate submits an allegation. Importantly, while special procedures are bound by confidentiality of an allegation as described above, advocates are not. As such, advocates can raise awareness around a potential communication even during the confidentiality period. For example, they can make public the fact that they submitted allegations to a special procedure by issuing a press release or alerting the media, which may place effective pressure on the government to respond. Some of the mandate-holders interviewed said that they sometimes may

How the U.S. Government Processes Requests and Information from the Special Procedures

When a U.N. special procedures mandate-holder reaches out to the United States through a communication, a request for information, a visit, or otherwise, the U.S. Mission to the United Nations in Geneva evaluates the request and channels it to the relevant office within the U.S. Department of State. The State Department offices that typically handle matters related to the special procedures are the Office of the Legal Adviser, the Bureau of International Organization Affairs, and the Bureau of Democracy, Human Rights and Labor.

comment generally that they are looking into an issue, without going into depth on the specifics of the communication.

Once the confidentiality period has passed and the government's response or non-response can be made public, civil society can publicize either outcome to place pressure on the government.

Another opportunity for publicity and follow-up occurs once the special procedures' annual reports and OHCHR's communications report are published. Special procedures are required to present an annual report to the Human Rights Council and an interim report to the General Assembly on the activities they have undertaken in fulfilling their mandates. These reports, which include the communications undertaken throughout the year, offer an opportunity for advocates to publicly pressure the government on its human rights record and its history of response or non-response. In addition to placing pressure on the government with respect to past communications, advocates can motivate the government to do a better job in responding in the future by demonstrating that it will be held accountable for a failure to respond.

Joint Communications

Joint communications are issued by two or more mandate-holders to address one set of facts or concerns. According to the U.N. Manual of Operations of Special Procedures, joint communications are one way in which special procedures can coordinate their actions.⁴² Joint communications are encouraged wherever it seems appropriate, and can be requested by advocates or initiated by mandate-holders.⁴³

A joint communication can be an effective way to address certain situations by increasing pressure on government. However, it can take special procedures longer to develop and issue a joint communication, which may be problematic in the case of urgent matters.

Mandate-holders suggest that advocates indicate in their submission whether they have approached other mandates, and which one or ones they believe to be most relevant to the issue. Although special procedures have internal mechanisms for coordination, this helps them identify who should lead coordination efforts with the other mandate-holders.

One example of a joint communication is the one that resulted from Maryland Legal Aid Bureau's (MDLAB) engagement with the former Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda, around access to legal and other services for migrant farmworkers.

The communication detailed allegations and information surrounding the rights of migrant farmworkers, including the prevention of legal and other service providers from access to migrant labor camps. It addressed a number of related issues which made it useful for the Special Rapporteur to request the inclusion of two other special procedures on the letter of allegation she sent to the U.S. government. These included the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the human rights of migrants. The joint nature of the communication raised its profile in the international human rights arena. U.S. advocates were able to draw on the communication in advocacy with other U.N. mechanisms, including during the review of the United States' compliance with the ICCPR in March 2014 and during the second U.S. Universal Periodic Review in 2015.

THEMATIC REPORTS

In addition to communications, mandate-holders can prepare thematic studies and publish reports exploring specific and cross-cutting issues. This enables special procedures to conduct an in-depth examination of issues related to their mandates. Some recent thematic reports that have been presented by special procedures include:

- The right to freedom of artistic expression and creativity (Special Rapporteur on the field of cultural rights)
- Justiciability and the right to education (Special Rapporteur on the right to education)
- Unpaid care work and women’s human rights (Special Rapporteur on extreme poverty and human rights)
- The role of forensic and medical sciences in the investigation and prevention of torture and other ill-treatment (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment)
- Wastewater management in the realization of the rights to water and sanitation (Special Rapporteur on the right to water and sanitation)
- Lethal autonomous weapons and the protection of life (Special Rapporteur on extrajudicial, summary or arbitrary executions)

The special procedures present their thematic reports either to the U.N. General Assembly or the U.N. Human Rights Council. On occasion, the Human Rights Council may explicitly request a mandate-holder to report on a specific theme or topic.⁴⁴ Focusing in-depth on a specific area of an otherwise very broad mandate, thematic reports offer the special procedures an opportunity to interpret how international standards are relevant in a particular context and provide guidelines for governments to ensure human rights compliance. Thematic reports can be an important resource for domestic advocacy, as well, providing a source of substantive and comparative guidance.

Advocates can suggest ideas for thematic reports to the special procedures, as well as contribute to thematic reports by providing information on ways in which human rights issues present themselves in the United States. These contributions can be through participation in expert and civil society consultations and through written submissions. Such engagement may prompt the special procedures to develop analysis and recommendations that are relevant to the U.S. context. For example, in 2011, the National Law Center on Homelessness and Poverty submitted written information

regarding criminalization of homelessness in the United States to the Special Rapporteur on extreme poverty and human rights for her thematic report on penalization of poverty. The Special Rapporteur directly cited to the information in her final report.⁴⁵

Special procedures often welcome input on thematic reports from civil society, including advocates. By soliciting submissions, special procedures gather suggestions about how to address specific issues and concerns, and learn more about how human rights issues and concerns impact communities and individuals on the ground.

▪ Contributions

The process for submitting information for thematic reports varies across mandate-holders. Many special procedures will request information through questionnaires that they send to advocates with whom they have pre-existing relationships. This is one advantage of building a relationship with the mandate. *See supra*, Part II, Building a Relationship. Advocates can also offer submissions on their own initiative when they know ahead of time what issues a mandate-holder is currently working on or interested in. OHCHR staff will often provide guidance on this. Information may also be found on the mandates' websites.

Advocates' submissions should be as concrete as possible. The information advocates provide should be well researched and supported. Special procedures find it particularly helpful to receive in-depth case studies and clear and feasible recommendations. For advocates or organizations engaging for the first time with the mandate-holder, it is also advisable to include some background on the organization, including information on previous work and areas of expertise.

In addition to written submissions, advocates can contribute to thematic reports by participating in, and hosting, expert and civil society consultations.

▪ Follow-up

Advocates can follow up on a special procedure's thematic report by incorporating the report into advocacy efforts. A thematic report by a special procedure provides an important resource on international standards interpreted and tailored to a specific issue. Advocates report that, because they offer content for what may otherwise be rather vague human rights standards, thematic reports can be useful in advocacy with

Written Submissions, Generally

Most methods of engagement with the special procedures require advocates to submit written materials. Advocates and mandate-holders recommend that advocates consider the following when developing their written submissions.

Make the case for the issue. In order to persuade a mandate-holder to address an issue, advocates are encouraged to have a clear sense of what they are seeking from the special procedure and articulate that desire plainly. Mandate-holders have also indicated that it is useful for advocates to explain how involvement by the special procedures will help advance an advocacy agenda. Advocates must be able to persuade mandate-holders that their time and efforts are well spent by taking up a particular issue. By tailoring the information to the specific mandate and its abilities, advocates increase the possibility that the mandate-holder will take action on an issue.

Provide concrete, specific, and well-supported information. When submitting information to special procedures, advocates are advised to provide clear descriptions of the human rights violations alleged. Mandate-holders have indicated that they require specific information about the violations, as well as evidence of causation (government action or inaction). Special procedures are especially concerned with systemic or generalized human rights violations. Therefore, according to some of the special procedures interviewed, a single, isolated claim is rarely compelling. However, if the information is abstract or unreliable, a large number of cases is not necessarily compelling, either. Mandate-holders indicate that it is preferable for advocates to present a few, detailed examples

government officials around domestic concerns. Although the reports do not focus on any particular country, advocates can use thematic reports domestically by contrasting the policies and practices of federal, state, or local government with clearly articulated human rights standards, in order to illuminate gaps and possible remedies.

In addition, advocates can participate in the report presentation itself. Organizations with special consultative status can participate in the sessions of the U.N. Human Rights Council by making both oral and written interventions.⁴⁶ Thus, such organizations can participate in the sessions in which a mandate-holder is presenting its thematic report and give a statement on how the concerns discussed in the report are manifest in the United States.

COUNTRY VISITS

Upon invitation by the government, mandate-holders can make official in-country visits. During these visits, they can meet with individuals and officials, observe conditions on the ground, and assess a country's progress in addressing human rights concerns. Country visits offer an important way for advocates to engage with special procedures. They provide an opportunity for direct interaction between special procedures, civil society, and affected communities and may bring significant attention to overarching domestic policy concerns. Country visits also provide an opportunity for advocates to be in direct contact with federal, state, and local government officials.

In addition, many of the advocates interviewed for this report indicated the value of country visits in mobilizing communities around a collective concern. Coordinating a country visit allows organizations and advocates who often work on discrete issues or in one geographic area to work together on shared issues and common problems. As such, it presents an important opportunity to collaborate with other stakeholders.

However, both advocates and special procedures note that country visits are more difficult to obtain than other methods of engagement, and often require more time and effort.

Some special procedures are willing to make joint country visits. If advocates determine that a human rights issue merits a joint visit, they can request one from appropriate

Written Submissions (continued)

that are very strong and/or clearly portray the human rights problem that is being alleged. In addition, mandate-holders urge advocates to be concise in how they present written information, and to offer well-researched submissions, citing sources and supporting allegations with reliable and verifiable evidence. Mandate-holders suggest that advocates propose realistic solutions to address the concerns and violations that they raise, as it is the advocates who know "what will work and not work, and where the obstacles lie."⁴⁷ While advocates should avoid proposing radical or idealistic solutions, they should be creative in their proposals, taking into account the particulars of a given situation.

Conform to templates where available. The OHCHR website⁵⁰ provides a suggested template for presenting requests for communications from special procedures. *See supra*, Part II, Communications: How to Submit Allegations. However, it provides no guidance on how to present other types of information, such as submissions for thematic reports or in advance of a country visit. In some cases, the individual mandates may offer suggestions on their particular websites. Wherever possible, advocates are advised to consult the websites of the individual mandates.

Update submissions. Where appropriate, after submitting written information, advocates should continue to collect evidence and send periodic updates to the rapporteur or expert.

mandate-holders. Joint country visits have the advantage of capitalizing on and pooling the special procedures' limited resources. However, the downside of a joint country visit is that it will bring attention to the issue all at once, rather than over several occasions through independent visits by two or more mandate-holders. In addition, coordinating a joint country visit may be difficult due to timing and scheduling issues.

The following discussion offers recommendations for making the most of each phase of a country visit.

- **Obtaining the Visit**

Advocates can suggest that the relevant mandate-holder request an invitation for a visit from the U.S. government. Also, advocates can themselves directly request that the government invite the mandate-holder. These options are not mutually exclusive. To increase the likelihood of a visit, advocates can urge the special procedures to visit and simultaneously advocate with the government, urging it to invite and accept the request for a visit.

Factors mandate-holders consider when deciding which countries to visit include geographic diversity, fit between human rights concerns and the mandate's focus, credibility of the issue and invitation, and attainability of an invitation from the government.

Special procedures emphasize that when suggesting that a mandate holder visit, advocates should articulate a clear reason for why a visit to the United States is necessary and might add value to domestic advocacy efforts. Advocates can make the case for a special procedure to visit a country by situating the country within the larger thematic or geographic pattern of countries that the mandate-holder has already visited or is planning to visit. Advocates can highlight the new angle that a visit to the United States would bring to the issues generally and how the visit might benefit human rights compliance in other countries. Mandate-holders may also be encouraged to visit the United States if the government demonstrates a willingness to host and seriously engage with them, as this is often an indication of the likelihood that the engagement will have positive impacts.

Advocates may find that a pre-existing relationship with the mandate-holder can be particularly useful in encouraging a country visit. A prior positive relationship with the mandate-holder lends weight and credibility to advocates' requests. It can also give advocates insight into the possibilities of securing the visit so that they can best allocate their resources.

- **Planning for the Visit**

If a special procedure's visit is approved and scheduled, the mandate-holder next develops an agenda for the visit. In doing so, he or she may reach out to civil society and the government for help organizing the visit, or, if the mandate holder has sufficient knowledge, may organize the visit his or herself. In a country as large as the United States, coordination and organization takes on paramount importance.

Advocates who seek to contribute to the organization of a country visit can:

- **Connect with the special procedures.** According to the advocates and mandate-holders interviewed for this report, whatever the degree of advocates' involvement in organizing the visit, it is essential that they contact the mandate-holder and submit all the necessary information as soon as possible after a visit is approved. Submissions can include legislation, case law, and public policy relevant to the issue that the special procedure is examining. It is also useful to mandate-holders if advocates provide logistical information, such as suggestions for places to visit, and connect the mandate-holder with alleged victims, civil society organizations, and other stakeholders.
- **Coordinate with advocates and stakeholders.** Coordination among advocates contributes to the success of a country visit. Advocates are encouraged to determine in consultation and prior to a special procedure's country visit how they might collaborate and contribute to the visit and to include all relevant stakeholders in determining which issues and locations to bring to the attention of the mandate-holder. According to the mandate-holders and advocates, it is critical to include affected communities in planning for a country visit, as these communities are at the heart of the reason for the special procedure's visit. They stress, too, the importance of choosing locations that offer the mandate-holder as clear and comprehensive a picture of the issues as possible. *See infra*, Case Study: U.S. Visit by Special Rapporteur on Adequate Housing.
- **Raise awareness around the visit.** Mandate-holders and advocates stress that the success of a country visit largely depends on how much the relevant stakeholders (including advocates, impacted communities, media, and government) know about the U.N. special procedures mechanism. Prior to the visit, it is important for advocates raise awareness about the special procedures, the visit, and its details, as well as the human rights issues at stake.

Country Visit Denied

According to many of the advocates interviewed, it can be difficult to persuade special procedures to visit the United States for two reasons. First, special procedures have limited resources to conduct country visits. Given the many countries around the world with pressing human rights situations, special procedures may choose to conduct their visits elsewhere. Second, the U.S. has not issued a standing invitation for special procedures⁵¹, and at least with respect to some issues, the government may decline to invite the mandate-holder or refuse to extend an invitation for a visit that meets the conditions set by the mandate. In such cases, advocates can publicize the reasons why a visit was refused, thereby generating attention for an issue and publicly pressuring the government to issue an invitation.

A situation like this occurred in relation to the Special Rapporteur on torture, Juan Mendez, who had requested an invitation to the United States to visit the detention center at Guantanamo Bay. The Special Rapporteur requested the ability to visit the prison at any time, and to meet privately with people detained there. The U.S. declined to offer him a visit that met these conditions, and instead presented him with the option of visiting designated sections of Guantanamo without the opportunity to speak with the people who are detained there. The Special Rapporteur rejected this option, as it did not comply with the conditions of his mandate, and renewed his request for a visit that met the stated conditions. As of the date of this report, the U.S. has not yet granted the request. Organizations including Human Rights Watch and the ACLU have conducted advocacy around this denial. They raised the issue in meetings with the U.N. Human Rights Committee in conjunction with the 2014 review of the United States for its compliance with the ICCPR. They also included the issue in advocacy around the U.S.' second UPR. This advocacy has helped focus attention on prison conditions and human rights issues at Guantanamo.

PREPARING FOR COUNTRY VISITS

Advocates can organize and prepare for country visits in many ways. The following offers two examples.

Roundtables

In preparation for a 2013 U.S. visit by the Working Group on the issue of human rights and transnational corporations and other business enterprises, the International Corporate Accountability Roundtable (ICAR) organized consultations for the Working Group members with civil society, corporate representatives, and government officials. The purpose of the consultations was to bring relevant actors together with the Working Group to discuss concerns and proposals to address them. ICAR arranged for advocates to submit materials, prepare small presentations, and provide the Working Group with the necessary background information to conduct its visit. Topics raised during the consultation included forced labor, conflict minerals, legal accountability in the United States, and non-judicial grievance mechanisms.

Briefing Papers

In preparation for a U.S. visit by the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, the University of Virginia School of Law International Human Rights Law Clinic reached out to civil society organizations working on issues related directly or indirectly to violence against women. The clinic then coordinated the compilation of a series of briefing papers providing comprehensive background to the Special Rapporteur. The submissions identified issues of concern for advocates, allowing the advocates to stress what they viewed as essential information for the Special Rapporteur. In addition, the papers offered recommendations for the Special Rapporteur as she conducted her own investigation and decided on how to direct her visit.

- Engaging During the Visit

Mandate-holders and advocates highlight several ways in which advocates can enhance the effectiveness of a special procedure's country visit. First, they can help special procedures reach out to other stakeholders. This includes establishing a connection with affected individuals and relevant grassroots organizations, and providing logistical assistance to help mandate-holders reach difficult places and navigate the situation on the ground.

Second, advocates can provide special procedures with detailed information and context prior to each meeting, tailored to circumstances that arise as the visit progresses.

In addition, during the visit, advocates may hold briefing sessions and consultations for the mandate-holders with other organizations, affected individuals, and grassroots communities. At these sessions, stakeholders can present testimony and documentation to the mandate-holder to help inform his or her understanding of human rights concerns within the community. Mandate-holders report that hearing from local advocates, victims, and families gives them the most accurate picture of the situation on the ground.

Depending on the situation, advocates may play a role in facilitating the special procedures' interactions with government officials, including by helping to determine which officials the mandate-holders should meet with, and by helping to convene the meetings. Special procedures agree that it is very useful for them to hold meetings with federal, state, and local authorities in order to share perceptions and points of view. Government officials interviewed for this report indicated that their interaction with mandate-holders during country visits is important in order to share concerns and perspectives, and to promote a meaningful interaction around human rights concerns. In addition, advocates are urged to reach out to the media through press releases, social media, and other approaches as part of their participation in country visits by the special procedures. *See infra*, Engaging with Media.

CASE STUDY: U.S. VISIT BY THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING

An example of a successful country visit was shared by advocates who participated in the U.S. country visit carried out by the Special Rapporteur on adequate housing, Raquel Rolnik, in 2009. The visit mobilized communities and brought visibility to the issues of homelessness and inadequate housing. According to the Special Rapporteur and advocates, the visit was successful because of the organizing and preparation that took place in advance of the visit.

The National Economic and Social Rights Initiative and the National Law Center on Homelessness and Poverty took the lead in coordinating other organizations, advocates, and impacted communities around the visit. The Campaign to Restore National Housing Rights contributed significantly to coordination efforts, as well.

In planning the visit, advocates worked collectively to identify issues that were of most concern to communities and organizations at the national and local level, and sought to focus the Special Rapporteur's visit on locations that best illustrated those issues. They determined that the Special Rapporteur should see concerns in both urban and rural locations, and that the visit should be primarily driven by impacted communities. Issues that were highlighted related to the foreclosure crisis, growing homelessness, and concerns around low-income housing. The Special Rapporteur visited communities in New York, Wilkes Barre, Chicago, New Orleans, Pine Ridge, Los Angeles, and Washington, D.C.⁵²

Prior to the Special Rapporteur's visit, the grassroots organizations located in communities on the itinerary took part in trainings and framing exercises, which prepared them to take full advantage of the visit's potential. At each location, organizations held town hall meetings for the Special Rapporteur. These became the centerpiece of each stop. At these meetings, communities voiced their concerns by testifying about the problems they faced. Advocates also facilitated site visits for the Special Rapporteur, to expose her directly to the housing conditions faced within communities.

The advocates recorded the visit with video cameras and later used the footage to produce a short documentary film called "Without a Roof." The film enabled them to share the visit widely and bring more visibility to the issues that were highlighted throughout.

Overall, the visit catalyzed community organizing and facilitated an understanding of problems related to housing in the United States. The visit has had continuing benefits by developing a motivated and coordinated grassroots base and national partners who are working to achieve reforms at the local, state, and federal level.

▪ Conducting Follow-Up

The conclusion of a country visit does not conclude a special procedure's engagement with a country. According to many special procedures and advocates, the success of a visit often depends on what advocates do in its immediate aftermath.

At the conclusion of the visit, special procedures issue a public statement of their preliminary findings. This preliminary statement is followed, usually within a year, by a written report detailing the mandate-holder's findings and recommendations. The report takes considerable time to complete, as it involves the development of general findings and requires the mandate-holder to send a confidential draft report to the relevant government and await a response before finalizing. Once the report is final, OHCHR publishes it on its website, and the mandate-holder makes a formal presentation to the U.N. Human Rights Council. On occasion, a special procedure will issue a follow-up report two or more years after conducting a country visit.

Advocates and mandate-holders identify a few key opportunities for advocacy and follow-up from country visits: upon the special procedure's issuance of a public statement, before the special procedure finalizes the country visit report, and upon publication of the report. Many advocates highlight the importance of using the time between the conclusion of the visit and the publication of the report to leverage the momentum resulting from the visit. During this time, advocates can review the preliminary findings and provide the special procedure with additional briefings and materials to fill in any remaining gaps. They can also ensure that the report contains the most up to date information.

Once the report is public, advocates can disseminate it, including through the media, and urge government officials to implement its recommendations. Additional strategies for implementation and follow-up are detailed more extensively later in this report. See *infra*, Part III, Maximizing the Work of the Special Procedures.

INFORMAL METHODS

Advocates have found ways to engage with the special procedures outside of the formal methods discussed above. More informal methods provide additional opportunities for advocacy.

Many of the examples of informal engagement provided by advocates and special procedures are closely tailored to a particular situation. This section provides examples of some commonly used methods, as well as those that may translate well in other contexts. These examples are not exhaustive.

ACADEMIC ENGAGEMENT

The academic background of many of the mandate-holders offers an important context for engagement. Academics and others have invited mandate-holders to give lectures or participate in convenings at academic institutions, and to contribute to scholarly publications. Some mandate-holders indicate that the academic setting provides a neutral ground that allows them to operate comfortably.

Academia can also be useful as an entry point to other types of engagement. For example, before making her country visit, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, engaged with the University of Virginia School of Law, through its human rights clinic. Before the U.S. government responded to the Special Rapporteur's request for a country mission, UVA's human rights clinic director, Professor Deena Hurwitz, organized a roundtable with members of civil society from across the United States to discuss issues of concern. The Special Rapporteur attended as an observer. Out of this roundtable, advocates developed a civil society briefing book in preparation for the Special Rapporteur's country visit, and NGOs held side events in the locations she visited during the course of her mission.

INFORMAL COUNTRY VISITS

Advocates can also engage with the special procedures through informal, unofficial visits. With an informal visit, the mandate-holder does not receive a formal invitation from a host country, and thus cannot issue a report on the visit or meet in his or her official capacity with government representatives. An informal country visit can, however, serve other advocacy objectives. First, through informal visits, advocates can build upon and deepen relationships with a mandate and mandate-holder. Informal visits also provide an opportunity to introduce or deepen a special procedure's understanding of an issue by illustrating facts on the ground and in communities. Advocates suggest that an informal visit can also be an effective way to follow up on a special procedure's previous formal country visit, allowing the mandate-holder to see developments in a situation he or she previously reported on.

Informal country visits can occur when a mandate-holder is in the country for another purpose, such as presenting a report to the U.N. General Assembly or attending a U.N. conference or academic event. Some special procedures may travel to a country in their unofficial capacity upon the invitation of an advocate or an organization. However, in such situations, organizers will likely need to cover the expenses of the visit, including travel.

Advocates report that, although informal visits do not result in the same outcomes as formal country visits, such visits can nevertheless provide an important context for

“The times when I have really felt that what I’ve done is worthwhile are when advocates have taken my work and run with it.”⁵²

future engagement with the mandate-holder and allow him or her to examine human rights concerns firsthand.

CREATION AND RENEWAL OF MANDATES

The creation and renewal of mandates by the U.N. Human Rights Council offer opportunities for advocates to engage informally with the special procedures and advance advocacy efforts. First, advocates can work to influence the definition and scope of a new mandate. When the Council creates new mandates, the appointed experts have leeway to guide the work and definition of their mandate. Advocates can influence this effort by pointing towards issues of most concern. This may also help to broaden the scope of the mandate when it is up for renewal.

In addition, advocates can engage in the appointment process for mandate holders.⁵³ The appointment of new mandate-holders includes both nomination and selection. See *supra*, A Primer on Special Procedures. OHCHR issues a public call for qualified persons to be nominated for the position of mandate-holder, and accepts nominations for candidates from governments, regional bodies of the United Nations, international organizations, NGOs, and individuals.⁵⁴ Once candidates are selected, the Human Rights Council President appoints the new mandate-holder with the approval of the Human Rights Council, usually based on the recommendation of the Consultative Group that selects and interviews candidates.⁵⁵ Thus, advocates can nominate a mandate-holder and lobby the Human Rights Council and the Consultative Group for his or her selection.

Engaging with Media

Media outreach can put a human rights issue on the public agenda and raise greater awareness. Advocates can work with the media during all phases of their interactions with special procedures. For example, prior to a country visit, advocates can educate the media on what the special procedures are and why they are important, emphasizing their status as independent experts. They can also inform the media of the special procedure's itinerary to ensure coverage throughout. During the visit, advocates can keep the media informed on the visit's progress to build momentum and interest for the concerns that the visit will highlight. Following the visit, advocates can publicize the special procedure's findings and other outcomes of the visit.

One caveat for working with media is that the U.N. press corps is very small and non-U.N. press corps journalists may not be up-to-date on the special procedures' activities. In many cases, harnessing the full power of the media will depend on advocates' initiative. Advocates can direct journalists to special procedures who are working on issues in the United States, and likewise connect the special procedures with interested journalists.

Social media can also be useful, providing a low-cost outlet to generate widespread attention for an issue. Outlets including Facebook and Twitter reach a large audience and direct public attention to a special procedure's work in a manner quite distinct from traditional media sources. Increasingly, advocates are using social media to reach new audiences and deepen the impact of their work with international mechanisms.

PART III: MAXIMIZING THE WORK OF THE SPECIAL PROCEDURES

Meaningful engagement with government officials, follow-up, and implementation help to ensure the effectiveness of the special procedures' work.

ENGAGING WITH THE GOVERNMENT

The government plays a key role in any interaction with special procedures. Indeed, government is often the ultimate target of advocacy efforts involving the special procedures. Additionally, special procedures can only act with the support of a country's government, and they are only effective to the extent that the government is open to accepting their recommendations.

Advocates, mandate-holders, and current and former government officials offer several recommendations for how advocates can enhance the interactions between government and the special procedures.

- **Provide context.** Mandate-holders engage with many national, legal, and political systems. To be most effective, they must understand these systems, including the chains of command and the role that each relevant authority plays. Government officials and mandate-holders suggest that advocates can assist special procedures in understanding the particularities of the U.S. system and tailoring their recommendations and 'asks' appropriately.
- **Engage constructively.** Government officials may react negatively if they feel they are being attacked or misunderstood. Advocates are advised to approach the government with the view towards having constructive dialogue and with the understanding that many inside government care deeply about human rights issues and are eager to listen and help. To gain government officials' support, advocates and special procedures should take their perspectives and challenges into account.
- **Frame solutions.** Government officials may be more likely to address a human rights concern if the issue lends itself to resolution through domestic channels. In addition, the government may be more likely to respond quickly to requests for information, communications, or recommendations that are specific and easily achievable and which pertain to a structural or societal problem.
- **Give due credit.** Advocates are advised to give appropriate credit to the efforts of the government. Whether providing support for the visit, engaging actively with the special procedures, or acting upon a recommendation, advocates should acknowledge when the government is responsive to their requests and the requests of mandate-holders. For example, when the U.S. Inter-Agency Council on

Homelessness released a report asserting that criminalization of homelessness is a violation of legal and constitutional obligations as well as human rights treaty obligations under the ICCPR and the CAT, the National Law Center for Homelessness and Poverty alerted the relevant Special Rapporteurs who then issued a joint press release recognizing the government’s responsiveness.

- **Facilitate the dialogue.** Advocates can facilitate the government’s engagement with special procedures. For example, the International Corporate Accountability Roundtable organized a consultation in 2013 with the Working Group on the issue of human rights and transnational corporations and other business entities in preparation for its U.S. country visit. The organization included both members of civil society and government officials in the meeting. The Working Group members that participated suggest that this was useful in preparing for the visit, as it provided them with a perspective on the issues in the U.S., as well as a fuller understanding of the positions of the relevant actors, including the government.

DOMESTIC FOLLOW-UP AND IMPLEMENTATION

Mandate-holders have little capacity to evaluate countries’ compliance with and urge implementation of their recommendations. It is therefore up to advocates to ensure domestic follow-up and implementation.

For purposes of this section, “follow-up” refers to advocates’ efforts to capitalize and build upon the results of their direct engagement with a particular special procedure. “Implementation” refers to the efforts of advocates to urge the government to act upon recommendations issued by any mandate-holder. What follows are examples of how advocates have followed up on the actions of special procedures and sought implementation of their recommendations both domestically and internationally.

Advocates and special procedures suggest that, in order to reach impacted communities and generate tangible improvements, follow-up and implementation efforts must be carried out through domestic advocacy. This can take multiple forms.

DOMESTIC LITIGATION

Advocates can integrate the work of the special procedures into domestic litigation, for example to urge U.S. courts to interpret domestic laws in light of international standards as explicated by special procedures’ thematic reports and to take into consideration findings and recommendations contained in country visit reports.

DOMESTIC POLICY

Advocates can urge policy makers to adopt specific policies that respond to the concerns and recommendations of special procedures. And advocates can draw on special procedures' recommendations, reports, and statements when lobbying decision-makers to take up certain issues. Because special procedures' reports often present in-depth analysis of human rights concerns and are supported by research and examples, policy makers may find them particularly persuasive.

PUBLIC EDUCATION

A purpose of special procedures' reports is to raise general public awareness around human rights concerns and further articulate human rights standards. The reports provide an in-depth analysis of specific human rights concerns and illuminate human rights situations on the ground. Thus, special procedures' reports can further public education and community mobilization around human rights concerns.

Advocates can deepen this potential impact by disseminating the special procedures' recommendations and reports widely and encouraging academics to undertake related research and scholarship.

“At the end of the day . . . my report has to be useful for those working on the ground.”⁵⁸

MONITORING IMPLEMENTATION

Advocates can monitor whether government officials and other relevant authorities have implemented the special procedures' recommendations and document the gaps that remain. Specific recommendations included in country reports can serve as benchmarks for measuring progress towards implementation. On occasion, advocates can involve the special procedures in this effort. For instance, in 2013, the Special Rapporteur on the right to food, Olivier De Schutter, conducted a follow-up visit to Mexico at the invitation of the government. Advocates had urged the Mexican government to issue the invitation to enable the Special Rapporteur to evaluate the government's actions since his first country visit in 2011. After meeting with relevant actors in the executive and legislative branches and holding a large consultation with the government and civil society, the Special Rapporteur issued a note commenting on the government's progress in incorporating the recommendations contained in the country report, and the actions necessary to fully implement them. In this way, advocates drew upon the Special Rapporteur's initial visit as a benchmark to monitor subsequent implementation.

CASE STUDY: THE RIGHT TO HOUSING IN CANADA

In 2007, the Special Rapporteur on adequate housing, Miloon Kothari, conducted a country visit to Canada. The visit resulted in a report and recommendations and allowed the Special Rapporteur to establish connections with advocates and become familiar with their human rights concerns related to housing. The Canadian Social Rights Advocacy Center (SRAC) engaged in extensive follow-up on the country visit.

Litigation Advocacy

In 2010, three years after the Special Rapporteur issued his report on the country visit, SRAC initiated constitutional litigation challenging the government's failure to address the issue of homelessness and implement the recommendations of human rights bodies and experts, including special procedures, on the right to adequate housing in Canada.⁵⁷ SRAC requested the Special Rapporteur to submit an affidavit detailing his visit to Canada in 2007 and the basis for the recommendations issued in his report.⁶⁰ The organization then used the recommendations in court as suggested guidance for how the court should interpret domestic law consistent with international human rights obligations. In particular, the advocates urged the court to consider how the core of the remedy required in the case relied on implementation of a social right, in accordance with international human rights obligations as defined by human rights bodies and experts, including the Special Rapporteur.⁶¹

Legislative and Policy Advocacy

When the federal and provincial parliaments were developing housing strategies, SRAC provided the legislators with information regarding how proposed legislation could be revised to conform to the Special Rapporteur's recommendations and international human rights standards. The organization also requested that the Special Rapporteur submit a letter to the Ontario provincial minister explaining deficiencies in the proposed provincial strategy.⁶²

SRAC continues to draw on the recommendations of the Special Rapporteur as a reference and resource for a human rights perspective when it engages with decision-makers.

LEVERAGING SPECIAL PROCEDURES IN INTERNATIONAL AND REGIONAL MECHANISMS

Advocates report that the work of special procedures can be particularly useful when engaging with other international and regional mechanisms, such as U.N. human rights treaty bodies, the U.N. Universal Periodic Review, and the Inter-American Commission on Human Rights (IACHR). Mandate-holders also comment that advocates' use of their work in this way helps increase the credibility of the mandates and maximize the mandate-holders' work.

For example:

- Advocates can incorporate statements, findings, and special procedures' recommendations specific to the U.S. in shadow reports presented to U.N. human rights treaty bodies in conjunction with U.S. human rights treaty reviews, and for the United States' Universal Periodic Review.

- Advocates with consultative status at the U.N. can make oral statements at the U.N. Human Rights Council when special procedures present their thematic and country reports to the Council.
- Advocates can highlight the work of the special procedures and invite mandate-holders to participate in “side events” that occur in conjunction with the U.N. Human Rights Council or the U.N. General Assembly sessions and the treaty body reviews. Side events often take the form of panels in which advocates and international organizations can bring specific issues to a wider audience of NGOs and international government and U.N. officials. For example, in June 2012, in conjunction with the U.N. Human Rights Council session, the ACLU organized a side event on the human rights implications of U.S. targeted killings, and invited Christof Heyns, the Special Rapporteur on extrajudicial, summary and arbitrary executions, and Ben Emmerson, QC, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to participate in the event.⁶¹
- Advocates can invite mandate-holders to provide written or oral statements in thematic or case hearings before the IACHR. For example, in 2014, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, appeared before the IACHR in a hearing examining the U.S. government’s implementation of the Commission’s 2011 decision and recommendations in *Jessica Lenahan (Gonzales) v. the United States*. In that case, the Commission found the U.S. to be in violation of its human rights obligations to protect women from domestic violence. The Special Rapporteur appeared at the 2014 IACHR hearing to discuss findings from her 2011 visit to the United States related to the U.S. government’s response to domestic violence.⁶²
- Advocates can invite mandate-holders to submit amicus briefs in cases in U.S. courts. For example, at the request of advocates, Manfred Nowak, the former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, submitted an amicus brief to the U.S. Supreme Court in a case concerning the prohibition on torture.⁶³

Advocates suggest that simultaneously leveraging more than one international mechanism can be effective. Yet, when doing so, advocates should inform the special procedures to ensure coordinated responses and avoid different interpretations of the same right. Such lack of uniformity can have a negative impact on an issue.

CASE STUDY: SOLITARY CONFINEMENT

Advocates have creatively used multiple fora to follow up on special procedures' engagement. One example is the ACLU's work with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Mendez. The ACLU initially engaged with Special Rapporteur Mendez by contributing cases and other information to his 2011 thematic report on solitary confinement. After the report's release, the organization held two U.N. side events on the issue of solitary confinement, the first in 2011, following the publication of the report, and another in 2013.⁶⁶ Also, in March 2012, following the publication of the report, the ACLU and Mendez testified together to the U.N. Human Rights Council on the report and the issue of solitary confinement.⁶⁷ There, the Special Rapporteur took the opportunity to reiterate his request for access to the United States Penitentiary Administrative Maximum Facility (ADX), a prison in the United States.

The ACLU engaged in related advocacy through the Inter-American Commission on Human Rights. The organization requested that the IACHR invite Mendez, who was a former commissioner at the IACHR, to discuss his global study on solitary confinement. In 2013, the IACHR granted a general hearing on solitary confinement in the Americas, and Mendez testified on the subject, with the ACLU supplementing the testimony with U.S.-specific information.⁶⁸ The ACLU also coordinated with other advocates outside of the United States, requesting that they provide both written and oral testimony and call on the IACHR to adopt Mendez's recommendations. The coordination among organizations led to comprehensive testimony on the overuse of solitary confinement in the Americas.

By helping to facilitate the Special Rapporteur's invitation to the IACHR, advocates ensured that the issue of solitary confinement in the United States was documented extensively. The Special Rapporteur's testimony during the hearing was well-received, and the IACHR adopted recommendations consistent with those urged by the Special Rapporteur, including the recommendation for a categorical ban on solitary confinement for juveniles and people with disabilities, and a ban on prolonged solitary confinement.⁶⁹ In its annual report, the IACHR reiterated its concern over the use of solitary confinement in the United States, echoing issues that emerged from the thematic hearing held with Mendez and the ACLU.⁷⁰

After the IACHR hearing, the ACLU continued its work with the Special Rapporteur to address the issue of solitary confinement in a variety of different fora. At the domestic level, and in association with the National Religious Campaign Against Torture, the ACLU sponsored an event around the submission of a statement by the Special Rapporteur for a 2014 U.S. Congressional hearing on solitary confinement. During the hearing, U.S. Senator Durbin echoed the statements made by the Special Rapporteur calling for a ban on the use of solitary confinement for juveniles, persons with mental disabilities, and pregnant women.⁷¹

In April 2014, both the ACLU and Special Rapporteur Mendez participated in a meeting on the prevention of torture at the Organization for Security and Cooperation in Europe (OSCE). In his keynote speech, Mendez addressed the issue of torture and discussed his report and findings on solitary confinement. On a panel at the event, the ACLU highlighted the need for the U.S. to invite Mendez for an official country visit. By employing a high-level intergovernmental meeting to pressure the United States to extend an invitation, the ACLU reinforced the importance of government cooperation with the special procedures.

CONCLUSION

The U.N. special procedures offer unique opportunities for U.S. advocates to engage with international human rights experts on issues of local concern, and to raise the profile of these issues on the local, national, and international stage. As many of the examples in this report illustrate, advocates who have had success in engaging with the special procedures understand that the engagement process is continuous and cumulative. Advocates can build and maintain strong working relationships with mandate-holders by supporting the work of the special procedures, highlighting their importance at every opportunity, and integrating their findings into domestic, regional, and international advocacy efforts. In this way, advocates are able to leverage the expertise and efforts of the U.N. special procedures to create and sustain attention around domestic human rights concerns, build a comprehensive record on human rights violations in the United States, and urge government officials and other relevant decision-makers to take necessary action.

ANNEX 1: FOR ADDITIONAL READING

Books and Reports

MARC LIMON & TED PICCONE, HUMAN RIGHTS SPECIAL PROCEDURES: DETERMINANTS OF INFLUENCE (Universal Rights Group 2014).

TED PICCONE, CATALYSTS FOR CHANGE: HOW THE UN'S INDEPENDENT EXPERTS PROMOTE HUMAN RIGHTS (Brookings Institution Press 2012).

BERTRAND G. RAMCHARAN, THE PROTECTION ROLES OF UN HUMAN RIGHTS SPECIAL PROCEDURES (Martinus Nijhoff Publishers 2008).

Journal Articles

Christophe Golay et al., *The Impact of the UN Special Procedures on the Development and Implementation of Economic, Social, and Cultural Rights*, 15.2 INT'L J. HUM. RTS. 299 (2011).

Joanna Naples-Mitchell, *Perspectives of UN Special Rapporteurs on Their Role: Inherent Tensions and Unique Contributions to Human Rights*, 15.2 INT'L J. HUM. RTS. 232 (2011).

Ted Piccone, *The Contribution of the UN's Special Procedures to National Level Implementation of Human Rights Norms*, 15.2 INT'L J. HUM. RTS. 206 (2011).

Paulo Sergio Pinheiro, *Being a Special Rapporteur: A Delicate Balancing Act*, 15.2 INT'L J. HUM. RTS. 162 (2011).

Nigel S. Rodley, *On the Responsibility of Special Rapporteurs*, 15.2 INT'L J. HUM. RTS. 319 (2011).

United Nations Sources

Human Rights Council Resolution 5/1, Institution-building of the United Nations Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/1 (June 18, 2007).

Human Rights Council Resolution 5/2, Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/2 (June 18, 2007).

Manual of Operations of the Special Procedures of the Human Rights Council (2008), http://www2.ohchr.org/english/bodies/chr/special/docs/Manual_August_FINAL_2008.doc

U.N. Office of the High Comm'r for Human Rights, Working with the United Nations Human Rights Programme: A Handbook for Civil Society, U.N. Doc. HR/PUB/06/10/Rev.1 (2008).

List of Standing Invitations to the U.N. Special Procedures
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Invitations.aspx>

United Nations Special Procedures Facts and Figures 2013
http://www.ohchr.org/Documents/HRBodies/SP/Facts_Figures2013.pdf

List of Current and Former Mandate-Holders for Existing Mandates
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx>

OHCHR Communications Leaflet
http://www.ohchr.org/Documents/HRBodies/SP/LeafletCommunications_en.pdf

Seventeen Frequently Asked Questions about United Nations Special Procedures
<http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>

List of Special Procedures with Thematic Mandates, detailing current and former mandate-holders, the resolutions establishing their mandates, and their contact information
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>

ANNEX 2: SAMPLE SPECIAL PROCEDURE'S QUESTIONNAIRE FOR ALLEGATIONS OF RIGHTS VIOLATIONS

QUESTIONNAIRE FOR ALLEGATIONS OF VIOLATIONS OF MIGRANTS' HUMAN RIGHTS

Notes:

1. The objective of this questionnaire is to have access to precise information on alleged violations of the human rights of migrants. The Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter.
2. Please indicate whether the information provided is confidential (in the relevant sections).
3. Should the information you wish to provide relate to conditions/policies/practices or laws (ie more general situations), which affect the human rights of migrants, please do not use this form. A special form will be provided at a later date to address the issue of good practice and/or negative developments with regards to the protection of the human rights of migrants. Meanwhile you may send that type of information without completing a form to the contact numbers indicated at the end of the questionnaire.
4. Do not hesitate to attach additional sheets, if the space provided is not sufficient.

QUESTIONNAIRE:

1. GENERAL INFORMATION: (Please mark with an X when appropriate)

Does the incident involve an individual ___ or a group___ ?

If it involves a group please state the number of people involved _____ and the characteristics of the group:

Number of Men _____

Number of Women _____

Number of Minors _____

Country in which the incident took place

Nationality of the victim(s)

2. IDENTITY OF THE PERSONS CONCERNED:

Note: if more than one person is concerned, please attach relevant information on each person separately.

1. Family name:

2. First name:

3. Sex: ___ male ___ female
4. Birth date or age:
5. Nationality(ies):
6. Civil status (single, married, etc.):
7. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.)
8. Status in the country where the incident took place:
 - Undocumented ___
 - Transit ___
 - Tourist ___
 - Student ___
 - Work Permit ___
 - Resident ___
 - Refugee ___
 - Asylum seeker ___
 - Temporary protection _____
 - Other (please specify) _____

3. INFORMATION REGARDING THE ALLEGED VIOLATION

1. Date:
2. Place:
3. Time:
4. The nature of the incident: Please describe the circumstances of the incident:

5. Was any consular official contacted by the alleged victim or the authorities? (Please explain)
6. Was the alleged victim aware of his/her right to contact a consular official of his/her country of origin? (Please explain)
7. Agents believed to be responsible for the alleged violation

State Agents (specify)

Non – state Agents (specify)

If it is unclear whether they were state or non – state agents please explain why?

If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

If an identification as State agents is not possible, do you believe that Government authorities, or persons linked to them, are responsible for the incident, why?

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF

- (a) Indicate if complaints have been filed, when, by whom, and before which organ.

(b) Other steps taken:

(c) Steps taken by the authorities:

Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken

In case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

Institution _____

Individual _____

NAME _____

Contact number or address (please indicate country and area code):

FAX :

TEL:

Email:

Date you are submitting this form: _____

The questionnaire should be sent to either of the following:

Special Rapporteur on the Human Rights of Migrants

Office of the High Commissioner for Human Rights

United Nations

1211 Geneva 10

Switzerland

Fax: (+41 22) 917 90 06

E-mail: urgent-action@ohchr.org (please include in the subject box: Special Rapporteur HR Migrants)

ANNEX 3: LIST OF INDIVIDUALS INTERVIEWED FOR THIS REPORT

Advocates

- Katrina Anderson, Center for Reproductive Rights
- Ginna Anderson, American Bar Association Center for Human Rights
- Colin Bailey, Environmental Justice Coalition for Water
- Carin Benninger-Budel, World Organization Against Torture
- Carrie Bettinger-Lopez, University of Miami Law School
- Petalla Timo and Edurne Cárdenas, Centro De Estudios Legales Y Sociales (CELS)
- Camila Asano and Raisa Centra, Conectas
- Jamil Dakwar, American Civil Liberties Union
- Shelagh Day, the Poverty and Human Rights Center
- Ejim Dike, US Human Rights Network
- Jotaka Eaddy, NAACP
- Thea Gelbspan, ESCR-Net
- Peggy Hicks, Human Rights Watch
- Gerard Horton, Military Court Watch
- Deena Hurwitz, University of Virginia Law School
- Michael Ineichen, International Service for Human Rights
- Amol Mehra, International Corporate Accountability Roundtable
- Bruce Porter, Social Rights Advocacy Center
- Rob Robinson, National Economic and Social Rights Initiative
- Reena Shah, Maryland Legal Aid Bureau
- Eric Tars, National Law Center on Homelessness and Poverty
- Bret Thiele, Global Initiative for Economic, Social and Cultural Rights
- Karla Torres, Center for Reproductive Rights

Special Procedures and OHCHR Staff

- Philip Alston, Special Rapporteur on extreme poverty and human rights; former Special Rapporteur on extrajudicial, summary or arbitrary executions
- James Anaya, Special Rapporteur on the rights of indigenous peoples
- François Crépeau, Special Rapporteur on the human rights of migrants
- Catarina de Albuquerque, former Special Rapporteur on the human right to safe drinking water and sanitation
- Olivier De Schutter, former Special Rapporteur on the right to food
- Ariel Dulitzky, Chair-Rapporteur of the Working Group on enforced or involuntary disappearances
- Gay McDougall, former Independent Expert on minority issues

- Juan Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- Raquel Rolnik, former Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
- Madoka Saji, OHCHR
- Puvan Selvanathan, Member of the Working Group on the issue of human rights and transnational corporations and other business enterprises
- Maria Magdalena Sepulveda Carmona, former Special Rapporteur on extreme poverty and human rights
- Farida Shaheed, Special Rapporteur in the field of cultural rights

Former and Current U.S. Government Officials

- Sarah Cleveland
- Harold Koh
- Jan Levin
- Susanne Nossel
- Jason Pilemmer
- David Sullivan

ENDNOTES

¹ *Special Procedures of the Human Rights Council – Introduction Page*, OFF. HIGH COMM’R HUM. RTS., <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx> (last visited May 17, 2014).

² See Annex 1 for a link to the complete list of the current mandates.

³ MARC LIMON & TED PICCONE, HUMAN RIGHTS SPECIAL PROCEDURES: DETERMINANTS OF INFLUENCE 15 (2014).

⁴ RAMCHARAN, BERTRAND, PROTECTION ROLES OF UN HUMAN RIGHTS PROCEDURES 51 (2009).

⁵ G.A. Res. 60/251, U.N. Doc. A/RES/60/251 (Apr. 3, 2006).

⁶ Human Rights Council Res. 5/1, Institution-building of the United Nations Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/1 (June 18, 2007).

⁷ Human Rights Council Res. 5/2, Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, 5th Sess., June 11-18, 2007, U.N. Doc. A/HRC/RES/5/2 (June 18, 2007).

⁸ See H.R.C. Res. 5/1, *supra* note 6, ¶ 42. For more information on the process of selection see also Human Rights Council Res. 16/21, Review of the work and functioning of the Human Rights Council, 16th Sess., February 28-March 25, 2011, ¶ 22, U.N. Doc. A/HRC/RES/5/2 (Mar. 25, 2011); Manual of Operations of the Special Procedures of the Human Rights Council, ¶¶ 8–10 (2008), http://www2.ohchr.org/english/bodies/chr/special/docs/Manual_August_FINAL_2008.doc.

⁹ H.R.C. Res. 5/1, *supra* note 6, ¶ 39.

¹⁰ Manual of Operations, *supra* note 8, ¶ 9 (2008).

¹¹ H.R.C. Res. 5/1, *supra* note 6, ¶ 40. The Council has also approved the following requirements for mandate-holder eligibility:

1. *Qualifications*: relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills in one of the official languages of the United Nations.

2. *Relevant expertise*: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights; proven work experience in the field of human rights.

3. *Established competence*: nationally, regionally or internationally recognized competence related to human rights.

4. *Flexibility/readiness and availability of time* to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

Human Rights Council Dec. 6/102, U.N. Doc. A/HRC/DEC/6/102 (Sept. 27, 2007).

¹² H.R.C. Res. 5/1, *supra* note 6, ¶ 44.

¹³ U.N. President of the Human Rights Council, Statement on June 18, 2008 by President of the Council on the Terms of Office of Special Procedure Mandate-holders, ¶ 3, U.N. Doc. A/HRC/8/PRST/2 (June 18, 2008), http://ap.ohchr.org/documents/E/HRC/p_s/A_HRC_PRST_8_2.pdf.

¹⁴ LIMON AND PICCONE, DETERMINANTS OF INFLUENCE, *supra* note 3, at 5.

¹⁵ *Special Procedures of the Human Rights Council – Introduction Page*, *supra* note 1.

¹⁶ Special Procedures are not permitted to conduct official visits without the host states' invitation.

¹⁷ Some mandates may also be requested to present interim reports at the General Assembly. *Special Procedures – Annual Reports*, OFF. HIGH COMM'R HUM. RTS., <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx> (last visited May 17, 2014).

¹⁸ *Special Procedures – Annual Reports*, *supra* note 17.

¹⁹ U.N. OFFICE OF THE HIGH COMM'R FOR HUMAN RIGHTS, WORKING WITH THE UNITED NATIONS HUMAN RIGHTS PROGRAMME: A HANDBOOK FOR CIVIL SOCIETY, at 115, U.N. Doc. CHR/NONE/2004/310 (2004).

²⁰ Manual of Operations, *supra* note 8, ¶ 76.

²¹ Manual of Operations, *supra* note 8, ¶ 77.

²² HANDBOOK FOR CIVIL SOCIETY, *supra* note 19, at 117.

²³ *Detroit Plans Thousands of Water Shutoffs Over Delinquent Bills*, CBS Detroit (Mar. 21, 2014), available at <http://detroit.cbslocal.com/2014/03/21/detroit-plans-thousands-of-water-shutoffs-over-delinquent-bills/>.

²⁴ *Detroit: Disconnecting water from people who cannot pay – an affront to human rights, say UN experts* (June 25, 2014), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14777>.

²⁵ Joint Press Statement, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, and the Special Rapporteur on the human right to safe drinking water and sanitation, visit to City of Detroit, 18-20 Oct. 2014 (Oct. 20, 2014).

²⁶ Letter from Anthony D. Romero, Exec. Dir., Am. Civil Liberties Union to President Obama on Targeted Killings (Apr. 28, 2010), <https://www.aclu.org/files/assets/2010-4-28-ACLULettertoPresidentObama.pdf>.

²⁷ Mona Tawatao and Colin Bailey, *Toward a Human Rights Framework in Homelessness Advocacy, Bringing Clients Face-to-Face with the United Nations*, 45 Clearinghouse Rev. 169, 175–76 (2011).

²⁸ As of this report, the United States has signed and ratified the International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (commonly referred to as ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 (commonly referred to as CERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85 (commonly referred to as CAT). It has also ratified two optional protocols to the Convention on the Rights of the Child, G.A. Res. 54/263, U.N. Doc. A/RES/54/263 (Mar. 16, 2001) (optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography). In addition, the United States has signed, but not ratified, the International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (commonly referred to as ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 (commonly referred to as CEDAW), the Convention on the Rights of the Child (CRC), Nov. 20, 1989, 1577 U.N.T.S. 3, the Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3 (commonly referred to as CRPD). It has neither signed nor ratified the International Convention on the Protection of the Rights of All Migrant Workers and their Families, Dec. 18, 1990, 2220 U.N.T.S. 3, or the International Convention for the Protection of All Persons from Enforced Disappearances, A/RES/61/177, 12 January 2007, annex.

²⁹ Skype Interview with Gerard Horton, Lawyer and Co-Founder, Military Court Watch (Jan. 16, 2014).

³⁰ Interview with Catarina de Albuquerque, Special Rapporteur on the right to safe drinking water and sanitation, in N.Y.C., N.Y. (Oct. 30, 2013).

³¹ Press Conference, Assembly member Mike Eng et al., Legislators Announce the Human Right to Water Bill Package (Feb. 28, 2011) (video available at <https://www.youtube.com/watch?v=hdjmngWqvVI>).

³² Press Release, Catarina de Albuquerque, Special Rapporteur on the human right to safe drinking water and sanitation, California: New law on the human right to water and sanitation sets “inspiring example for others” – UN expert (Sept. 28, 2011), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12605&LangID=E>.

³³ Cal. Water Code § 106.3 (West 2012).

³⁴ Press Release, *supra* note 32.

³⁵ Side events take the form of panels in which advocates and international organizations can bring specific issues to a wider audience of organizations, foreign officials and members of different U.N. bodies. It is common for Special Procedures to attend or participate in these events.

³⁶ *Civil Society Section*, OFF. HIGH COMM’R HUM. RTS., <http://www.ohchr.org/EN/ABOUTUS/Pages/CivilSociety.aspx> (last visited May 17, 2014).

³⁷ OFFICE OF THE U.N. HIGH COMM’R FOR HUMAN RIGHTS, SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS: URGENT APPEALS AND LETTERS OF ALLEGATION ON HUMAN RIGHTS VIOLATIONS, U.N. Doc. CHR/NONE/2004/310 (2004), http://www.ohchr.org/Documents/HRBodies/SP/LeafletCommunications_en.pdf [hereinafter Communications Leaflet].

³⁸ *Id.*

³⁹ Annual Reports can be found on each mandate’s OHCHR webpage. The link to this is provided in Annex 1.

⁴⁰ *Communications reports of special procedures*, OFF. HIGH COMM’R HUM. RTS., <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx> (last visited May 17, 2014).

⁴¹ Telephone Interview with Eric Tars, Senior Attorney, National Law Center on Homelessness & Poverty (Nov. 12, 2013).

⁴² Manual of Operations, *supra* note 8, ¶ 115.

⁴³ Manual of Operations, *supra* note 8, ¶ 32.

⁴⁴ HANDBOOK FOR CIVIL SOCIETY, *supra* note 19, at 114–17.

⁴⁵ Human Rights Council, *Special Rapporteur on extreme poverty and human rights, Report of the Special Rapporteur on extreme poverty and human rights*, ¶ 33, n.17, U.N. Doc. A/66/265 (Aug. 4, 2011).

⁴⁶ See UNITED NATIONS, WORKING WITH ECOSOC: AN NGOS GUIDE TO CONSULTATIVE STATUS (2011), available at <http://csonet.org/content/documents/Brochure.pdf>.

⁴⁷ Skype Interview with Farida Shaheed, Special Rapporteur in the field of cultural rights (Feb. 5, 2014).

⁴⁸ *Communications reports of special procedures*, *supra* note 40.

⁴⁹ A Standing Invitation “is an open invitation extended by a Government to all thematic Special Procedures. By extending a standing invitation, States announce that they will always accept requests to visit from all Special Procedures.” *Standing Invitations*, OFF. HIGH COMM’R HUM. RTS., <http://www.ohchr.org/EN/HRBodies/SP/Pages/Invitations.aspx> (last visited May 17, 2014). Despite this, upon the request of the Special Procedure, a country still must allow entry.

⁵⁰ *Working with International Forums*, NAT’L ECON. & SOC. RTS. INITIATIVE, <http://www.nesri.org/programs/working-with-international-forums> (last visited May 17, 2014).

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- ⁵² Interview with Gay McDougall, former Independent Expert on minority issues, in N.Y.C., N.Y. (Nov. 11, 2013).
- ⁵³ See H.R.C. Res. 5/1, *supra* note 6, ¶ 42; Additional information on how advocates can recommend new mandate-holders can be found in Human Rights Council Res. 16/21, Review of the work and functioning of the Human Rights Council, 16th Sess., February 28-March 25, 2011, ¶ 22, U.N. Doc. A/HRC/RES/5/2 (Mar. 25, 2011); Manual of Operations, *supra* note 8, ¶¶ 8–10.
- ⁵⁴ *Nomination, Selection and Appointment of Mandate-holders*, OFF. HIGH COMM’R HUM. RTS. <http://www.ohchr.org/en/HRBodies/SP/Pages/Nominations.aspx> (last visited May 17, 2014).
- ⁵⁵ *Id.*
- ⁵⁶ Interview with Magdalena Sepulveda, former Special Rapporteur on extreme poverty and human rights, in N.Y.C., N.Y. (Oct. 21, 2013).
- ⁵⁷ *Legal Strategies – Charter Challenge Homelessness*, SOC. RTS. CAN., <http://socialrightscura.ca/eng/legal-strategies-charter-challenge-homelessness.html> (last visited May 17, 2014).
- ⁵⁸ Affidavit of Miloon, Kothari, Tanudjaja v. Attorney General (Canada) (Application), 2013 ONSC 5410 (CanLII) (Can. Ont. Super. Ct.) (No. No. CV-10-403688), *available at* <http://www.acto.ca/assets/files/cases/Afd.%20of%20M%20KOTHARI,%20Special%20Rapporteur%20on%20Adequate%20Housing%20-%20FINAL.pdf>.
- ⁵⁹ *Legal Strategies – Charter Challenge Homelessness*, *supra* note 57.
- ⁶⁰ *Democratic Accountability – Right to Adequate Housing*, SOC. RTS. CAN., <http://www.socialrightscura.ca/eng/democratic-accountability-right-to-adequate-housing.html> (last visited May 17, 2014).
- ⁶¹ Allison Frankel, Criminal Law Reform Project, *U.S. Targeted Killings Program: A Dangerous Precedent*, AM. C.L. UNION (June 20, 2012, 4:55 PM), <https://www.aclu.org/blog/national-security/us-targeted-killings-program-dangerous-precedent>.
- ⁶² Press Release, American Civil Liberties Union, U.S. Fails to Adequately Comply with Domestic Violence Recommendations Issued by Inter-American Commission on Human Rights (Oct. 27, 2014), *available at* <https://www.aclu.org/womens-rights/us-fails-adequately-comply-domestic-violence-recommendations-issued-inter-american-com>.
- ⁶³ Brief Amicus Curiae of Manfred Nowak & Theo Van Boven Current and Former U.N. Special Rapporteurs on Torture and Other Cruel, Inhuman and Degrading Treatment in Support of the Issuance of a Writ of Certiorari, Arar

v. Ashcroft, 560 U.S. 978 (2010) (No. 09–923), available at http://ccrjustice.org/files/Brief%20of%20Current%20and%20Former%20U.N.%20Special%20Rapporteurs%20on%20Torture_3.5.10.pdf.

⁶⁴ Event Flyer, Am. Civil Liberties Union, *The Human Rights Implications of Solitary Confinement, Extreme Sentencing, and the Death Penalty* (Mar. 5, 2013), https://www.aclu.org/files/assets/130226_aclu_hra_pri_side_event_flyer_final.pdf.

⁶⁵ Tanya Greene, Advocacy and Policy Counsel, *ACLU to United Nations: Solitary Confinement Violates Human Rights*, AM. C.L. UNION (Mar. 5, 2012, 2:31 PM), <https://www.aclu.org/blog/prisoners-rights-criminal-law-reform/aclu-united-nations-solitary-confinement-violates-human>.

⁶⁶ Hilary Krase, Nat'l Prison Project, *ACLU to Testify Today: Solitary Confinement is a Human Rights Violation Happening on U.S. Soil*, AM. C.L. UNION (Mar. 12, 2012, 10:01 AM), <https://www.aclu.org/blog/prisoners-rights-human-rights/aclu-testify-today-solitary-confinement-human-rights-violation>.

⁶⁷ Annex to Press Release, Inter-Am. Comm'n on Human Rights, *IACHR Wraps Up its 147th Session*, (Apr. 5, 2013), http://www.oas.org/en/iachr/media_center/PReleases/2013/023A.asp.

⁶⁸ Inter-Am. Comm'n on Human Rights, *Annual Report 2013*, ¶9, (Apr. 23, 2014) available at <http://www.oas.org/en/iachr/docs/annual/2013/docs-en/AnnualReportChapI.pdf>.

⁶⁹ Kevin Johnson, *Panel: No Solitary Confinement for Minors, Mentally Ill*, USA TODAY (Feb. 25, 2014 6:36 PM), <http://www.usatoday.com/story/news/nation/2014/02/25/judiciary-prison-ban-juvenile-solitary-confinement/5817559/>.