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# **TRAINING OF TRAINERS**

## **A Facilitator's Guide to**

# **United Nations Human Rights**

# **Mechanisms for Syrian Lawyers**

**November 2018**

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A Guide of the International Bar Association's Human Rights Institute

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and a grant from the Swedish International Development Cooperation Agency (Sida).

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# About the International Bar Association's Human Rights Institute (IBAHRI)

The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

# Contents

<b>List of acronyms</b>	<b>6</b>
<b>Introduction</b>	<b>8</b>
<b>Part I: Planning your training</b>	<b>11</b>
<b>Part II: Training sessions</b>	<b>16</b>
<b>Session 1: Introduction to the training</b>	<b>16</b>
<b>Session 2: Advocacy at the United Nations – Guidance for lawyers</b>	<b>20</b>
<b>Session 3: Introduction to public international law and the United Nations</b>	<b>24</b>
<b>Session 4: Introduction to the laws of war</b>	<b>32</b>
<b>Session 5: Introduction to international humanitarian law</b>	<b>38</b>
<b>Session 6: Introduction to international criminal law</b>	<b>44</b>
<b>Session 7: Introduction to international human rights law</b>	<b>50</b>
<b>Session 8: Legal research skills</b>	<b>60</b>
<b>Session 9: Introduction to the United Nations human rights system</b>	<b>68</b>
<b>Session 10: Introduction to advocacy</b>	<b>80</b>
Session 10.1: Introduction to human rights advocacy	80
Session 10.2: Advocacy during Human Rights Council sessions	86
Session 10.3: Engaging with the universal periodic review process	94
Session 10.4: Engaging with special procedures	102
Session 10.5: Engaging with treaty bodies	112
<b>Session 11: Submitting recommendations to United Nations mechanisms</b>	<b>120</b>

<b>Part III: Evaluating your training</b>	<b>130</b>
<b>Handouts</b>	<b>132</b>
Handout 1: List of treaties ratified by Syria and their respective reservations	132
Handout 2: How to find human rights mechanisms' recommendations and decisions	134
Handout 3: How to organise a side/parallel event	136
Handout 4: List of special procedures (valid as of 31 December 2017)	137
Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR	139
Handout 6: How to submit information to UN human rights mechanisms	140
Handout 7: Planning forthcoming advocacy opportunities at UN level	149
Handout 8: Final training evaluation	150
Handout 9: Relevant articles of the Rome Statute	153
<b>Bibliography</b>	<b>156</b>

## List of acronyms

CAT	Committee against Torture
CCPR	Human Rights Committee
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
CRC-OP-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRPD	Committee on the Rights of Persons with Disabilities
CSO	civil society organisation
DDPA	Durban Declaration and Programme of Action
ECOSOC	Economic and Social Council
HRC	Human Rights Council
IAC	international armed conflict
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICL	international criminal law
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IHL	international humanitarian law
IHRL	international human rights law
ILAC	International Legal Assistance Consortium
ILC	International Law Commission

IMADR	International Movement Against All Forms of Discrimination and Racism
IWRAW	International Women’s Rights Action Watch
LOI	list of issues
LOIPR	list of issues prior to reporting
NGO(s)	non-governmental organisation(s)
NHRI	National Human Rights Institution
NIAC	non-international armed conflict
OCHA	Office for the Coordination of Humanitarian Affairs
ODS	Official Documents System
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	Organisation Mondiale Contre la Torture (World Organisation Against Torture)
OPCAT	Optional Protocol to the Convention against Torture
SCSL	Special Court for Sierra Leone
Sida	Swedish International Development Cooperation Agency
SMART	Specific, Measurable, Achievable, Relevant and Time-bound
SPT	Subcommittee on Prevention of Torture
STL	Special Tribunal for Lebanon
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Emergency Fund
UNSC	United Nations Security Council
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
UPR	Universal Periodic Review
US	United States
VDPA	Vienna Declaration and Programme of Action
WFP	World Food Programme

# Introduction

## Background

### IBAHRI UN PROGRAMME

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United Nations (UN) mechanisms provide legal professionals with the necessary tools to promote and protect human rights and the rule of law in their country. The IBAHRI launched its UN Programme in 2014 to facilitate the engagement of legal professionals with UN human rights mechanisms and strengthen dialogue between states and the legal community on human rights-related issues.

The objectives of the IBAHRI's UN Programme are as follows:

- strengthening the international legal framework protecting the legal profession by providing expert support to UN human rights mechanisms;
- raising awareness about UN standards on the role of judges, lawyers and prosecutors, the independence of the judiciary and the situation of legal professionals at country level; and
- fostering the involvement of lawyers in UN human rights mechanisms by training lawyers and building the capacity of bar associations.

The UN Programme undertakes three main activities: advocacy, research and training. In order to encourage lawyers' advocacy at the international level, it produces guidelines for lawyers, judges and legal professionals to engage with UN human rights mechanisms.

### IBAHRI'S SYRIA PROJECT

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The IBAHRI partnered with the International Legal Assistance Consortium (ILAC) to strengthen the capacity of Syrian lawyers to engage with international and national human rights and accountability mechanisms. The project, funded by the Swedish International Development Cooperation Agency (Sida), aims to develop a short and long-term engagement strategy of Syrian justice sector actors with human rights and accountability mechanisms to ensure that Syrian lawyers play an active role in:

- advocating for solutions to issues related to the conflict before the UN;
- shaping the development of UN-level recommendations regarding Syria and its transitional justice processes; and
- fighting impunity for crimes committed during the conflict.

The IBAHRI will organise a series of trainings, including a 'training of trainers' workshop on UN human rights mechanisms. This Facilitators' Guide aims to provide the necessary tools for facilitators when preparing further training workshops on UN human rights mechanisms for the Syrian legal community. This guide is based on the IBAHRI's UN Programme Manual: *Training Toolkit for Lawyers' Engagement with UN Human Rights Mechanisms*.



## Overview of this guide

### LEARNING OBJECTIVES

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This Facilitator's Guide has been prepared to equip Syrian legal professionals with the knowledge and resources to train their peers on engagement with UN human rights mechanisms.

The objectives of this guide are to assist legal professionals with:

- becoming trainers and running a training course;
- explaining the mandate and role of UN human rights mechanisms in protecting and promoting human rights in Syria and how to engage with them;
- strategically using UN human rights mechanisms to report violations of human rights and rule of law principles in Syria;
- preparing submissions to relevant UN mechanisms; and
- using UN recommendations in their legal practice, including litigation, research and out-of-courtroom advocacy.

### TARGET AUDIENCE

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This guide is intended for Syrian legal professionals:

- working on human rights and rule of law issues related to the current situation in Syria; and
- interested in training their peers on UN human rights mechanisms.

There were 15 Syrian lawyers selected to participate in the training programme. They will be trained as trainers by three experts. Six of the 15 will be selected to facilitate training for 15 more Syrian lawyers in 2019.

At the end of the training, participants will be able to:

- explain the role and mandate of UN human rights mechanisms;
- explain the necessity and importance of the mechanisms; and
- conduct the training programme for their peers and within their organisations.

This guide may also be used by civil society actors interested in learning about UN human rights mechanisms.

## TRAINING METHODOLOGY

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The training workshop follows the participatory training method. Each session will start with a short presentation on the content of the course. The presentation will be followed by a participatory phase where participants will use their knowledge and experience to identify how they could use the new concepts and ideas for their legal practice and day-to-day advocacy. The training will focus on matters of concern to Syria and adapted to facilitators' needs throughout the programme.

The workshop is also designed as a mutual learning programme, where participants can exchange on their experiences related to human rights.

## CONTENT

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The guide is divided into four parts, which can be referred to individually:

1. **Part I: Planning your training** provides information on the necessary steps to prepare training and other relevant advice for facilitators.
2. **Part II: Training sessions** follows the structure of the suggested training workshop and is divided into 11 sessions. Each session contains suggestions on the duration of the course, the material needed, keys resources and exercises. They end with a content section compiling the minimum knowledge required for each session.
3. **Part III: Evaluating your training** contains information on training evaluation.
4. The guide ends with **Training handouts**.

## MATERIALS AVAILABLE

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- **PowerPoint:** A PowerPoint presentation has been developed as the main training material for the lawyers trained as trainers for their future training. The PowerPoint will be presented during the training of trainers workshop and reviewed after the workshop, based on participants' feedback.
- **Exercises for each module:** The guide lists exercises that trainers could use when delivering future trainings to Syrian lawyers.
- **Handouts.**

# Part I: Planning your training

## EQUIPMENT

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- Laptop or computer

## LEARNING OBJECTIVES

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By the end of the session, the participants will be able to:

- describe the key elements of training preparation;
- conduct a training needs assessment;
- develop learning objectives; and
- prepare a training agenda.

## KEY MESSAGE

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This session is designed to give a general overview of the necessary steps to be taken before the training. Trainers should:

- conduct a pre-training needs assessment;
- develop/refine learning objectives; and
- prepare a training agenda.

## PLANNING YOUR TRAINING

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### *Pre-training needs assessment*

A pre-training needs assessment is the starting point of the training cycle. This step influences all stages of your training, including the learning objectives, methods, training techniques, agenda and duration of the training.

A need is the gap between the current knowledge and skills of the participants, and the desired state of their knowledge and skills after the training. At this stage, you need to identify the needs and skills of your participants, as well as their expectations. This step is key to a successful training.

Your target audience will influence the methodology and content of the training. The current programme is designed for legal professionals. If your target audience is composed of members of civil society, you may need to spend more time defining legal terminology. The evolution of the Syrian conflict and international accountability can also influence the content of the training and require you to focus more on specific UN mechanisms or human rights instruments and violations.

The assessment should be conducted at least one week before the training to give you enough time to review the answers, inform the planning process and make any appropriate changes to your training.

The assessment can take several forms (questionnaires, interviews, online forms or informal debriefs). The pre-training needs assessment will enable you to evaluate the level of knowledge of participants, their roles and responsibilities in their organisation, and their expectations.

It will enable you to determine whether you need to:

- organise a general training on UN human rights mechanisms;
- emphasise specific parts of the training with which participants are less familiar or have to address frequently; or
- focus only on certain parts of the training, such as specific mechanisms;
- change your methodology; and
- create specific exercises.

The IBAHRI also recommends that you send a pre-course reading list to participants to ensure they understand and familiarise themselves with the content of the training and gain common prior knowledge.

### *Learning objectives*

Learning objectives define what knowledge and skills participants are expected to have gained at the end of the training. The basic learning objectives of the UN human rights mechanisms training have already been defined by the IBAHRI. You may need to adapt and refine the learning objectives based on the pre-training needs assessment and your target audience.

Your training programme should have specific, measurable, achievable, relevant and time-bound (SMART) learning objectives. Learning objectives contain action verbs, such as identify, compare, demonstrate and describe.

The IBAHRI training course on UN human rights mechanisms aims to assist legal professionals to:

- describe the mandate and role of UN human rights mechanisms in protecting and promoting human rights in Syria;
- identify the relevant mechanisms to the situation in Syria;
- strategically use UN human rights mechanisms to report violations of human rights and rule of law principles in Syria;
- prepare submissions to the relevant UN mechanisms;
- use UN recommendations in their legal practice, including litigation, research and out-of-courtroom advocacy.

Each session also has specific learning objectives.







# Part II: Training sessions

## Session 1: Introduction to the training

### DURATION

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45 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIALS

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- Agenda of the training programme
- PowerPoint

### SUGGESTED EXERCISES

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**Participants' introduction:** Participants introduce themselves to the person on their right, who then introduces them to the wider group (their name, their job/affiliation and why they chose to apply for this training).

**Smaller group discussion:** Why should we engage with UN human rights mechanisms in light of what is happening in Syria? This exercise is meant to break the ice. Many Syrians are frustrated with the UN system, so the logical question that needs to be addressed is why?



## Session 1 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- understand the training programme, its objectives and methodology; and
- describe why and how this training is different from any other human rights training.

### KEY MESSAGE

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Session 1 is designed to enable the participants to discuss why the training is important and relevant. Although Syrians have attended several human rights trainings, this workshop offers a different approach: it is practical and specifically designed for the Syrian context. It is also highly relevant given the lack of engagement of Syrian lawyers with UN mechanisms.

### INTRODUCTION TO THE TRAINING

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This session is divided into five parts:

- introduction to the trainers and participants;
- brief introduction to the training workshop, its objectives and methodology;
- discussion on the importance of the training;
- overview of the training programme; and
- agreement on the ground rules.

#### *Objectives*

- Provide information on the mandate and role of UN human rights mechanisms in protecting and promoting human rights in Syria and how to engage with them.
- Inform Syrian legal professionals about their role in promoting and protecting human rights, and about their capacity to influence UN recommendations related to Syria.
- Strategically use UN human rights mechanisms to report violations of human rights and rule of law principles in Syria.
- Use UN recommendations in legal practice, including litigation, research and out-of-courtroom advocacy.





## Session 2: Advocacy at the United Nations – Guidance for lawyers

### DURATION

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40 minutes

### EQUIPMENT

---

- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint

### KEY RESOURCES

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Although focusing on different issues, the following manuals provide relevant guidance for any successful advocacy:

- Students Partnership Worldwide, *Advocacy Toolkit*, 2007.<sup>1</sup>
- Care International, *The CARE International Advocacy Handbook*, 2014.<sup>2</sup>
- Crisis Action, *A Handbook for Change*.<sup>3</sup>

### SUGGESTED EXERCISES

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**Group discussion:** Should you still advocate, given that crimes continue to be committed in Syria? Is the UN not already aware of the situation?

**Group discussion:** What does a Syrian lawyer need to effectively engage with UN human rights mechanisms?

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1 See <http://restlessdevelopment.org/file/final-toolkit-pdf>, accessed 24 October 2018.

2 See [https://insights.careinternational.org.uk/media/k2/attachments/CI\\_Global\\_Advocacy\\_Manual\\_Web.pdf](https://insights.careinternational.org.uk/media/k2/attachments/CI_Global_Advocacy_Manual_Web.pdf), accessed 24 October 2018.

3 See <https://crisisation.org/wp-content/pdf/creative-coalitions-a-handbook-for-change.pdf>, accessed 24 October 2018.

## Session 2 Content

### LEARNING OBJECTIVES

---

At the end of this session, participants will be able to:

- explain the importance of advocacy;
- identify the necessary skills to be a strong advocate; and
- explain how this training will help them acquire the necessary skills and knowledge to engage with UN human rights mechanisms.

### KEY MESSAGE

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In order to effectively engage with UN human rights mechanisms, you need to have a strong understanding of the UN system, but also possess the necessary skills to conduct an effective and successful advocacy.

### ADVOCACY AT THE UNITED NATIONS – GUIDANCE FOR LAWYERS

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#### *Skills*

- Organised
- Able to identify the problem
- Able to identify key decision-makers
- Strong oral communication
- Strong drafting skills
- Strong interpersonal skills
- Research skills
- Knowing when to ask for help

#### *Knowledge*

- Know the problem
- Know the facts and figures
- Know your target audience
- Know the framework





## Session 3: Introduction to public international law and the United Nations

### DURATION

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40 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint

### SUGGESTED EXERCISES

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This session does not have any specific exercises. The trainer needs to be able to maintain a lively discussion throughout the training and continuously ask questions. When asking questions:

- be careful not to intimidate participants or to only engage with the participants who have knowledge;
- do not ask a specific person unless they volunteer; and
- try to ask about their opinions instead of testing the participants' knowledge of a specific matter.



## Session 3 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- explain the general concepts of international law; and
- describe the relationship between Syrian and international law.

### KEY MESSAGE

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Public international law is the body of international law governing relations between states and between individuals, states and non-state actors (such as international organisations and non-state armed groups). Public international law regulates several areas of law, such as piracy, terrorism or war. International human rights law (IHRL), international humanitarian law (IHL) and international criminal law (ICL) are all branches of international law.

In the same way that human rights defenders and lawyers rely on international law, so do perpetrators. As a result, to develop a successful advocacy strategy, you need to have a strong understanding of the laws, rules and principles of public international law.

The UN is an international organisation founded by the UN Charter in 1945, after the Second World War. Today, the UN is composed of 193 Member States. The UN Charter established six main organs of the UN: a General Assembly (UNGA), a Security Council (UNSC), an Economic and Social Council (ECOSOC), a Trusteeship Council, an International Court of Justice and a Secretariat.

### INTRODUCTION TO PUBLIC INTERNATIONAL LAW AND THE UNITED NATIONS

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#### *Introduction to public international law*

Public international law is the body of international law governing relations between states and between individuals, states and non-state actors (such as international organisations and non-state armed groups). Public international law regulates several areas of law, such as piracy, terrorism or war. International human rights law (IHRL), international humanitarian law (IHL) and international criminal law (ICL) are all branches of international law.

Unlike national legal systems, there is no superior body creating rules of law at the international level. There is no world government or world parliament legislating on the laws that apply internationally. International law is created by states themselves. Other entities, such as international tribunals and legal experts, contribute to the development of public international law, but ultimately, the decision of what rules apply belongs to states.

The sources of public international law are: custom, general principles of law recognised by civilised nations, judicial decisions, opinions of the most highly qualified publicists of various nations, and treaties.<sup>4</sup>

The two main sources of public international law are treaties and custom.

- **Treaties:** Treaties are international agreements governed by international law and concluded between states or international organisations. Treaty obligations are only binding states which have ratified the treaty.
- **Custom/customary international law:** ‘Custom’ can be defined as ‘evidence of a general practice accepted as law’. They have been developed by the interaction between states over time. For a rule to become custom it requires:
  - general state practice; and
  - a belief that it is a rule under international law.

Customary international law is binding on all states and non-state actors alike. Custom is not contained in a single document, so is subject to many debates. International and domestic courts have ruled on what amounts to custom. The International Committee of the Red Cross (ICRC) has also compiled all the customary IHLs.<sup>5</sup>

## IMPORTANT NOTES

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- Public international law lacks precision and clarity due to the lack of an international legislative and judicial body.

### *Hierarchy of laws: does international law take precedence over Syrian law?*

The Vienna Convention on the Law of Treaties (the ‘Vienna Convention’) is the main instrument governing the interpretation of treaties. It contains several provisions regulating the relationship between international and domestic law.

Article 27 provides that:

*A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.*

Further, Article 46 states that:

*1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.*

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<sup>4</sup> Art 38(1), Statute of the International Court of Justice.

<sup>5</sup> See <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>, accessed 24 October 2018.

*2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.*

As a result, any failure by a state to act upon its obligations under international law on the ground that it acted in accordance with its national law is contrary to international law.

The International Law Commission (ILC) – the expert body that was mandated to draft the Vienna Convention – has highlighted that the process of ratification, acceptance, approval or accession to a treaty gives government officials sufficient time to study said treaty and take into account the impact of treaty obligations on national legislation. The ILC is of the view that there lies an obligation on the state to make its domestic legislation compatible with the treaty before ratifying it.

The International Court of Justice (ICJ) has made clear in several cases that international law has precedence over domestic law. For example, in the case of *Mexico v United States of America*, the ICJ held that:

*the rights guaranteed under the Vienna Convention [on consular relations] [ie international law] are treaty rights which the United States has undertaken to comply with ... irrespective of the due process rights under United States constitutional law.<sup>6</sup>*

## INTERNATIONAL LAW AND THE SYRIAN ARAB REPUBLIC

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Prior to the armed conflict in Syria, the Syrian Government confirmed its acceptance of international law on more than one occasion through its own domestic legislation, government declarations and consistent state practice. More recently, the Syrian Government reiterated ‘its commitment to all the international treaties and instruments it has acceded to and ratified’ in its report to the Committee on the Rights of the Child in July 2017.<sup>7</sup>

For example:

- Syria acknowledged and declared its commitment to its international obligations stemming from international law. The preamble to the Syrian Constitution of 2012 states that:

*The Syrian Arab Republic considers international peace and security a key objective and a strategic choice, and it works on achieving both of them under the International Law and the values of right and justice.*

- Article 25 of the Syrian Civil Code provides that:

*the provisions of the preceding articles only apply when no provisions to the contrary are included in a special law or in an International Convention in force in Syria.*

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6 Avena and Other Mexican Nationals (*Mexico v United States of America*), Judgment, ICJ Report 2004, p12 (31 March 2004) para 138.

7 CRC, *Syria's report under article 44 of the Convention, due in 2015*, CRC/C/SYR/5-7, 1 November 2017.

- Article 311 of the Syrian Code of Procedure states:

*the above rules shall apply without prejudice to the provisions of treaties entered into between Syria and other States.*

- Moreover, in the formal report to the UN Human Rights Committee (CCPR) in respect to Syria's compliance with the provisions of the International Covenant on Civil and Political Rights (ICCPR), the Syrian Government confirmed its official position in 2004 that:

*in the event of conflict between any domestic legislation and the provisions of an international treaty to which Syria is a party, the provisions of the international treaty prevail.*

- In its ruling No 23 of 1931, the Syrian Court of Cassation stipulated that:

*No domestic legislative enactment can lay down rules that conflict with the provisions, or even indirectly affect the enforceability, of a prior international treaty.*

- This understanding was further reinforced in another decision by the Civil Chamber of the Court of Cassation, decision 1905/366 of 21 December 1980, which was published in the Lawyer's Journal, p 305, 1981. This decision states that national courts do not enforce agreements on grounds that the state has entered into international obligations for their implementation but on grounds that these treaties have become part of the state laws. In case of any conflict between a treaty and domestic provision, national courts shall apply provisions of the international treaty and give it weight over domestic law.

## GENERAL OVERVIEW OF THE UNITED NATIONS

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The UN is an international organisation founded by the UN Charter adopted on 26 June 1945, after the Second World War. Today, the UN is composed of 193 Member States. Syria ratified the UN Charter on 19 October 1945.

Historically, the UN was created to represent a stronger and more durable system of intergovernmental cooperation than the League of Nations, which was established in 1919 after the First World War. The League of Nations shortly disintegrated when it could not achieve its goals of maintaining international peace and security and failed to prevent the Second World War.

The UN provides a forum for its Member States to express their views in the UNGA, the UNSC, the ECOSOC, and other bodies and committees. Due to the powers vested in its Charter and its unique international character, the UN can take action on issues such as peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production and more.

The UN Charter established six main organs of the UN: a General Assembly, a Security Council, an ECOSOC, a Trusteeship Council, an International Court of Justice and a Secretariat.

## GENERAL ASSEMBLY

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The UNGA is the central representative body of the UN that holds deliberative and policy-making powers. It is also the only UN body with universal representation. Every Member State has equal voting powers on UNGA resolutions.

While UNGA resolutions are not legally binding, on occasion they can reflect state practice and eventually evolve into customary international law. The UNGA can also establish priorities, funds, bodies and mechanisms – for instance, the UNGA established the HRC.

## SECURITY COUNCIL

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The UNSC is a body composed of 15 UN Member States, with five permanent members and ten (non-permanent) rotating members every two years.

The five permanent members are: China, France, Russian Federation, the United Kingdom and the United States.

Both permanent and non-permanent members have one vote. The five permanent members enjoy a ‘right to veto’, which means that they can prevent the adoption of any UNSC resolution. As a general rule, UNSC resolutions require nine affirmative votes to be adopted, including the concurring votes of the five permanent members.

The UNSC is an inherently political body. It is the body with the greatest legislative power at the international level. Under the UN Charter, the UNSC is tasked with maintaining international peace and security. UNSC resolutions are binding on all Member States. Chapter VII of the UN Charter also grants the UNSC enforcement power, whereby it can authorise the use of force, as well as other political and economic measures (economic sanctions, arms embargoes, financial penalties and restrictions, travel bans or severance of diplomatic relations).

## ECONOMIC AND SOCIAL COUNCIL

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The ECOSOC is the principal UN body in charge of coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as implementation of internationally agreed development goals. It serves as the central mechanism for activities of the UN system and its specialised agencies in the economic, social and environmental fields, supervising subsidiary and expert bodies. It has 54 members, elected by the UNGA for overlapping three-year terms.

## INTERNATIONAL COURT OF JUSTICE

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The ICJ is the primary judicial branch of the UN. Seated in the Peace Palace in The Hague (the Netherlands), the court settles legal disputes between states and provides advisory opinions on legal questions by the UNGA and UNSC, as well as duly authorised UN branches and agencies. It is made up of 15 judges who are nominated by the UNGA and the UNSC. The ICJ can only hear a dispute when requested to do so by one or more states. It cannot deal with a dispute of its own motion.

The states concerned must have accepted its jurisdiction, in other words they must consent to the court's jurisdiction for the dispute in question.<sup>8</sup> ICJ decisions have no binding force except between the parties and in respect of the particular case. Nevertheless, ICJ decisions play an important role in creating customary international law.

## SECRETARIAT

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The UN Secretariat is one of the UN's main organs, and consists of the offices and departments that carry out the main work of the UN on a day-to-day basis. For example, the Office for the Coordination of Humanitarian Affairs (OCHA) falls under the Secretariat. The Secretary-General (currently Antonio Guterres) oversees the Secretariat. He serves as the chief administrative officer of the UN. In addition to managing the work of the UN Secretariat, the Secretary-General is also allowed by the UN Charter to bring to the attention of the UNSC any matter which, in his opinion, may threaten the maintenance of international peace and security.

The Office of the UN High Commissioner for Human Rights (OHCHR) is also linked to the Secretariat. The Secretariat also coordinates programmes and funds, many of which are relevant to Syria, such as:

- the UN High Commissioner for Refugees (UNHCR), the UN Refugee Agency, which protects refugees and works to facilitate their resettlement or return;
- UN Development Programme (UNDP), which plays a critical role in helping countries achieve Sustainable Development Goals and reduce poverty;
- the UN Children's Fund (UNICEF);
- the World Food Programme (WFP), which is the world's largest humanitarian agency; and
- UN Relief and Works Agency for Palestine Refugees (UNRWA), focusing on assistance to this group.

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<sup>8</sup> For more details on the ICJ's jurisdiction see [www.icj-cij.org/en/basis-of-jurisdiction](http://www.icj-cij.org/en/basis-of-jurisdiction), accessed 24 October 2018.



## Session 4: Introduction to the laws of war

### DURATION

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60 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint

### SUGGESTED EXERCISES

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**Group discussion:** Discussion on the application of the laws of war to the intervention of various actors in Syria.



## Session 4 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- distinguish between the laws regulating the use of force and the other laws applicable during an armed conflict.

### KEY MESSAGE

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The laws of war (*jus ad bellum*) are the conditions under which war is considered legal or illegal under international law. Except for limited exceptions, states are prohibited to resort to the use of force in their international relations.

Even the use of force by one party is considered as 'legal', it does not give this party impunity for the crimes it commits.

### INTRODUCTION TO THE LAWS OF WAR

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#### *Definition*

The laws of war (*jus ad bellum*) are the conditions under which war is considered legal or illegal under international law.

#### *Prohibition of the use of force*

Since the adoption of the UN Charter in 1945, states are prohibited to resort to the use of force in their international relations. Article 2(4) of the UN Charter states that:

*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

#### *Exceptions*

Under international law, there are two exceptions to the prohibition of the use of force:

- if the UNSC authorises the use of force to maintain or restore international peace and security; and

- if a state exercises its inherent right of individual or collective self-defence (including the state's right to invite other states to intervene in its territory on its behalf) in conformity to Article 51 of the UN Charter.

Article 51 states that:

*Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*

### ***Does self-defence apply to armed attacks from non-state actors?***

Under international law, the rules on self-defence apply to attacks by non-state actors. However, there is some uncertainty regarding the required relation between the non-state actor responsible for the attack (or for the imminent attack) and its host state.

Part of the doctrine argues that, in order for the rules on self-defence to apply to attacks by non-state actors, the conduct of the non-state actor must be attributable to a state. This approach was adopted by the ICJ in the *Nicaragua* case in which it stated that the definition of 'armed attack' could extend to cover attacks by 'armed bands, groups, irregulars, or mercenaries', but these actors must have been sent 'by or on behalf of a State'.<sup>9</sup> The conduct of a non-state actor can be attributed to a state in the following circumstances:

- if the state has complete control over the non-state actor – in other words if the non-state actor is a de facto organ of said state;
- if the state exercises effective control over the non-state actor – in other words if the non-state actor is acting under the instruction of, or under the direction or control of said state in carrying out the attacks; or
- if the state acknowledges the attacks undertaken by the non-state actor as its own.

However, since 9/11 and the ensuing US intervention in Afghanistan, an alternative approach has been developed. According to this approach, a state can lawfully act in self-defence following an attack by a non-state actor if the conduct of the host state (the state where the non-state actor operates from) falls within one of the following scenarios:

- the host state was complicit or was actively supporting a non-state actor in the attacks against another state;
- the host state did not do all that it could reasonably have done to prevent the non-state actor from using its territory to mount an armed attack against another state; or
- the host state was unable to prevent the attack or to prevent further attacks.<sup>10</sup>

<sup>9</sup> Military and paramilitary activities in and against Nicaragua case (*Nicaragua v United States of America*), Merits, Judgment, ICJ Report 1986, p14 (26 June 1986) para 195.

<sup>10</sup> See, eg. [www.chathamhouse.org/publications/papers/view/108106](http://www.chathamhouse.org/publications/papers/view/108106) (pp 21-28); [www.ejiltalk.org/self-defense-and-non-state-actors-indeterminacy-and-the-jus-ad-bellum](http://www.ejiltalk.org/self-defense-and-non-state-actors-indeterminacy-and-the-jus-ad-bellum); and [www.cambridge.org/core/journals/leiden-journal-of-international-law/article/self-defence-against-non-state-actors-the-interaction-between-self-defence-as-a-primary-rule-and-self-defence-as-a-secondary-rule/E3AE10E3F559A781550757AA414E24D7](http://www.cambridge.org/core/journals/leiden-journal-of-international-law/article/self-defence-against-non-state-actors-the-interaction-between-self-defence-as-a-primary-rule-and-self-defence-as-a-secondary-rule/E3AE10E3F559A781550757AA414E24D7), all accessed 24 October 2018.

In recent years, this argument has been adopted by a number of states to justify military operations against terrorist groups in the territories of third states. Most notably, all the states part of the International Coalition relied on different declinations of this argument to justify their intervention against ISIS in Syria.

IMPORTANT NOTE

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*Jus ad bellum* is the branch of law that defines the conditions under which states may resort to war or to the use of armed force in general. It mainly tries to limit wars and the use of force between states. On the other hand, *jus in bello*, which is synonymous to IHL (discussed in Session 5), is the branch of law that regulates the conduct of parties once they engage in an armed conflict. It seeks to minimise suffering in armed conflict by regulating how wars are fought and by offering assistance to armed conflict victims, to the greatest extent possible.

Theoretically, *jus ad bellum* and *jus in bello* are independent from each another.

For example, a state can launch an illegal (unjust) war and still adhere to the laws of armed conflict. Conversely, a state can fail to respect the laws of armed conflict while conducting a legal (just) war.

*Jus ad bellum* and *jus in bello* were declared to be two distinct bodies of law because of the general principle that all conflicts shall be fought humanely, irrespective of the grounds for the conflict and whether or not the cause upheld by either party is just. As a result, the fact that a state launched an illegal war does not exempt it from its obligations under *jus in bello* (IHL), such as the requirements of necessity, proportionality and humanity.

**Notes**

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## Session 5: Introduction to international humanitarian law

### DURATION

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120 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint

### KEY RESOURCES

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- Geneva Call, YouTube Channel (in Arabic).<sup>11</sup>
- Geneva Call, 15 key rules of behaviour for fighters in internal armed conflict.<sup>12</sup>

### SUGGESTED EXERCISES

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#### **Group discussion:**

- What do parties to an armed conflict get from ‘limiting’ their ability to fight?
- Discussion on the 15 key rules of behaviour in internal armed conflict.

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11 [www.youtube.com/watch?v=ITFsQQEi85M&list=PLAbPtxlQ\\_07C1GO0PSudgTO4ShZbedFwp](http://www.youtube.com/watch?v=ITFsQQEi85M&list=PLAbPtxlQ_07C1GO0PSudgTO4ShZbedFwp), accessed 24 October 2018.

12 Available in English ([http://fighternotkiller.org/wp-content/themes/foundation/media/booklets/english/GenevaCall\\_IHL\\_A6Booklet\\_English.pdf](http://fighternotkiller.org/wp-content/themes/foundation/media/booklets/english/GenevaCall_IHL_A6Booklet_English.pdf), accessed 24 October 2018) and in Arabic (<http://fighternotkiller.org/ar>, accessed 24 October 2018).

## Session 5 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- distinguish between IHL breaches and other breaches of international law;
- identify potential justifications for alleged IHL breaches; and
- describe the difference between IHL and IHRL.

### KEY MESSAGE

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While IHRL and IHL have a lot of similarities, they are two distinct bodies of law. It is therefore essential to identify the main differences between them in order to engage with UN human rights mechanisms and properly report crimes committed in Syria.

### INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW

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IHL or *jus in bello* applies in armed conflicts and seeks to limit the effects of armed conflicts on civilians, protecting those who do not participate or who have stopped participating in hostilities. It also regulates the means and methods of warfare. IHL protects:

- civilians who do not participate in hostilities;
- combatants who have laid down their arms;
- combatants who have become hors de combat;
- prisoners of war; and
- specific categories of personnel: hospital staff, medical and religious personnel, and humanitarian aid workers.

IHL categorises conflicts in one of two ways: international armed conflict (IAC) and non-international armed conflict (NIAC). Different IHL rules apply depending on the type of conflict.

IACs take place in

*... all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.*

*... all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.<sup>13</sup>*

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13 Art 2, Geneva Conventions.

NIACs are defined as an ‘armed conflict not of an international character occurring in the territory of one of the High Contracting Parties’.<sup>14</sup>

There are multiple types of armed conflicts taking place in Syria:

- the Syrian Government is involved in NIACs against various rebel groups;
- armed groups are also involved in NIACs against each other; and
- it can also be claimed that there is an IAC between Syria and the US-led international coalition and Turkey.

### *What are the sources of international humanitarian law?*

**Reminder:** The sources of IHL are similar to those of international law – they include custom, general principles of law recognised by civilized nations, judicial decisions, opinions of the most highly qualified publicists of various nations, and treaties.

#### TREATY

IHL treaties include The Hague and Geneva Conventions:

- The Hague Conventions of 1899 and 1907 were some of the first formalised agreements on law and war crimes in international law, and some of the first multilateral treaties that focused on the conduct of warfare at the international level.
- The Four Geneva Conventions, and their two additional protocols, form the core of modern IHL. The Fourth Geneva Convention is dedicated to the protection of civilians. The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (known as Additional Protocol II) was adopted on 8 June 1977. Additional Protocol II aims to develop and supplement Article 3 common to all four Geneva Conventions.

#### CUSTOMARY IHL

Customary IHL has been codified by the ICRC in a study that compiles all rules of customary IHL.<sup>15</sup> Syria is bound by the treaties it has ratified, but also by customary IHL.

Customary IHL is particularly relevant during NIAC where IHL rules have only been codified in common Article 3 of the Geneva Conventions and Additional Protocol II. Please note that Syria only ratified the four Geneva Conventions and did not ratify Additional Protocol II.

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<sup>14</sup> Art 3 common to the four Geneva Conventions.

<sup>15</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul), accessed 24 October 2018.



Customary IHL not only covers the provisions contained in common Article 3 and many provisions of Additional Protocol II, but also rules originally applicable during IAC which have been extended to NIAC, such as the distinction between civilian objects and military objectives. In this context, customary IHL provides a wider protection during NIAC than the Geneva Conventions.

#### IHL PRINCIPLES

**Distinction:** The principle of distinction between civilians and combatants is set out in Rule 1 of Customary IHL. The principle is one of the primary components of IHL.

*The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.*<sup>16</sup>

**Military necessity:** According to this principle, the notion underlying actions carried out in conflict must be in line with military necessity – that is, they must be conducted because they offer a distinct military advantage. This principle accepts that some harm and injury will come from attacks that offer military advantage to a party to the conflict, but it also protects against indiscriminate and random attacks against civilians, for example, that would serve no military purpose.

**Precautions in attack:** Parties to the conflict are obligated to take steps to minimise the harm caused to innocent civilians. The obligation to take precautionary measures to protect civilians is placed on both the attacker and the defender.

*In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.*<sup>17</sup>

The parties to the conflict must take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks.<sup>18</sup>

**Proportionality:** This principle serves to limit harm to civilians by stressing that any attack must be proportionate. If an attack will cause harm to civilians, this harm must be proportionate to the military advantage. For instance, this principle would condemn an attack on a small military target that is likely to cause a large number of civilian deaths.

Launching an attack that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.<sup>19</sup>

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16 Customary IHL Rule 1.

17 Customary IHL Rule 15: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter5\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter5_rule15), accessed 24 October 2018.

18 Customary IHL Rule 22: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule22](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule22), accessed 24 October 2018.

19 Customary IHL Rule 14: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14), accessed 24 October 2018.





## Session 6: Introduction to international criminal law

### DURATION

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60 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 9: relevant Rome Statute Articles

### SUGGESTED EXERCISES

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**Group discussion:** Read and discuss Articles 6, 7 and 8 of the Rome Statute.

## Session 6 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- explain how perpetrators can be held accountable under international law for the crimes committed in Syria;
- distinguish between international crimes (eg, war crimes, crimes against humanity and genocide) and how they apply to Syria; and
- differentiate between IHRL and ICL.

### KEY MESSAGE

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ICL is part of international public law. While international public law generally governs relations between states, ICL deals with the criminal responsibility of individuals for international crimes.

The most recent source of ICL is the Rome Statute, which established the International Criminal Court (ICC). There are 123 countries that are States Parties to the Rome Statute of the ICC. Syria is not one of them. The ICC will only have jurisdiction over crimes committed in Syria if the UNSC refers the situation to the Court.

### INTRODUCTION TO INTERNATIONAL CRIMINAL LAW

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#### *Definition*

ICL is part of international public law. While international public law generally governs relations between states, ICL deals with the criminal responsibility of individuals for international crimes.

The international core crimes are: genocide, war crimes, crimes against humanity and aggression. They do not include piracy, terrorism, slavery, drug trafficking or other international crimes. ICL also regulates other classic areas of criminal law, such as modes of liability, defences, evidence, court procedure, sentencing, victim participation, witness protection, mutual legal assistance and cooperation issues.

ICL is a relatively new discipline and was created with the Nuremberg and Tokyo trials, where individuals were prosecuted for crimes committed during the Second World War. ICL was further developed with the establishment of two ad hoc tribunals: the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) by the UNSC in the 1990s. Their creation was followed by the establishment of a series of courts, such as the Special Court for Sierra Leone (SCSL) and the Special Tribunal for Lebanon (STL), and resulted in the creation of a permanent and autonomous international court, the ICC in 2002.

## Sources of ICL

**Reminder:** Sources of ICL are similar to those of international law. They include custom, general principles of law recognised by civilised nations, judicial decisions, opinions of the most highly qualified publicists of various nations, and treaties.

There is no universal source of ICL and no generally accepted definition of international crimes. Definitions can be found in:

- international customary law (ie, crimes against humanity<sup>21</sup> or war crimes<sup>22</sup>);
- international treaties establishing international criminal tribunals and their decisions (ie, ICTY Statute and decisions); or
- international treaties that require States Parties to adopt legislation for the criminal prosecution of this conduct at the domestic level (ie, Geneva Conventions and Protocols, Rome Statute of the ICC and Convention on the Prevention and Punishment of the Crime of Genocide).

More generally, the international, ad hoc and mixed tribunals and their decisions have played – and continue to play – a significant role in shaping ICL.

To date, the main ICL instrument is the Rome Statute, which established the ICC and entered into force in 2002. The ICC has jurisdiction over genocide, crimes against humanity and war crimes committed after 1 July 2002, and crimes of aggression committed after 17 July 2018.

The ICC has jurisdiction where:

- the state in question has ratified the Rome Statute and the crimes were committed on the territory of the State Party or the alleged perpetrators are nationals of said state;<sup>23</sup>
- the state in question has ‘declared’ that it accepts the jurisdiction of the ICC without ratifying the Statute, the crimes were committed on the territory of the declaring state or the alleged perpetrators are nationals of said state;<sup>24</sup> or
- the UNSC refers a situation to the ICC.<sup>25</sup>

The ICC is meant to complement national justice systems and only has jurisdiction where national courts are unable or unwilling to prosecute the alleged perpetrators.<sup>26</sup> Finally, the ICC will only consider cases for which there are substantial reasons to believe that an investigation would not serve the interests of justice.<sup>27</sup>

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21 *Prosecutor v Tadić* (Decision on the Defence Motion on Jurisdiction) ICTY-94-1 (10 August 1995), para 4.

22 Customary IHL Rule 158, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule158](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule158), accessed 24 October 2018.

23 Arts 12(2), 13(a) and 14, Rome Statute.

24 Arts 12(2&3), Rome Statute.

25 Art 13(b), Rome Statute.

26 Arts 1 and 17, Rome Statute.

27 Art 53(1)(c), Rome Statute.

There are 123 countries that are States Parties to the Rome Statute. Syria is not one of them. As a result, the ICC will only have jurisdiction over crimes committed in Syria if the UNSC refers the situation to the Court. Accountability for international crimes committed in Syria can, however, be sought before domestic courts, which can prosecute these crimes on the basis of universal jurisdiction (see *IBAHRI, Training Manual: Accountability Mechanisms for Crimes Committed in Syria*, 2018).

## INTERNATIONAL CRIMINAL LAW TERMINOLOGY

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Terminology such as ‘war crimes’ and ‘crimes against humanity’ are often used in relation to Syria. It is important for trainees to understand how these terms are defined, as well as which acts/conduct fall under these terms.

### **Genocide**

Genocide was first defined in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 as:

*any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.*

Article 6 of the Rome Statute uses exactly the same wording to define genocide.

See **Handout 9: Relevant articles of the Rome Statute.**

### **Crimes against humanity**

Crimes against humanity have not been codified in any specific treaty. The notion of crimes against humanity has been recognised as a crime under international customary law and in the statutes of international courts such as the ICC, the ICTY and the ICTR. Many states have also codified crimes against humanity in their criminal legislation.

According to Article 7 of the Rome Statute, crimes against humanity are certain acts deliberately committed as part of a widespread or systematic attack directed against any civilian population or an identifiable part of a population. These may be committed during peace and war. They are not

isolated or sporadic events, but rather part of a policy or wide practice of atrocities tolerated or condoned by a government or de facto authority.

See **Handout 9: Relevant articles of the Rome Statute** for a definition of crimes against humanity.

### *War crimes*

There is no comprehensive list of war crimes. They vary from one source to another. A list of war crimes can be found in:

- the Geneva Conventions and Protocols;<sup>28</sup>
- customary international law;<sup>29</sup>
- the Rome Statute;<sup>30</sup> and
- domestic criminal legislations.

According to Article 8 of the Rome Statute, a war crime is a serious violation of the laws of war, such as grave breaches of the Geneva Conventions and serious breaches of Common Article 3 to the Geneva Conventions, as well as ‘laws and customs applicable in international armed conflict’ and ‘armed conflicts not of an international character’. See **Handout 9: Relevant Articles of the Rome Statute**.

## Notes

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28 See [www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm](http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm), accessed 24 October 2018.

29 Customary IHL Rule 156, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule156](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule156), accessed 24 October 2018.

30 See [www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf), accessed 24 October 2018.





## Session 7: Introduction to international human rights law

### DURATION

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190 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 1: List of treaties ratified by Syria and their respective reservations

## Session 7 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the UN human rights system;
- identify the main international human rights treaties ratified by Syria and their respective body; and
- conduct legal research on human rights matters related to Syria.

### KEY MESSAGE

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IHRL is the body of international law setting up standards and rights guaranteed to all humans. In accordance with IHRL, states can, however, limit or restrict the scope of their obligations in three ways:

- reservations to treaties;
- derogations from treaty obligations; and
- express limitations to treaty obligations.

It is widely accepted that both IHRL and IHL apply during situations of armed conflict. However, as noted above, IHRL allows a state to suspend a number of human rights in situations of emergency, while IHL cannot be suspended.<sup>31</sup>

When both IHL and IHRL apply, in most cases, they both provide a similar protection for similar situations. Both fields of law are complementary.

Human rights mechanisms can therefore monitor the respect and protection of human rights during an armed conflict. Until now, Syrian non-governmental organisations (NGOs) have not sufficiently engaged with IHRL mechanisms to report human rights violations committed in Syria.

### INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW

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#### *Introduction*

IHRL is the body of international law setting up standards and rights guaranteed to all humans. IHRL is generally understood to stem from the Universal Declaration of Human Rights (UDHR), which was adopted in 1948 after the Second World War. While the document itself is not binding, it paved the way for future binding treaties that would outline many of the same rights. Some scholars even argue that the UDHR now constitutes customary international law. In addition to the UDHR, the most relevant human rights treaties for the Syrian context are:

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<sup>31</sup> For one exception, see Art 5 of the Fourth Geneva Convention.

- **ICCPR:** The ICCPR was adopted in 1966 and entered into force in 1976. It outlines the key civil and political rights afforded to individuals, such as the right to liberty and security and freedom from torture. It is one of the core international human rights treaties. Syria ratified the ICCPR in 1969.
- **International Covenant on Economic, Social, and Cultural Rights (ICESCR):** The ICESCR is one of the core international human rights treaties. It was also adopted in 1966 and entered into force in 1976. It guarantees social and economic rights, such as the right to food, education and health. Syria ratified the ICESCR in 1969.
- **Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment:** The Convention was adopted in 1984 after advocacy by groups such as Amnesty International called for a torture-specific convention. The Convention entered into force in 1987. In addition to prohibiting torture, it offers a definition of such acts. Syria ratified the Convention in 2004.
- **Convention of the Rights of the Child (CRC):** The Convention was adopted in 1989 and entered into force in 1990. It contains a series of specific rights applicable to children, such as civil, political, economic and social rights. Syria ratified the Convention in 1993.
- **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC):** The CRC-OP-AC was adopted in 2000 and entered into force in 2002. It ensures that children who have not attained the age of 18 years do not take direct part in hostilities and are not compulsorily recruited into armed forces. It also ensures that armed groups do not recruit or use in hostilities persons under the age of 18 years. Syria ratified the CRC-OP-AC in 2003.
- **Convention on the Elimination of All Forms of Discrimination against Women:** The Convention was adopted in 1979 and entered into force in 1981. It contains the minimum internationally recognised standards applicable to women, such as the prohibition of discrimination and sex trafficking or economic and social rights of women. Syria ratified the Convention in 2003.
- **International Convention for the Protection of All Persons from Enforced Disappearance:** The Convention is one of the newest IHRL treaties, adopted in 2006 and entered into force in 2010. Syria has not ratified the Convention, but there are various other treaties and customary international laws that still push against enforced disappearances.

See **Handout 1** to find the list of human rights treaties ratified by Syria.

In accordance with IHRL, states may limit or restrict the scope of their obligations in three ways, including during an armed conflict:

- reservations to treaties;
- derogations from treaty obligations; and
- express limitations to treaty obligations.

## *Limitations or restrictions to human rights during an armed conflict*

### RESERVATIONS

Reservations are unilateral declarations made upon signature, ratification, acceptance, approval or accession to a treaty by which states limit their commitment under the relevant treaty. The reservation must be included in the instrument of ratification, acceptance, approval or accession or be annexed to it. When assessing states' international obligations, it is therefore important to check whether any reservations were formulated that would affect the scope of said state's obligations.

It must be noted that in conformity with Article 19(c) of the Vienna Convention, a state may not formulate a reservation if:

1. the reservation is prohibited by the treaty (ie, the Rome Statute);
2. the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or
3. in cases not falling under sub-paragraphs 1 and 2, the reservation is incompatible with the object and purpose of the treaty.

See **Handout 1** to find the list of declarations made by Syria.

### DEROGATIONS

IHRL remains in effect even during armed conflicts where IHL applies, such as the armed conflict in Syria. As previously noted, Syria is a party to several human rights treaties, such as the ICCPR or the CRC-OP-AC.

However, in certain strict conditions, states may derogate from their obligations to respect and protect human rights. For example, the ICCPR permits restrictions on certain rights during an officially proclaimed public emergency that 'threatens the life of the nation'.

#### Derogations under the ICCPR

Article 4 of the ICCPR allows states to derogate from observing some of their international obligations:

- 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.*
- 2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.*

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Derogations must meet the five following requirements:

- **Existence of a public emergency:** The HRC stipulates that – even in armed conflicts – derogations are only allowed if there is a public emergency. A public emergency is a situation that ‘constitutes a threat to the life of the nation’. Even then, the degree of derogation allowed depends on the extent of the threat posed to the nation.<sup>32</sup>
- **Temporary:** Derogation measures must end as soon as the armed conflict is over.<sup>33</sup>
- **Necessary and proportional:** The measures must be strictly required and cannot be used if other, less intrusive measures are available.<sup>34</sup>
- **Must be consistent with IHL and IHRL.**<sup>35</sup>
- **Procedural guarantees:** Procedural safeguards protecting non-derogable rights cannot be circumvented (this means that the state is required to ‘provide for adequate procedural guarantees’, even when under a state of emergency).<sup>36</sup>

The CCPR has put forth the following test to assess the scope of legitimate derogation from the ICCPR: if the state action would make the individual actors criminally liable for a crime against humanity, then Article 4 of the ICCPR cannot be used to shield the state under the ‘state of emergency’ exception. Additionally, Article 4 of ICCPR cannot be used in a manner ‘that would result in derogation from non-derogable rights’.<sup>37</sup>

Certain fundamental rights (non-derogable rights) – such as the right to life of civilians and the prohibition of torture and other ill treatment, the prohibition on unacknowledged detention and the prohibition to hold a person guilty of a criminal offence that did not constitute a criminal offence at the time when it was committed – must always be respected, even during times of public emergency.

The ICCPR (Article 4(2)) lists the rights for which derogation is prohibited:

- prohibition of arbitrary deprivation of life: Article 6, ICCPR;
- prohibition of torture; cruel, inhuman and degrading treatment; non-consensual experimentation: Article 7, ICCPR;

32 ‘International Legal Protection of Human Rights in Armed Conflict’ p 47 (OHCHR, 2011) [www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf), accessed 24 October 2018; HRC, *CCPR General Comment No 29: Article 4: Derogations during a State of Emergency*, 31 August 2001, CCPR/C/21/Rev.1/Add.11, para 3.

33 ‘International Legal Protection of Human Rights in Armed Conflict’, p 48; ICCPR Article 4.1.

34 *Ibid.*

35 *Ibid.*; CCPR General Comment No 29 (2001), para 3.

36 *Ibid.*, ‘International Legal Protection of Human Rights in Armed Conflict’ pp 48, 50; *ibid.*, CCPR, para 15.

37 CCPR General Comment No 29 (2001), para 15.

- prohibition of slavery and servitude: Article 8(1-2), ICCPR;
- prohibition of imprisonment due to inability to meet obligation of a contract: Article 11, ICCPR;
- right not to be held guilty for an act or omission not constituting a criminal offence: Article 15, ICCPR;
- right to recognition as a person before the law: Article 16, ICCPR; and
- right to freedom of thought, conscience and religion: Article 18(1), ICCPR.

#### Derogations from other human rights treaties ratified by Syria

- **ICESCR:** Article 5(2)

*No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.*

- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):** Article 2(2)

*No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*

See also CAT General Comment on Article 2 (derogation).

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families:** Article 82:

*The rights of migrant workers and members of their families provided for in the present Convention may not be renounced. It shall not be permissible to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. It shall not be possible to derogate by contract from rights recognized in the present Convention. States Parties shall take appropriate measures to ensure that these principles are respected.*

- **Convention on the Rights of Persons with Disabilities:** Article 4(4):

*There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.*

- **International Convention on the Elimination of All Forms of Racial Discrimination:**  
No provisions on derogation.

- **Convention on the Elimination of Discrimination against Women:** No provisions on derogation.
- **Convention on the Rights of the Child:** No provisions on derogation.

See **Handout 1** for the list of treaties ratified by Syria and their respective reservations.

### Derogation Procedure and Syria

In order to derogate from the ICCPR under the state of emergency exception, a state must:

- inform the other States Parties to the ICCPR immediately (through the UN Secretary-General);
- specify to the States Parties (through the Secretary-General) the provisions it has derogated from;
- explain to the States Parties (through the Secretary-General) the reasons for the derogation; and
- the derogating state must notify States Parties (through the Secretary-General) on the date it terminates the derogation.<sup>38</sup>

Syria has not formally notified the UN Secretary-General of any state of emergency nor informed him of its intent to derogate from the ICCPR.

The ICJ ruled that:

*the protection of the International Covenant on Civil and Political Rights does not cease in times of war, except by operation of article 4 of the Covenant whereby certain provisions may be derogated from in a time of national emergency.*<sup>39</sup>

Since Syria failed to formally derogate from its human rights obligations, both IHRL and IHL apply in the country.

### Express limitations to human rights

While derogations are only permitted in exceptional circumstances, limitations to human rights may be made to serve certain legitimate aims.

Both the ICCPR and the ICESCR contain human rights that may be lawfully limited in certain circumstances, such as armed conflicts, with the exception of the non-derogable rights listed above. Some rights are expressly subject to limitation, such as freedom of movement, religion, peaceful assembly and association, and expression.<sup>40</sup>

<sup>38</sup> Art 4(3), ICCPR.

<sup>39</sup> Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports 1996, p 226, 8 July 1996, para 25.

<sup>40</sup> 'International Legal Protection of Human Rights in Armed Conflict' pp 50–51.



Three conditions for lawfully limiting human rights in the ICCPR and the ICESCR are:

1. the limitation must be necessary and prescribed by law.<sup>41</sup> Specifically, states must limit their actions according to ‘the *language* of the treaty provision’;<sup>42</sup>
2. the limitation must be ‘compatible with the right itself and the promotion of the general welfare’;<sup>43</sup> and
3. the limitation must comply with the principle of proportionality and must be the least intrusive method of limitation.<sup>44</sup>

When assessing whether human rights violations have been committed in Syria, it is therefore necessary to assess whether the three conditions have been fulfilled, in other words, whether the limitations amount to violations or can be considered as legal under international law.

### Conflicts between international human rights law and international humanitarian law

It is widely accepted that both IHRL and IHL apply during situations of armed conflict. However, as noted above, IHRL allows a state to suspend a number of human rights in situations of emergency, while IHL cannot be suspended.<sup>45</sup>

When both IHL and IHRL apply, in most cases, they both provide a similar protection for similar situations. Both fields of law are complementary. However, in some cases, both fields of law may be conflicting and offer different protection/solution. In cases of conflict of norms, the principle of *lex specialis* posits that the more specific norm applies, not the more general rule.

The ICJ identified three situations:

- cases where some rights may be exclusively matters of IHL;
- cases where some rights may be exclusively matters of IHRL; and
- cases where some rights may be matters of both these branches of international law.<sup>46</sup>

The ILC stated:

*for the lex specialis principle to apply it is not enough that the same subject matter is dealt with by two provisions; there must be some actual inconsistency between them, or else a discernible intention that one provision is to exclude the other.*<sup>47</sup>

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41 *Ibid*, p 51; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, ICJ Report 2004, 9 July 2004, para 136.

42 See n 32 above, p 51.

43 See n 33 above.

44 *Ibid*.

45 For one exception, see Art 5 of the Fourth Geneva Convention.

46 *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v Rwanda)*, Judgment, ICJ Report 2006, 3 February 2006; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, ICJ Report 2004, 9 July 2004, para 106.

47 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, November 2001, Supplement No 10 (A/56/10), chp.IV.E.1, commentary to Art 55.

The ILC further stated that *lex specialis* only applies when the conflicting rules produce different results when these rules are applied to the same situation.<sup>48</sup>

In the *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, the ICJ stated that the right not to be arbitrarily deprived of one's life (ICCPR, Article 6) applies in principle in hostilities. However, it considered that the test of what is an arbitrary deprivation of life should be determined by the relevant *lex specialis*. The ICJ concluded:

*Thus whether a particular loss of life, through the use of a certain weapon in warfare, is to be considered an arbitrary deprivation of life contrary to Article 6 of the Covenant, can only be decided by reference to the law applicable in armed conflict and not deduced from the terms of the Covenant itself.*<sup>49</sup>

The ICJ ruled that the *lex specialis* in the present case was the law applicable in armed conflict which is designed to regulate the conduct of hostilities.

One other illustrative example of the contradiction between IHL and IHRL is the use of deadly force against enemy combatants. Under IHL (in the context of an international conflict), it is lawful to target enemy combatants 'regardless of whether they constitute an immediate threat to human life', unless they surrender or become hors de combat.<sup>50</sup> Under IHRL, deadly force can only be used when the target poses 'an immediate threat to human life'.<sup>51</sup> Thus, the limitation on the use of deadly force is dependent on the context of the situation (remoteness from the armed conflict) not the person using deadly force.<sup>52</sup>

- For example, during an armed conflict, military personnel undertaking law enforcement activities are bound by IHRL when using deadly force.<sup>53</sup>
- IHL will generally be considered *lex specialis* when using force against enemy combatants during an IAC.<sup>54</sup>

The ICJ has also ruled that IHRL continues to apply in situations of armed conflict.<sup>55</sup> Thus, in situations where IHL is recognised as *lex specialis*, IHRL continues to apply more generally. Only aspects of IHRL are changed in these situations. An example of this is when civilians are harmed during an attack within the context of an armed conflict. The IHL principles of proportionality and distinction are applied as *lex specialis*, but the relevant provisions of the ICCPR are applied as complimentary norms.<sup>56</sup>

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48 HRC, Outcome of the Expert Consultation on the Issue of Protecting the Human Rights of Civilians in Armed Conflict: report of the United Nations High Commissioner for Human Rights, 4 June 2009, A/HRC/11/31, para 13.

49 Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports 1996, p 226, 8 July 1996, para 25.

50 'International Legal Protection of Human Rights in Armed Conflict', p 64.

51 *Ibid.*

52 *Ibid.*

53 *Ibid.*

54 *Ibid.*, p 67.

55 Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports 1996, p 226, 8 July 1996, para 25.

56 'International Legal Protection of Human Rights in Armed Conflict', pp 60–61.



## Session 8: Legal research skills

### DURATION

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60 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 2: How to find human rights mechanisms' recommendations and decisions
- Handout 6: How to submit information to UN human rights mechanisms

### SUGGESTED EXERCISES

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**Case study:** Participants will be given a case study on a specific legal issue related to the Syrian conflict. After an introduction to the legal resources and websites, participants will conduct their own legal research to resolve the case study, identify the relevant issues under IHRL, and the relevant treaties/agreements and customary laws. Participants will then draft an oral statement covering the IHRL provisions they identified as relevant and present it to the group. The presentation will be followed by a debriefing and discussion.

## Session 8 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- use the tools and skills necessary to conduct efficient and accurate legal research on issues or events related to the Syrian conflict;
- use the key questions they need to answer during their research; and
- find the various resources available when conducting their legal research.

### KEY MESSAGE

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This session is designed to provide legal professionals with guidance on how to conduct efficient and accurate legal research.

The module is divided into six parts, amounting to the six questions that legal professionals need to answer when researching a certain legal issue or event:

- **Applicable treaties:** What are the relevant international treaties/provisions applying to the issue?
- **State Party to a treaty:** Is the state at stake a party to the treaty?
- **Reservations:** Has the state in question made any reservations to a provision of the treaty?
- **Customary law:** If a relevant treaty/provision is not applicable, how can you find any applicable rule of customary international law?
- **Case law:** Is there any judgment by an international court or tribunal relevant to the issue?
- **Hard and soft law:** Are there any resolutions, declarations, statements, reports or conclusions by UN mechanisms, such as the UNGA, UNSC, UN treaty bodies or UN Special Procedures?

### LEGAL RESEARCH SKILLS

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*Applicable treaties: what are the relevant international treaties/provisions applying to the issue?*

Treaties are, together with customary international law, the main source of international law. Regardless of the different names used for treaties ('Covenant', 'Charter', 'Convention', 'Protocol' and 'Statute'), they are binding on States Parties. Treaties must not be confused with other non-binding international instruments, such as 'resolutions', 'declarations', 'principles', 'guidelines' and 'codes of conduct'.

## *Where can you find international human rights law treaties?*

### INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

- The OHCHR website contains a non-exhaustive list of universal human rights instruments (binding and not binding) divided by themes (available in Arabic).<sup>57</sup>
- The OHCHR website also contains a list of the core UN human rights instruments, their optional protocols and the treaty bodies tasked with monitoring their implementations (available in Arabic).<sup>58</sup>

### REGIONAL HUMAN RIGHTS INSTRUMENTS

- The Arab Charter on Human Rights is binding on the members of the League of Arab States that ratified it (available in Arabic).<sup>59</sup> Syria is a party.
- The Convention for the Protection of Human Rights and Fundamental Freedoms is the most important European human rights treaty. It is binding on all the Council of Europe's Member States (available in English).<sup>60</sup>
- The American Convention on Human Rights is the main human rights treaty of the American continent (available in English). It is binding on most of the Member States of the Organisation of American States (the US is not a party).<sup>61</sup>

## *Where can you find international humanitarian law treaties?*

### UNIVERSAL IHL INSTRUMENTS

- The ICRC website contains a list of all the IHL instruments (available in English).<sup>62</sup> As noted above, it is important to note that different IHL treaties apply depending on the classification of the conflict: whether it is an IAC or NIAC. The classification of the Syrian conflict has been contentious but, generally, legal scholars have characterised the armed conflict as an NIAC.

**Reminder:** Only certain IHL instruments and provisions apply to the Syrian conflict. For example, among all the other provisions contained in the four Geneva Conventions, only Common Article 3 applies in the Syrian conflict.

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57 See [www.ohchr.org/AR/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx](http://www.ohchr.org/AR/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx), accessed 24 October 2018.

58 See [www.ohchr.org/AR/ProfessionalInterest/Pages/CoreInstruments.aspx](http://www.ohchr.org/AR/ProfessionalInterest/Pages/CoreInstruments.aspx), accessed 24 October 2018.

59 See <http://hrlibrary.umn.edu/arab/a003-2.html>, accessed 24 October 2018.

60 See [www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf), accessed 24 October 2018.

61 See [www.cidh.oas.org/basicos/english/basic3.american%20convention.htm](http://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm), accessed 24 October 2018.

62 See <https://ihl-databases.icrc.org/ihl>, accessed 24 October 2018.

### *Where can you find counterterrorism instruments?*

The UN website contains a list of all the international conventions relating to international terrorism (in English and Arabic).<sup>63</sup>

### *State Party to a treaty: Is the state at stake a party to the treaty?*

One of the founding principles of international law is that the obligations deriving from treaties are binding only on the parties to the treaty. States can become a party to a treaty in several ways: definitive signature, ratification, acceptance, approval and accession.

Signing a treaty is usually the first step to becoming party to a treaty. However, a simple signature does not usually make a state a party, except in cases of definitive signature.

For example, Syria has signed but never ratified the Rome Statute; the Rome Statute is therefore not binding on Syria.

### *Where can you find whether a state is a party to an international human rights law treaty?*

- The OHCHR website contains an interactive map showing the status of ratification of the main international human rights conventions (available in English).<sup>64</sup>
- The UN Treaty Collection website contains information relating to the status of ratification of treaties deposited with the Secretary-General (available in English).<sup>65</sup>

### *Where can you find whether a state is a party to an international humanitarian law treaty?*

- You can find the status of ratification of a specific IHL treaty by clicking on the relevant treaty in the list of IHL treaties on the website of the ICRC, and then by clicking on the ‘States Parties’ tab (available in English).<sup>66</sup>
- A list of the main IHL treaties and their States Parties is available in Arabic. (The treaties are listed in Arabic, but the States Parties PDF list is only available in English).<sup>67</sup>

### *Reservations: Has the state in question made a reservation to a provision of the treaty?*

**Reminder:** States can make ‘reservations’ to a provision of the treaty to limit its scope or reject its application.

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63 See [www.un.org/ar/counterterrorism/legal-instruments.shtml](http://www.un.org/ar/counterterrorism/legal-instruments.shtml), accessed 24 October 2018.

64 See <http://indicators.ohchr.org>, accessed 24 October 2018.

65 See [https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=\\_en](https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en), accessed 24 October 2018.

66 See n 53 above.

67 See [www.icrc.org/ara/resources/documents/misc/party\\_main\\_treaties.htm](http://www.icrc.org/ara/resources/documents/misc/party_main_treaties.htm), accessed 24 October 2018.

### *Where can you find whether a state has made reservations to its international human rights law obligations?*

- The aforementioned interactive map on the OHCHR website also contains a section on declarations and reservations made to the relevant treaties (available in English).<sup>68</sup>
- Alternatively, a list of States Parties' reservations is also available on the OHCHR website (some are available in Arabic). After clicking on the link, choose 'Ratifications and Reservations'.<sup>69</sup>
- The UN Treaty Collection website contains information concerning the declarations/reservations made to treaties deposited with the Secretary-General (available in English).<sup>70</sup>

### *Where can you find whether a state has made reservations to its international humanitarian law obligations?*

You can find reservations to a specific IHL treaty by clicking on the relevant treaty in the list of IHL treaties on the ICRC website, and then click on the 'States Parties' tab (available in English).<sup>71</sup>

See **Handout 1: List of treaties ratified by Syria and their respective reservations.**

### *Customary international law: if a relevant treaty/provision is not applicable, how can you find an applicable rule of customary international law?*

**Reminder:** Customary international law is extremely relevant because it applies universally, regardless of whether or not a state has ratified the treaty containing the rule. Most customary international rules apply in both IACs and NIACs. However, the determination of what norm/rule reaches the status of customary international law is a controversial issue and is not always agreed upon.

### *Where can you find customary international human rights law?*

- There is no tool equivalent to the ICRC customary IHL database. To find whether an international rule has reached the status of customary law please look at:
  - judgments of international courts (such as the ICJ);
  - UN resolutions or reports; or
  - work of commentators.

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68 See n 55 above.

69 See [www.ohchr.org/AR/Countries/Pages/HumanRightsintheWorld.aspx](http://www.ohchr.org/AR/Countries/Pages/HumanRightsintheWorld.aspx), accessed 24 October 2018.

70 See n 56 above.

71 See n 53 above.



## *Where can you find customary international humanitarian law?*

- The ICRC has created a database of all IHL rules that are now part of customary international law (available in English<sup>72</sup> and Arabic – as a pdf).<sup>73</sup>
- The database also includes the state practice relevant to each rule (available in English).<sup>74</sup>
- Decisions of international criminal tribunals, especially of the ICTY, the ICTR and the SCSL are a very useful source of customary IHL; however, they are not available in Arabic.

## *Case law: is there a judgment by an international court or tribunal relevant to the issue?*

While treaties and custom are the most important sources of international law, international courts and tribunal decisions are also an important source of international law interpretation. Please note that the decisions delivered by international courts and tribunals are only binding upon the parties to the case in which that decision is given. Although there is no precedent in international law, international courts and tribunals such as the ICJ usually refer to their past decisions and interpretation of international rules.

## *Useful links*

The following international courts and tribunals rule on IHRL matters:

- ICJ (available in English);<sup>75</sup>
- UN Human Right Mechanisms in charge of interpreting core UN human rights treaties (see Session 10);
- European Court of Human Rights (available in English);<sup>76</sup> and
- Inter-American Court of Human Rights (available in English).<sup>77</sup>

The following international courts and tribunals rule on IHL matters:

- ICC (available in English);<sup>78</sup>
- ICTY (available in English);<sup>79</sup>
- ICTR (available in English);<sup>80</sup>

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72 See [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul), accessed 24 October 2018.

73 See [www.icrc.org/ara/assets/files/other/icrc\\_004\\_pcustom.pdf](http://www.icrc.org/ara/assets/files/other/icrc_004_pcustom.pdf), accessed 24 October 2018.

74 See [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul), accessed 24 October 2018.

75 See [www.icj-cij.org/en/cases](http://www.icj-cij.org/en/cases), accessed 24 October 2018.

76 See <http://hudoc.echr.coe.int/eng#>, accessed 24 October 2018.

77 See [www.corteidh.or.cr/index.php/en](http://www.corteidh.or.cr/index.php/en), accessed 24 October 2018.

78 See [www.legal-tools.org/en/search](http://www.legal-tools.org/en/search), accessed 24 October 2018.

79 See [www.icty.org/en](http://www.icty.org/en), accessed 24 October 2018.

80 See <http://unictr.unmict.org>, accessed 24 October 2018.

- SCSL (available in English);<sup>81</sup> and
- STL (available in Arabic).<sup>82</sup>

*Hard and soft law: are there any resolutions, declarations, statements, reports or conclusions by UN mechanisms such as the UNGA, UNSC, treaty bodies or special procedures?*

Resolutions, declarations, statements, reports or conclusions by UN mechanisms are considered as soft law. In other words, they are not binding (some UNSC resolutions are an exception – see below). They nonetheless play a fundamental role in the development of new rules of international law.

‘Soft law’ instruments often develop into binding treaties and sometimes even become customary international law. For example, the UDHR – a non-binding instrument – is now considered to be part of customary international law. ‘Soft law’ instruments are very useful when no binding rules of international law have been developed. They are also useful to interpret existing rules of international law.

Note: UNSC resolutions when adopted in the context of Chapter VII of the UN Charter, which concerns the UNSC’s reactions to threats to peace or acts of aggression, are not only binding on states but also prevail over any other international obligation binding on states.

### *Useful links*

- UN documents;<sup>83</sup>
- UNGA Resolutions;<sup>84</sup>
- UNSC Resolutions;<sup>85</sup>
- Resolutions adopted by the ECOSOC<sup>86</sup>: ECOSOC is the UN’s central platform for reflection, debate and innovative thinking on sustainable development. ECOSOC engages a wide variety of stakeholders – policy-makers, parliamentarians, academics, major groups, foundations, business sector representatives and 3,200+ registered NGOs – in a productive dialogue on sustainable development through a programmatic cycle of meetings. The work of the ECOSOC is guided by an issue-based approach, and there is an annual theme that accompanies each programmatic cycle, ensuring a sustained and focused discussion among multiple stakeholders; and
- the University of Minnesota Human Rights Library contains Arabic documentation.<sup>87</sup>

81 See [www.rscsl.org](http://www.rscsl.org), accessed 24 October 2018.

82 See <https://www.stl-tsl.org/ar>, accessed 24 October 2018.

83 See [www.un.org/ar/documents/index.html](http://www.un.org/ar/documents/index.html), accessed 24 October 2018.

84 See [www.un.org/arabic/documents/gares.htm](http://www.un.org/arabic/documents/gares.htm), accessed 24 October 2018.

85 See [www.un.org/ar/sc/documents/resolutions](http://www.un.org/ar/sc/documents/resolutions), accessed 24 October 2018.

86 See [www.un.org/ecosoc/en/documents/resolutions](http://www.un.org/ecosoc/en/documents/resolutions), accessed 24 October 2018.

87 See <http://hrlibrary.umn.edu>, accessed 24 October 2018.



## Session 9: Introduction to the United Nations human rights system

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 1: List of treaties ratified by Syria and their respective reservations
- Handout 4: List of Special Procedures

### KEY RESOURCES

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- OHCHR Manual: Reporting to the UN Human Rights Treaty Bodies<sup>88</sup>

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<sup>88</sup> See [www.ohchr.org/Documents/Publications/PTS20\\_HRTB\\_Training\\_Guide\\_PartI.pdf](http://www.ohchr.org/Documents/Publications/PTS20_HRTB_Training_Guide_PartI.pdf), accessed 24 October 2018.

## Session 9 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the UN human rights system; and
- identify the UN human rights mechanisms relevant to Syria.

### KEY MESSAGE

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There are four main UN human rights mechanisms: HRC, treaty bodies, Universal Periodic Review (UPR) and Special Procedures. Treaty bodies, UPR and Special Procedures issue recommendations to states with the aim of assisting them in improving the human rights situation in their country. While the HRC is a political body, the UPR is a political process. Like members of treaty bodies, special procedures are appointed as independent experts.

HRC is an intergovernmental body within the UN, composed of 47 states elected by the UNGA.

Treaty bodies are established by a human rights treaty, the UPR and Special Procedures are established under the HRC.

Treaty bodies monitor the implementation of human rights. They are a committee of independent experts that monitor the implementation of their respective treaty by States Parties.

### INTRODUCTION TO THE UNITED NATIONS HUMAN RIGHTS SYSTEM

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Within the UN system, human rights mechanisms are usually divided into two groups:

- Charter-based bodies are established under the UN Charter.<sup>89</sup> They consist of the HRC and its mechanisms (the UPR and the Special Procedures):
  - The HRC is an intergovernmental body composed of states in charge of promoting and protecting human rights.
  - The UPR is a peer review mechanism by states that involves an assessment of the human rights situation of all UN Member States.
  - The Special Procedures are individuals appointed by the HRC. They are independent experts responsible for reporting and advising on human rights from a thematic or country-specific perspective.

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<sup>89</sup> The Charter of the UN was signed on 26 June 1945 and came into force on 24 October 1945. The Charter established the UN Nations.



One important example of HRC resolutions related to the Syrian conflict is resolution S-17/1 on the Situation of Human Rights in the Syrian Arab Republic, adopted at the HRC 17th special session.<sup>90</sup> Resolution S-17/1 established the Independent International Commission of Inquiry on the Syrian Arab Republic and tasked it with investigating alleged violations of IHRL since March 2011 in the Syrian Arab Republic. The HRC has repeatedly extended the Commission's mandate since its establishment, most recently until March 2019.<sup>91</sup> Since its infancy, the Commission has published more than 20 reports, in addition to numerous periodic updates, exposing human rights violations committed throughout the country based on interviews with more than 6,000 witnesses and victims.<sup>92</sup>

Since 2011, HRC has adopted many resolutions relating to the deteriorating situation of human rights in the Syrian Arab Republic both during its regular and special sessions. Most recently, HRC adopted:

- Resolution A/HRC/37/L.38 on the human rights situation in the Syrian Arab Republic, adopted on 19 March 2018;<sup>93</sup> and
- Resolution A/HRC/37/ /L.1 on the deteriorating situation of human rights in Eastern Ghouta, adopted on 2 March 2018.<sup>94</sup>

The last special session held in relation to the situation in Syria was the HRC 25th Special Session (October 2016) on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo. Resolution S-25/1 was adopted at that session.<sup>95</sup> All HRC resolutions, decisions and Chairperson's Statements on the Syrian Arab Republic can be found on the OHCHR website.<sup>96</sup>

### *Relevant Links*

- **Website of the NGO Universal Rights Group:** portal to the resolutions adopted by the HRC.<sup>97</sup>
- **yourHRC.org:** another initiative of NGO Universal Rights Group, which describes the activities of each state during HRC sessions, for example, proposition and votes on the resolutions.<sup>98</sup>
- **Right-docs.org portal:** tool to search HRC's documents.<sup>99</sup>

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90 See [www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/ResS17\\_1.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/ResS17_1.pdf), accessed 24 October 2018.

91 See <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/068/00/PDF/G1806800.pdf?OpenElement>, point number 45, accessed 24 October 2018.

92 See [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx), accessed 24 October 2018.

93 See <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/068/00/PDF/G1806800.pdf?OpenElement>, accessed 24 October 2018.

94 See <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/054/85/PDF/G1805485.pdf?OpenElement>, accessed 24 October 2018.

95 See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/238/14/PDF/G1623814.pdf?OpenElement>, accessed 24 October 2018.

96 See [http://ap.ohchr.org/documents/sdpage\\_e.aspx?b=10&c=179&t=4](http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&c=179&t=4), accessed 24 October 2018.

97 See [www.universal-rights.org/human-rights/human-rights-resolutions-portal](http://www.universal-rights.org/human-rights/human-rights-resolutions-portal), accessed 24 October 2018.

98 See <http://yourhrc.org>, accessed 24 October 2018.

99 See [www.right-docs.org](http://www.right-docs.org), accessed 24 October 2018.

- See also the list of the documents discussed at each HRC session available on the HRC website and Extranet.<sup>100</sup>

Note: everyone can freely register to access to the HRC Extranet.

## *Universal Periodic Review*

The UPR was established by the UN under the aegis of the HRC in 2006 to ‘complement’ pre-existing mechanisms and improve state adherence to, and encourage the fulfilment of, human rights obligations through the implementation of recommendations.<sup>101</sup> It is a *sui generis* UN human rights mechanism.

In sharp contrast to other human rights mechanisms (which involve a dialogue between states and independent experts), the UPR is an intergovernmental process and operates as a peer-review assessment, driven by states themselves. The process ensures that all countries are reviewed, assessed and reported on an equal footing.

The review covers both international and regional obligations, whether legally binding or not. In practice, the UDHR, human rights treaties, standards from UN agencies, recommendations from treaty bodies and regional instruments can be the legal basis of a recommendation.

The UPR website is the largest database gathering information on the human rights situation in all UN Member States provided by various stakeholders, including states, civil society, treaty bodies and UN specialised agencies. These resources are easily accessible through the OHCHR website.<sup>102</sup>

The process ends with the publication of a ‘outcome report’, which provides a summary of the discussion (ie, questions, comments and recommendations made by states to the country under review, and its responses). The reviewed state can either accept the recommendations or note them.

Although UPR recommendations are not legally binding, they play an essential role in the domestic implementation of human rights, as states have expressly committed to implement them. They also provide concrete implementation measures to respect and protect human rights. The recommendations reach a wide audience, including the highest levels of government.

Since its infancy, the UPR has been a transparent process. Debates are broadcasted, making interstate dialogues available to the public.

## **UPR AND THE SYRIAN ARAB REPUBLIC**

There have been two UPR cycles dedicated to reviewing the human rights situation in the Syrian Arab Republic since 2011:<sup>103</sup>

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100 See [www.ohchr.org/EN/HRBodies/HRC/Pages/HRCRegistration.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCRegistration.aspx), accessed 24 October 2018.

101 UNHRC, ‘Institution-building of the United Nations Human Rights Council’ (18 June 2007) UN Doc A/HRC/RES/5/1, para 3(f), accessed 24 October 2018.

102 See [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx), accessed 24 October 2018.

103 See [www.ohchr.org/EN/HRBodies/UPR/Pages/SYindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/SYindex.aspx), accessed 24 October 2018.



The first cycle took place on 7 October 2011:

- Syria's national report was submitted on 2 September 2011;<sup>104</sup>
- 24 stakeholder (mainly NGOs) submissions on the situation of human rights in the Syrian Arab Republic were made;<sup>105</sup>
- the final report was published on 24 January 2012;<sup>106</sup> and
- 51 state delegations made statements during the interactive dialogue and made around 180 recommendations to the Syrian Arab Republic: 54 were rejected by the Syrian Arab Republic.

The second cycle took place on 31 October 2016:

- Syria's national report was submitted on 28 September 2016;<sup>107</sup>
- 26 stakeholder (mainly NGOs) submissions on the situation of human rights in the Syrian Arab Republic were made;<sup>108</sup>
- the final report was published on 27 December 2016;<sup>109</sup> and
- 71 state delegations made statements during the interactive dialogue and made more than 200 recommendations to the Syrian Arab Republic: 28 were rejected by the Syrian Arab Republic.

### *Relevant links*

The UPR database (containing submissions made by various stakeholders, OHCHR reports and reports from the UPR Working Group) is available at:

- UPR Info<sup>110</sup> and OHCHR UPR.<sup>111</sup>

Most importantly for the monitoring process, the NGO UPR Info country web page contains:

- all recommendations made to the state under review in the 'Report of the Working Group' under 'Adoption in the plenary session'. You can also look for recommendations in the UPR Info database;<sup>112</sup>
- NGO Submission Matrix: country recommendations are compiled within one 'matrix' to facilitate their monitoring; and

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104 *Ibid.*

105 *Ibid.*

106 *Ibid.*

107 *Ibid.*

108 *Ibid.*

109 *Ibid.*

110 See [www.upr-info.org/en/review](http://www.upr-info.org/en/review), accessed 24 October 2018.

111 See [www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx), accessed 24 October 2018.

112 See [www.upr-info.org/database](http://www.upr-info.org/database), accessed 24 October 2018.

- UPR recommendations can also be found using the search engine of the Universal Human Rights Index. (Note that the NGO UPR Info stopped producing the UPR Mid-term Implementation Assessment Report in December 2015.)

### *Special Procedures*

When significant human rights concerns arise in a country or in relation to a specific issue, the HRC (and, previously, the Commission on Human Rights) has the power to create a ‘Special Procedure’, with the aim of monitoring the implementation of human rights in relation to this specific country or issue. A Special Procedure can either be formed as a Working Group, or as an individual (ie, Special Rapporteur or Independent Expert).

The mandate of any Special Procedure is threefold:

- **Annual thematic reports:** They assess important and topical questions within the scope of their mandate and publish annual thematic reports containing recommendations to states. Special procedures report annually to the Human Rights Council. The majority of the mandates also report to the General Assembly;
- **Individual complaints and communications:** They are competent to receive individual complaints and issue communications in order to ‘inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon’;<sup>113</sup> and
- **Country visits:** They assess the implementation of human rights within the scope of their mandate. For instance, the Special Rapporteur on the Independence of Judges and Lawyers is mandated to:
  - identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance, when they are requested by the state concerned.<sup>114</sup>

Special Procedures are independent experts. Their recommendations are not legally binding. However, they are considered as ‘teachings of the most highly qualified publicists of the various nations’ and stand among the ‘subsidiary means for the determination of the rules of law’ in the source of international law listed in Article 38.1 of the Statute of the ICJ.

113 UNCHR, ‘Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers’ Res 41/1994 (4 March 1994) UN Doc E/CN.4/1994/132.

114 *Ibid.*

A number of Special Procedures can address violations committed in Syria. See **Handout 4: List of Special Procedures**.

Country visits to the Syrian Arab Republic made by Special Procedures:

- Report of the Special Rapporteur on the human rights of internally displaced – Mission in the Syrian Arab Republic (2016);<sup>115</sup>
- Report of the Special Rapporteur on the human rights of internally displaced persons on the situation of internally displaced persons in the Syrian Arab Republic (2013);<sup>116</sup> and
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2011).<sup>117</sup>

### *Relevant links*

Each Special Procedure's web page provides a list of the annual thematic reports and often indicates the focus of each report. Some mention the topic of their forthcoming report:

- more information is available on the Special Procedures' web page,<sup>118</sup> including the overall list of previous and existing thematic<sup>119</sup> and country<sup>120</sup> mandates; the list of upcoming country visits and the list of country visits by country since 1998;<sup>121</sup> and a communication search engine;<sup>122</sup>
- the OHCHR Communications reports of Special Procedures is published three times a year in preparation for each HRC session.<sup>123</sup> It gathers the communications sent over a period of four months by the Special Procedures;
- country visits' findings, conclusions and recommendations by Special Procedures are published in country reports to the HRC. Country reports are available on the website of each Special Procedure; and
- all Special Procedures country-related information can also be found using the search engine of the Universal Human Rights Index.<sup>124</sup>

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115 See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/068/54/PDF/G1606854.pdf?OpenElement>, accessed 24 October 2018.

116 See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/165/41/PDF/G1316541.pdf?OpenElement>, accessed 24 October 2018.

117 See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/121/97/PDF/G1112197.pdf?OpenElement>, accessed 24 October 2018.

118 See [www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx), accessed 24 October 2018.

119 See [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM), accessed 24 October 2018.

120 See [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx), accessed 24 October 2018.

121 See [www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx), accessed 24 October 2018.

122 See <https://spcommreports.ohchr.org>, accessed 24 October 2018.

123 See [www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx), accessed 24 October 2018.

124 See <http://uhri.ohchr.org/en>, accessed 24 October 2018.

## Treaty bodies

To date, ten treaty bodies<sup>125</sup> and three main regional mechanisms<sup>126</sup> have been created to review States Parties' obligations related to human rights. Treaty bodies are composed of independent experts. They have three sessions a year – each session lasts from one to three weeks. During this session, each committee reviews a number of countries, hears a number of cases and works to develop a General Comment.

Treaty bodies interpret and monitor the implementation of the treaty that created them:

- Treaty bodies interpret treaties through the adoption of 'General Comments' or 'General Recommendations'. These General Comments are authoritative interpretations of human rights treaty provisions. They are defined as:
  - a treaty body's interpretation of the content of human rights provisions, on thematic issues or its methods of work. General comments often seek to clarify the reporting duties of state parties with respect to certain provisions and suggest approaches to implementing treaty provisions.<sup>127</sup>
- Treaty bodies monitor the human rights situation in a country through reporting procedures:
  - **Country review:** Treaty bodies review the implementation of a treaty by each state, in theory, every four or five years, upon the submission of a national report. In practice, states are reviewed much less often, due to the delay in state reporting. Treaty bodies publish Concluding Observations or Comments on States Parties' reports, which contain specific recommendations. These are expert recommendations, which are not legally binding.
  - **Individual and interstate complaint procedures:** A treaty body can also hear individual cases of violation when the state has accepted its jurisdiction. Treaty bodies adopt 'views' or decisions. They are considered as quasi-judicial. Their legal effect will mostly depend on the state involved in the case. (Some countries consider treaty bodies' decisions as legally binding within their national jurisdiction.) Legal professionals can therefore play a key role in fostering the implementation of treaty bodies' decisions.

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125 These are: HRC, CESC, CERD, CEDAW, CAT, SPT, CRC, CMW, CRPD and CED.

126 In Africa, the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights monitor compliance with the African Charter on Human and Peoples' Rights. In the Americas, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights monitor compliance with the American Convention on Human Rights. In Europe, the European Court of Human Rights monitors compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

127 OHCHR, 'Glossary of Treaty Body terminology', [www2.ohchr.org/english/bodies/treaty/glossary.htm](http://www2.ohchr.org/english/bodies/treaty/glossary.htm), accessed 24 October 2018.

- **Country visits:** The Subcommittee on Prevention of Torture (SPT) has a mandate to visit all places where persons are or may be deprived of their liberty within the jurisdiction and control of States Parties to the Optional Protocol to the Convention against Torture (OPCAT). It communicates its confidential observations and recommendations to the State Party. The Committee on Enforced Disappearances (CED) also has the mandate to undertake country visits if it receives reliable information indicating that a State Party is seriously violating the provisions of the International Convention for the Protection of All Persons from Enforced Disappearances.
- **Inquiry procedures:** Six treaty bodies – Committee against Torture (CAT), Committee on the Elimination of Discrimination against Women (CEDAW), Committee on Economic, Social and Cultural Rights (CESCR), CRC, Committee on the Rights of Persons with Disabilities (CRPD) and CED – can conduct inquiries when they receive reliable information indicating grave or systematic violations by a State Party of rights set forth in the treaty.

#### TREATY BODIES AND THE SYRIAN ARAB REPUBLIC

- **Country review:** Syria has not submitted any state’s reports since 2012, except for its report to the CRC submitted in 2017. The CRC adopted its list of issues during the June 2018 session (4–8 June 2018) and will adopt its concluding observations during the January 2019 session (14 January – 1 February 2019). Most recent treaty bodies’ Concluding Observations on Syria’s reports are:
  - Concluding Observations made by CEDAW (2014);<sup>128</sup>
  - Concluding observations made by CAT (2012);<sup>129</sup> and
  - Concluding observations made by CRC (2012).<sup>130</sup>
- **Individual and interstate complaint procedures:** Syria has not accepted the individual complaint mechanism of any treaty body.

128 See [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SYR/CO/2&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SYR/CO/2&Lang=En), accessed 24 October 2018.

129 See [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/SYR/CO/1/Add.2&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/SYR/CO/1/Add.2&Lang=En), accessed 24 October 2018.

130 See [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/SYR/CO/3-4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/SYR/CO/3-4&Lang=En), accessed 24 October 2018.

## Activities and functions of treaty bodies

ACTIVITIES & FUNCTIONS OF TREATY BODIES	TREATY BODIES									
	CERD	CESCR	HRC	CEDAW	CAT	SPT	CRC	CMW	CRPD	CED
Examination of State reports	■	■	■	■	■		■	■	■	■
Concluding observations	■	■	■	■	■		■	■	■	■
Individual communications	■	■	■	■	■		■	■	■	■
Inter-State complaints	■		■		■		■	■		■
General Comments or General Recommendations	■	■	■	■	■		■	■	■	■
Inquiry procedure through country visits to investigate well-founded allegations of systematic violations of human rights		■		■	■	■	■		■	■
Follow-up procedure	■	■	■	■	■	■	■	■	■	■
Early-warning or urgent action procedure	■								■	■

Source: ISHR, *A Simple Guide to the UN Treaty Bodies* (2015), p 36

### Relevant links

- **Calendar of country reviews by treaty bodies:** tool used to identify when a country is being reviewed and by which treaty body.<sup>131</sup>
- **Treaty bodies jurisprudence database:** tool to access jurisprudence from UN treaty bodies in charge of reviewing individual complaints:<sup>132</sup>
  - HRC;
  - CAT;
  - CEDAW;

131 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En), accessed 24 October 2018.

132 See <http://juris.ohchr.org>, accessed 24 October 2018.

- Committee on the Elimination of Racial Discrimination (CERD);
- CRPD;
- CED;
- CESCR;
- CET; and
- CRC.<sup>133</sup>
- Treaty bodies’ search engine by country (ratification and reporting status).<sup>134</sup>
- **Treaty bodies’ public sessions:** every session is webcasted. You can watch the webcast of the session on UN Web TV.<sup>135</sup>

## Notes

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133 For the CMW, the individual complaint mechanism has not yet entered into force.  
 134 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx), accessed 24 October 2018.  
 135 See <http://webtv.un.org/meetings-events/treaty-bodies>, accessed 24 October 2018.

## Session 10: Introduction to advocacy

### Session 10.1: Introduction to human rights advocacy at the UN

#### DURATION

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25 minutes

#### EQUIPMENT

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- Video projector and screen
- Laptop or computer

#### TRAINING MATERIAL

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- PowerPoint
- Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR
- Handout 7: Planning forthcoming advocacy opportunities at UN level

#### KEY RESOURCES

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- UN, 'Working with ECOSOC: an NGOs Guide to the Consultative Status'.<sup>136</sup>
- International Service for Human Rights, 'Reprisal Handbook' (2013).<sup>137</sup>

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<sup>136</sup> See <http://csonet.org/content/documents/Brochure.pdf>, accessed 24 October 2018.

<sup>137</sup> See [www.ishr.ch/sites/default/files/article/files/isshr\\_reprisals\\_handbook\\_web.pdf](http://www.ishr.ch/sites/default/files/article/files/isshr_reprisals_handbook_web.pdf), accessed 24 October 2018.



## Session 10.1 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- conduct human rights advocacy; and
- identify the relevant steps and activities to organise at the UN level.

### KEY MESSAGE

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The ECOSOC status will allow you to conduct advocacy at the UN level. It will enable you to:

- attend international conferences and events;
- enter UN premises;
- organise events on UN premises;
- submit written and oral reports at UN meetings; and
- participate in debates, interactive dialogues, panel discussions and informal meetings.

If you do not have any ECOSOC status, your activities before the HRC will be limited, but you will still be able to conduct advocacy with other UN human rights mechanisms, such as sending submissions to UN mechanisms.

When submitting information to a human rights mechanism, you should clearly state if you wish your report to be kept confidential. In case of reprisal after engaging or attempting to engage with the UN human rights system, you can report the case to the relevant UN Special Procedures or to the special UN reporting mechanism.

### INTRODUCTION TO HUMAN RIGHTS ADVOCACY AT THE UN

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See **Handout 7: Planning forthcoming advocacy opportunities at UN level.**

#### *ECOSOC / no ECOSOC status*

##### ORGANISATIONS WITH ECOSOC STATUS

ECOSOC status will allow you to conduct advocacy at the UN level. It will enable you to:

- attend international conferences and events;
- enter UN premises;
- organise events on UN premises;

- submit written and oral reports at UN meetings; and
- participate in debates, interactive dialogues, panel discussions and informal meetings.

NGOs can request a consultative status to the offices of the ECOSOC. Accreditation has been granted to more than 3,000 NGOs. You can apply online through the NGO branch at <http://csonet.org>. The steps included in the process of your application and subsequent review and approval by ECOSOC are:

- create a profile for your organisation;
- submit the online application, which includes a questionnaire and supporting documentation;
- initial screening of your application by the NGO branch to ensure that your application is complete;
- review of your application by the ECOSOC committee on NGOs at its annual regular session in January or resumed session in May;
- recommendation by the committee; and
- decision taken by ECOSOC on your application in July.

See **Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR?**

### *Organisations or individuals with no ECOSOC status*

If you do not have any ECOSOC status, you cannot:

- request an annual pass to the UN – NGOs can only request temporary badges to attend specific sessions/events;
- organise events on UN premises; or
- submit written statements or make oral statements during the HRC sessions.

However, you can still interact:

- with treaty bodies, through shadow reports;
- at the level of the UPR, through stakeholder submissions;
- at the level of the HRC, through joint stakeholder submissions with an NGO with the ECOSOC status, or through the complaint mechanism in case of gross violation of human rights;
- with the Special Procedures, through consultation and individual complaints; and
- through national human rights institutions, which can submit documentation to the HRC and other UN bodies.

See **Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR?**

## *Managing risks of reprisals and confidentiality*

### CONFIDENTIALITY OF NGO REPORTS SUBMITTED TO UN HUMAN RIGHTS MECHANISMS

When submitting information to a human rights mechanism, you should clearly state if you wish your report to be kept confidential.

Unless otherwise requested, NGO reports submitted to UN human rights mechanisms are made public and posted on the web page of the mechanism concerned. This means that the reports are also available to the States Parties. This should be kept in mind, especially for NGOs coming from countries where civil society organisations cannot work freely and are harassed by the authorities.

If requested and justified, the information sent by NGOs will not be posted online. However, if the State Party concerned requests a copy, the Secretariat of the Committee cannot refuse and must process the request.

### CONFIDENTIALITY OF NGO COMMUNICATIONS TO SPECIAL PROCEDURES OR TREATY BODIES

If you call upon a Special Procedure, such as the Special Rapporteur on the independence of judges and lawyers, to send a communication to a country, the request and the name of your NGO will always be kept confidential.

It is extremely important that you also indicate whether the alleged victims and/or their families did or did not consent to:

- the names of the victims being disclosed in communications to governments, intergovernmental organisations, businesses, military or security companies; and
- the names of the victims appearing in a public report to the HRC.

### RISK OF REPRISALS AND RESPONSE MECHANISM

In case of reprisal after engaging or attempting to engage with the UN human rights system, you can report the case to the relevant UN Special Procedures and request an urgent appeal or a press release. Reporting a case to several different bodies will increase the visibility of the case and thereby increase the attention given to the violations committed by the state.

The victim shall match one or more of the following requirements:

- seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;
- avail or have availed themselves of procedures established under the auspices of the UN for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

- submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose; and
- are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

You can also submit cases of reprisal to a special UN reporting mechanism. This mechanism consists of an annual report that lists the alleged cases of reprisals suffered by those cooperating with the UN system that have come to the attention of the UN over the past year.

This report is presented each year to the HRC and is the Council’s main source of information on reprisals faced by human rights defenders who cooperate or attempt to cooperate with the UN system.

Information can be submitted to OHCHR at [reprisals@ohchr.org](mailto:reprisals@ohchr.org).

### *Getting started*

Your advocacy planning must be defined after reviewing the treaties ratified by your country and your country’s past and upcoming reviews by UN human rights mechanisms.

The OHCHR country web page provides all relevant information regarding your countries past activities at the UN.<sup>138</sup>

To find information on your countries’ upcoming reviews at the UN, see **Tool 10: Planning forthcoming advocacy opportunities at UN level**.

This may require you to come to Geneva to attend a session or an event. You may find useful logistical information in **Tool 7: How to get an accreditation to attend the sessions of the Treaty Bodies/HRC/UPR?**

## Notes

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<sup>138</sup> See [www.ohchr.org/EN/countries/Pages/HumanRightsintheWorld.aspx](http://www.ohchr.org/EN/countries/Pages/HumanRightsintheWorld.aspx), accessed 24 October 2018.



## Session 10.2: Advocacy during human rights council sessions

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 3: How to organise a side/parallel event
- Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR
- Handout 7: Planning forthcoming advocacy opportunities at UN level

### SUGGESTED EXERCISES

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#### Case study

Participants will answer the following case study:

In response to your allegations of various human rights violations against detainees in Syrian prisons, a Syrian state official declared during an interview with an international news agency that:

- the government endeavours to respect all human rights and international treaties it has ratified; and
- its treatment of detainees is not contrary to Syrian counterterrorism laws and regulations because it was necessary due to the conflict started by armed terrorists who were threatening civilians, the government, and the stability and unity of the country.

The state official also held that your claims were illegitimate as a member of the opposition, and that the terrorist opposition groups are responsible for human rights violations on a much greater and larger scale. How do you respond? Draft a statement detailing the arguments you will present orally during a HRC session.

**Role-play scenario:** This exercise will prepare advocates to defend themselves and respond when facing individuals trying to disprove or discredit their claims during interviews or while giving public statements or presentations. In a role-play scenario, a selection of trainees will deliver a statement and respond to the questions of the ‘audience’, played by the trainer and the rest of the trainees, who will be actively trying to delegitimise their experiences and arguments.

## Session 10.2 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the role and mandate of the HRC;
- identify relevant activities to conduct advocacy during an HRC session; and
- use international human rights recommendations at the domestic level.

### KEY MESSAGE

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This session provides information for Syrian legal professionals to conduct advocacy during HRC sessions.

- Organisations of legal professionals, like NGOs, can actively contribute to the discussions and drafting of the resolutions. While non-ECOSOC NGOs have limited possibility to contribute, they can contribute by partnering with ECOSOC NGOs, through oral and written statements.
- During HRC sessions, NGOs with ECOSOC status can:
  - attend the sessions of the HRC in the plenary room and the side events organised during the sessions;
  - submit documents, which will be issued with UN document symbol;
  - make oral statements under any substantive agenda items of the HRC;
  - organise side events;
  - take part in expert meetings and panels mandated by the HRC;
  - advocate for the adoption of a country or thematic resolution through sponsor missions; and
  - attend the informal drafting resolutions meetings and contribute to the drafting of resolutions before and during the HRC sessions.

### ADVOCACY DURING THE HUMAN RIGHTS COUNCIL SESSIONS

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**Reminder:** The HRC holds three ordinary sessions a year, in March, June and September/October. Each session is the time for the 47 Member States of the HRC to discuss a number of country situations and topics, and adopt a number of resolutions related thereto. (About 30 resolutions are adopted at every session, despite an attempt to reduce the number of resolutions.)

The sessions follow the same agenda items (see below); however, each of the sessions addresses specific themes and countries. For instance, the resolution on the independence of judges and lawyers is presented at the June session every two years and the resolution on the situation of human rights in Myanmar is presented at the March session every year.

### **Agenda items of the HRC sessions**

*Item 1. Organisational and procedural matters.*

*Item 2. Annual report of the UN High Commissioner for Human Rights and reports of the OHCHR and the Secretary-General.*

*Item 3. Promotion and protection of all human, civil, political, economic, social and cultural rights, including the right to development.*

*Item 4. Human rights situations that require the Council's attention.*

*Item 5. Human rights bodies and mechanisms.*

*Item 6. UPR.*

*Item 7. Human rights situation in Palestine and other occupied Arab territories.*

*Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action (VDPA).*

*Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance follow-up and implementation of the Durban Declaration and Programme of Action (DDPA).*

*Item 10. Technical assistance and capacity-building.*

For a description of the agenda of the HRC session, see *The HRC: A practical guide*.<sup>139</sup>

Under each agenda item, reports prepared by the OHCHR or other UN mechanisms (ie, Special Procedures, UPR Working Groups and the HRC Advisory Committee) will be discussed.

Written and oral statements made by NGOs should relate to these reports or work of the mechanisms concerned by the agenda item.

While the reports presented to the HRC are usually available on the HRC website one month before the start of the HRC session, reports may be published after the HRC session has started. This may prevent NGOs from submitting written statements on the report two weeks before the start of the HRC session (the exact date is communicated before each session and can be checked online).

All HRC sessions are webcasted, archived and can be watched on the website [webtv.un.org](http://webtv.un.org).

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<sup>139</sup> See [www.eda.admin.ch/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide\\_en](http://www.eda.admin.ch/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en), accessed 24 October 2018, pp 8–10.



## *Can you attend a Human Rights Council session and what activities can you organise?*

In addition to HRC Member States, observers – which include non-observer states, intergovernmental organisations, national human rights institutions and NGOs – may participate in a session.

Organisations of legal professionals, such as NGOs, can actively contribute to the discussions and drafting of the resolutions. Although non-ECOSOC accredited NGOs have limited possibility to contribute, they partner with ECOSOC accredited NGOs for their oral and written statements.

Organisations in consultative status with ECOSOC can:

- attend the sessions of the HRC in the plenary room and side events organised on the margins of the sessions;
- submit documents, which are then issued with the UN document symbol;
- make oral statements under any substantive agenda items of the HRC;
- participate through video messages in the HRC plenary debates, including during the adoption of the outcome of the UPR of the country by the HRC, the interactive dialogue following the presentation of a country mission report by a Special Procedures mandate holder and panels or annual discussions;
- organise side events;
- take part in expert meetings and panels mandated by the HRC;
- advocate for the adoption of a country or thematic resolution through sponsor missions; and
- attend the informal drafting resolutions meetings and contribute to the drafting of resolutions before and during the HRC sessions.

Organisations with no ECOSOC status can:

- attend the sessions of the HRC from the public gallery, once they have been accredited with a public gallery badge;
- attend side events held during the HRC sessions, once they have been invited by the organisers of the side event (the organisers send a list to the participants to their side events three days prior to the event); and
- join written or oral statements submitted by an ECOSOC accredited NGO.

See **Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR?** and **Handout 7: Planning forthcoming advocacy opportunities at UN level.**

## *Written submissions to the Human Rights Council*

NGOs in special consultative status (or on the roster) may submit written statements of up to 2,000 words for NGOs in general consultative status. As noted, although only ECOSOC-accredited NGOs can formally submit a written statement, NGOs without ECOSOC consultative status can be associated with:

- a written statement made by ECOSOC-accredited NGOs – the name of the NGO will appear in a footnote of the written submission. Note that the format for written submissions is defined by the OHCHR and references to ECOSOC/non-ECOSOC NGOs cannot be modified.

## *Oral statement to the Human Rights Council*

Oral statements can be made at all sessions of the HRC sessions (during general debates, interactive dialogues or panels and discussions).

During **interactive dialogues**, the mechanism with a mandate related to the subject under discussion is expected to react or respond to the points raised in the oral statements. Given the number of statements made by HRC members and observers, responses provided often only address some of the issues raised during the interactive dialogue.

Time allocated for an oral statement is two to three minutes, and can be shortened due to time constraints.

An oral statement follows a three-step process:

- NGOs must register as soon as the registration for NGO oral statements is open: due to the ‘first registered, first served’ basis, only NGOs registering in the first few minutes may expect to have a time slot;
- once time slots are allocated (the information is available on the HRC Extranet just before the HRC session starts), NGOs are requested to sign at the NGO desk in the plenary room (Room XX) of the HRC to confirm their registration. This confirmation can only be made on-site and must be done the day prior to the date the statement is due, at the latest, before 6pm; and
- NGOs are expected to deliver one hard copy of their statement to the NGO desk in order to assist the interpretation services (prior to their presentation).

Oral statements are uploaded onto the HRC web page and made available by the HRC Secretariat on the HRC Extranet.

In the case of joint statements, NGOs with ECOSOC consultative status should fill in a joint oral statement form<sup>140</sup> and send it via email<sup>141</sup> or take it to the list of speakers’ desk in person. As noted, NGOs without ECOSOC accreditation can be associated with an oral statement submitted by an

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140 See [www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx), accessed 24 October 2018.

141 See n 125 above.

NGO with ECOSOC accreditation. Only NGOs with ECOSOC accreditation can formally ‘join’ an oral statement made by another ECOSOC accredited NGO by filling in the ‘joint oral statement form’. NGOs without accreditation can only be mentioned in the statement as associated with the statement.

*Organisation of a parallel event during a Human Rights Council session*

See **Handout 3: How to organise a side/parallel event.**

*Complaints to the Human Rights Council (former 1503 procedure)*

The HRC complaints procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances. Communications are submitted by individuals, groups or NGOs alleging to be victims of human rights violations or having direct, reliable knowledge of such violations.

It is confidential, with a view to enhance cooperation between the HRC and the state concerned. The new complaints procedure has been improved, where necessary, to ensure that the procedure be impartial, objective, efficient, victims-orientated and conducted in a timely manner.

# Notes

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## Session 10.3: Engaging with the universal periodic review process

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR
- Handout 7: Planning forthcoming advocacy opportunities at UN level

### KEY RESOURCES

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- Review of the 2016 UPR of the Syrian Arab Republic

### SUGGESTED EXERCISES

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**Group discussion:** Identification of opportunities for the upcoming UPR.

## Session 10.3 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the role and mandate of the UPR Process;
- identify the relevant activities in order to report violations of human rights during the UPR process; and
- use UPR recommendations at the domestic level.

### KEY MESSAGE

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You can contribute:

- before the UPR, by:
  - informing the national report and engaging in the consultation process;
  - preparing and submitting an independent shadow report to the OHCHR;
  - taking part in the NGO UPR Info pre-sessions; and
  - lobbying diplomatic missions in your country, at regional level and/or in Geneva;
- during the UPR of the country, by:
  - attending Syria’s review;
- during the adoption of the UPR report by the HRC, by:
  - taking the floor during the interactive dialogue with Syria;
- between two UPRs, by:
  - cooperating with the Syrian Government to implement the UPR recommendations;
  - fostering exchanges on human rights issues and related case law between national bar associations and members of the judiciary, especially between countries receiving similar recommendations at the UPR;
  - disseminating the outcomes of the UPR in Syria;
  - mainstreaming UPR recommendations into your work; and
  - cooperating with international and regional organisations.

## Engaging with the universal periodic review process

### KEY INFORMATION ABOUT THE UNIVERSAL PERIODIC REVIEW

**Reminder:** The UPR is a peer-review process, through which states review each other based on multi-stakeholders' sources of information.

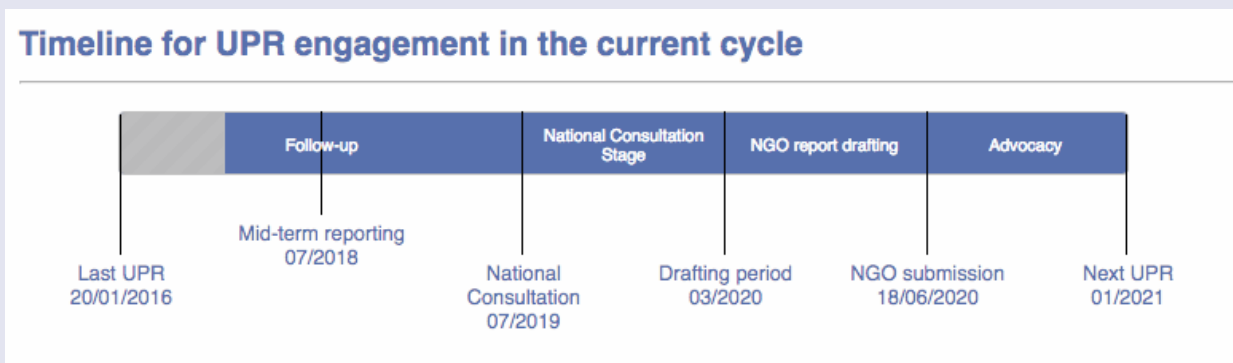
This information is compiled into three reports, two of which are prepared by the OHCHR:

- the report presented by the state under review;
- the OHCHR report gathering the country-specific recommendations made by human rights mechanisms and UN bodies; and
- the OHCHR report summarising the country-specific inputs submitted by the civil society and other stakeholders.

The UPR process has three main stages:

- Based on the submission of information by all different stakeholders, the review of the country takes place at the HRC during the UPR sessions.
- Four months later, the UPR report and recommendations are formally adopted by the HRC during an ordinary session. Between the review of the country and the adoption of the report, the state under review must 'support' or 'note' the recommendations. When a state does not 'support' a recommendation, we say that the 'recommendation is noted' – in practice, this equates to rejecting the recommendation.
- Between the four and a half years separating two UPRs, the state should plan the implementation and monitoring of the recommendations. States are encouraged to provide a mid-term report on the implementation of the recommendations they have accepted.

### Example of the UPR timeline for Belgium



Source: UPR Info website



## HOW CAN YOU CONTRIBUTE TO THE UNIVERSAL PERIODIC REVIEW PROCESS?

Legal professionals and their organisations, with or without ECOSOC status, can take part in the UPR process by submitting information and monitoring the implementation of the recommendations.

See **Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR** and **Handout 7: Planning forthcoming advocacy opportunities at UN level**.

### BEFORE THE UNIVERSAL PERIODIC REVIEW

You can:

- Inform the national report and engage in the consultation process that the government is due to organise in preparation for the national report. Engaging on an independent footing with the formal government consultation process will ensure that civil society experience and perspective are reflected in the national report.
- Prepare and submit an independent shadow report to the OHCHR. With the knowledge acquired through your work within the courts system, legal professionals are in a strong position to reflect the human rights situation in the administration of justice, leading to a more evidence-based and credible review. Legal professionals can include specific and accurate recommendations for the UPR Working Group to reflect on.
- Take part in the NGO UPR Info pre-sessions. They are an opportunity for NGOs to inform the diplomatic missions in Geneva:

The UPR pre-sessions are organised at the initiative of the NGO UPR Info. NGOs can attend the NGO UPR Info in Geneva by applying on the UPR pre-sessions website.

Only five or six NGOs representatives are selected to attend the pre-session of a country. It is therefore recommended to apply in a coordinated manner with other NGOs.

The pre-sessions are organised about a month prior to the UPR of the country.

The application process takes place about four months prior to the pre-sessions.

In preparation for the UPR Info pre-session, it is recommended to prepare an advocacy factsheet summarising the information and recommendations of the shadow report submitted.

Once an NGO's participation is confirmed to the pre-session, it is requested to prepare a briefing and oral statement (with the possibility of also presenting a PowerPoint – optional). The advocacy factsheet can be used as briefing and support for the oral statement.

After the pre-session, UPR Info will send you the list of permanent missions present with their contact details. We suggest that you send them your statement and your submission to the UPR, as well as any additional information you might have.

- Lobby diplomatic missions in your country, at regional level and/or in Geneva. It is recommended to prepare an advocacy strategy by:
  - identifying the diplomatic missions to address and the message to address with each diplomatic mission. By using the OHCHR matrix or the NGO UPR Info database, you can identify the countries that made recommendations related to your priorities/message during the last UPR; and
  - developing an advocacy factsheet, summarising the international obligations of the country and previous UPR recommendations; the situation in the country and progress, gaps and obstacles in the implementation of the recommendations since the last UPR; and your key recommendations in a concise and clear manner.

### *Relevant links*

- Background documents to the UPR;<sup>142</sup>
- OHCHR Technical Guidelines available on the UPR website: ‘Universal Periodic Review (Third Cycle): Information and guidelines for relevant stakeholders’ written submissions’;<sup>143</sup>
- Contacts:
  - UPR Submissions Helpdesk: [uprsubmissions@ohchr.org](mailto:uprsubmissions@ohchr.org);
  - OHCHR National Institutions, Regional Mechanisms and Civil Society Section;
  - National Institutions and regional mechanisms: [nationalinstitutions@ohchr.org](mailto:nationalinstitutions@ohchr.org); and
  - Civil Society: [civilsociety@ohchr.org](mailto:civilsociety@ohchr.org) or Tel: +(41) 22 917 9656;
- Guide to the UPR Info pre-sessions, Empowering human rights voices from the ground (2016); and<sup>144</sup>
- UPR Info website: upcoming pre-sessions.<sup>145</sup>

### *During the universal periodic review of the country*

You can attend the review of Syria. However, the review is webcasted and attending the session does not provide any further advocacy opportunity at that stage. NGOs cannot take the floor during the review.

<sup>142</sup> See [www.ohchr.org/EN/HRBodies/UPR/Pages/BackgroundDocuments.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/BackgroundDocuments.aspx), accessed 24 October 2018.

<sup>143</sup> See [www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx), accessed 24 October 2018.

<sup>144</sup> See [www.upr-info.org/sites/default/files/general-document/pdf/2016\\_pre-sessions\\_empowering\\_human\\_rights\\_voices\\_from\\_the\\_ground.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/2016_pre-sessions_empowering_human_rights_voices_from_the_ground.pdf), accessed 24 October 2018.

<sup>145</sup> See [www.upr-info.org/en/upr-process/pre-sessions/upcoming-pre-sessions](http://www.upr-info.org/en/upr-process/pre-sessions/upcoming-pre-sessions), accessed 24 October 2018.

*During the adoption of the universal periodic review report by the Human Rights Council*

You can take the floor during the interactive dialogue with Syria: NGOs are entitled to intervene immediately after the state under review during the adoption of the outcome of the review by the HRC plenary.

*Between two universal periodic reviews*

You are encouraged to:

- cooperate with the Syrian Government to implement UPR recommendations, and contribute to the development of legislation, institutional frameworks, policies and programmes by Syria geared towards implementing the outcomes and addressing key human rights issues of concern;
- foster exchanges on human rights issues and related case law between national bar associations and members of the judiciary, especially between countries receiving similar recommendations at the UPR;
- publicise and disseminate the outcomes of the UPR in Syria;
- use and mainstream UPR recommendations into your work; and
- cooperate with international and regional organisations.

**Notes**

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## Session 10.4: Engaging with Special Procedures

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 4: List of UN Special Procedures
- Handout 7: Planning forthcoming advocacy opportunities at UN level

### SUGGESTED EXERCISES

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**Group discussion:** Identify the best-suited Special Procedures for advocacy at UN level.

## Session 10.4 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the role and mandate of the UN Special Procedures; and
- identify the relevant activities in order to report violations of human rights to UN Special Procedures.

### KEY MESSAGE

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This session provides information for Syrian legal professionals to engage with UN Special Procedures.

You can engage with UN Special Procedures by:

- reporting human rights violations;
- requesting them to issue a communication on an individual case or a specific topic;
- requesting country visits;
- supporting their work by raising awareness about their reports and communications, as well as state responses;
- engaging in a continuous dialogue with them; or
- encouraging outstanding candidates to apply as Special Procedures mandate-holder.

### ENGAGING WITH SPECIAL PROCEDURES

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**Reminder:** Special Procedures are independent experts, appointed by the HRC, to monitor the implementation of human rights on a specific area or in a specific country. They engage in country visits (about two per year), respond to individual cases of human rights violations and develop one or two thematic/country reports a year that they submit to the HRC and/or the UNGA.

You can engage with UN Special Procedures to:

- report individual human rights violations and request the Special Procedure to issue a communication on an individual case or a specific topic. You can also submit information on positive or negative development related to the communication;
- request country visits:
  - by suggesting the Special Procedure to request a visit to Syria and putting pressure on the Syrian Government to accept the country visit by the Special Procedure; and

- prior to or during a country visit, by sending information and analysis to the Special Procedure on specific human rights concerns;
- at any time:
  - support the work of the Special Procedure by raising awareness about the reports and communications, as well as state responses. You can also follow up on recommendations made by the Special Procedures: follow-up events can be useful to assess progress, share experience and challenges in implementing recommendations (roundtable, expert meetings and conference); and
  - engage in a continuous dialogue with a Special Procedure. You can invite Special Procedures mandate-holders to participate in your activities. You can also meet a Special Procedure throughout the year and participate in the annual meeting of Special Procedures mandate-holders. It is important to follow the agenda of each Special Procedure and identify the topic of their next report and when this report is to be submitted to the HRC or the UNGA; and
- encourage outstanding candidates to apply as Special Procedures mandate-holder when a new mandate is being created or a mandate-holder has resigned.

See **Handout 7: Planning forthcoming advocacy opportunities at UN level.**

### *Relevant links*

- The Special Procedures database provides information about the activities of the Special Procedures, for example, which countries the mandates will visit or have asked to visit, and whether a consultation process is currently open to civil society.<sup>146</sup>
- The Special Procedures’ reports submitted to the HRC<sup>147</sup>: select the relevant session to access the reports submitted by the Special Procedures under the item ‘documentation’. Note that reports are available two or three weeks prior to the start of the session; however, some reports may only be available a few days before their presentation in plenary at the HRC.
- The Special Procedures’ reports presented at the UNGA are available on the Official Documents System (ODS) website a few weeks before the beginning of the session.
- Register to the OHCHR Civil Society Weekly Subscription for emails about Special Procedures’ activities – for example, country visits and consultations.<sup>148</sup>

<sup>146</sup> See <http://spinternet.ohchr.org/SitePages/Home.aspx>, accessed 24 October 2018.

<sup>147</sup> See [www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx), accessed 24 October 2018.

<sup>148</sup> Sign up at [https://visitor.constantcontact.com/manage/optin?v=0015de0j6wWFJ5woeZbEcmRY9w-0zZjN0\\_6](https://visitor.constantcontact.com/manage/optin?v=0015de0j6wWFJ5woeZbEcmRY9w-0zZjN0_6), accessed 24 October 2018.



## *Special Procedures' communications request*

### NATURE AND PURPOSE OF THE SPECIAL PROCEDURES' COMMUNICATIONS

In this context, 'communications' are letters sent by Special Procedures to governments and other entities, such as intergovernmental organisations, businesses, military or security companies.

Special Procedures do not have power or authority to enforce their views or recommendations. Once published by the HRC, communications provide visibility to human rights violations and put political pressure on the state/the company at stake.

Based on the information received, the experts can send two types of letters to the state/company:

- an urgent appeal, for emergency situations where the victim is at high risk of being violated/abused; and/or
- a letter of allegation in any other cases.

The Special Procedure can also choose to send a third type of letter called 'other letters'. The Special Rapporteur on the Independence of Judges and Lawyers resorted to this mechanism recently for the first time with a letter on the situation of the independence of judges and lawyers in Kazakhstan and then Azerbaijan.<sup>149</sup> These 'other letters' assess the legislation and policy of the country in light of international standards. Unlike the urgent appeals and letters of allegation, which are kept confidential for a couple of months, the 'other letters' are directly published on the website of the Special Rapporteur.

UN Special Procedures are the only UN human rights mechanism with a rapid response procedure (urgent appeal) for violations about to happen or to worsen. Urgent appeals can be used for political pressure or as a preventative measure when there is credible information that the victim will be subjected to a violation.

For example, an urgent appeal was submitted to the Special Rapporteur on Torture after credible information led to believe that a citizen who had been illegally arrested and arbitrarily detained for the second time was, at the time of the submission, being tortured. Within two days, the Special Rapporteur, through informal channels, communicated with the state. Eventually the victim was released, thanks to multiple actions, including the Special Rapporteur's intervention.

The Special Procedure can decide to send both a letter of allegation and an urgent appeal.

For example, in the case of a lawyer who has been threatened by the state for conducting his or her normal legal duties (letter of allegation) but also subject to torture and enforced disappearance (urgent appeal).

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149 See [www.ohchr.org/EN/Issues/Judiciary/Pages/Legislation.aspx](http://www.ohchr.org/EN/Issues/Judiciary/Pages/Legislation.aspx), accessed 24 October 2018.

The purpose of the Special Procedure's communications is to:

- draw the attention of governments and other entities on alleged human rights violations;
- ask states to prevent, stop, investigate violations and provide remedy; and
- report to the HRC on communications sent and replies received, raising awareness on individual and collective cases as well as legislative and policy developments they have addressed.

#### WHO CAN SEND A COMMUNICATION REQUEST AND WHEN?

Any individual, lawyer, group, civil-society organisation, intergovernmental entity or national human rights bodies can submit information to a Special Procedure in case of:

- past human rights violations;
- ongoing or potential human rights violation; or
- concerns relating to bills, legislation, policies or practices that do not comply with IHRL and standards.

The violation denounced can be the deed of governments, intergovernmental organisations, businesses, military or security companies.

The objective is to trigger a rapid response and stop the violation before it gets worse.

#### TO WHICH SPECIAL PROCEDURE?

The communication request can be addressed to one or several Special Procedures. Please see **Handout 4 for the list of the relevant Special Procedures**. You can also find the complete list on the OHCHR website (country mandates and thematic mandates).<sup>150</sup>

#### CONTENT OF THE SUBMISSION

- **Consent and names of the victim:** You must indicate in the submission:
  - the consent of the victim to request a communication (in case of submission by the victims and/or their families or representatives) unless impossible due to the situation; and
  - whether the victims DO or DO NOT consent that:
    - o their names be disclosed in the Special Procedure's communication; and
    - o their names appear in a public report to the HRC – if it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the communication of the Special Procedure and the report of communications will not mention the

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<sup>150</sup> See [www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx), accessed 24 October 2018.

victim(s) by name. In any case, the name of the source of the information (eg, family, civil society organisation, alleged victim or lawyer) is never disclosed.

- **Detailed facts:** The communication should contain:
  - a factual description of the alleged violations of human rights, which should be as comprehensive, detailed and precise as possible; and
  - pieces of legislation should be attached to the request, as relevant.
- **Evidence:** It is important to provide in attachment:
  - all pieces of legislation and documents (eg, press release, reports published by intergovernmental or NGOs) corroborating the facts; and
  - an official or unofficial translation of all key documents (eg, pieces of legislation) in English, if possible – otherwise in one of the six UN languages.

#### KEY REQUIREMENTS FOR REQUESTING A COMMUNICATION

- The communication should not be manifestly unfounded or politically motivated.
- The communication should contain a factual description of the alleged violations of human rights.
- The language in the communication should not be abusive.
- The communication should be submitted on the basis of credible and detailed information – because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible.
- The communication should not be exclusively based on reports disseminated by mass media.
- Experts will not require that the concerned state has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication. This is one of the main advantages of this mechanism.

#### HOW TO SUBMIT A SUBMISSION?

You can submit information and request a communication online: <https://spsubmission.ohchr.org>.

If you are not able to complete the form online, you may send your submission via email to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org). Post submissions may be sent to: OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland.

To keep track of your submission, you are encouraged to use the online form.

Please note that:

- Other procedures and requirements are applicable to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. Their methods of work are available on the web page of:
  - The Working Group on Arbitrary Detention;<sup>151</sup> and
  - The Working Group on Enforced or Involuntary Disappearances.<sup>152</sup>

#### FOLLOW-UP ON A COMMUNICATION

Each expert decides whether it will take action after receiving a submission based on the information received and the scope of its mandate.

Cases may be taken up within 24 hours of their submission. However, it may take longer, particularly when information in the submission is insufficient. Urgent appeals may be taken up in a matter of hours or days, due to the gravity of the situation. Letter of allegations may be sent to the state within six months.

You will not be notified by the Special Procedure of the actions taken. You can directly check with the Special Procedure's Secretariat and regularly check the annual communications reports.

Communications sent by the Special Procedure are confidential for a few months. States are given 60 days to reply to the Special Procedure communication. Communications and state responses, if any, are then published in one of the three reports compiling the communications to the HRC each year (in March, June and September).

#### *Relevant links*

- OHCHR submissions to Special Procedures;<sup>153</sup> and
- Special Procedures' communications reports.<sup>154</sup>

#### *Special Procedures' country visits*

Special Procedures can only visit a country when officially invited by the country. They usually send requests for specific states to invite them.

Each Special Procedure visits one to three countries a year. A visit lasts between one to three weeks. The Special Procedure then meets with the different stakeholders to assess the situation, for example, the independence of judges and lawyers in the country.

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151 See [www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx](http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx), accessed 24 October 2018.

152 See [www.ohchr.org/EN/Issues/Disappearances/Pages/MethodsWork.aspx](http://www.ohchr.org/EN/Issues/Disappearances/Pages/MethodsWork.aspx), accessed 24 October 2018.

153 See <https://spsubmission.ohchr.org>, accessed 24 October 2018.

154 See [www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx), accessed 24 October 2018.

## *Why assist the Special Procedures in their country visits and how?*

Each country report provides an assessment of the implementation of human rights treaty provisions and a number of recommendations within the thematic scope of the mandate. These recommendations are expert recommendations with no legal force. However, they are instrumental in supporting changes when channelled, supported and monitored by local stakeholders, especially legal professionals. They also inform other human rights mechanisms, treaty bodies and the UPR.

You can:

- suggest to visit Syria during consultations with NGOs organised by the Special Procedure or by contacting the Special Procedure and their secretariat directly. In order to assess the relevance of a visit, it is important to check:
  - whether and when the Special Procedure has already visited the country. If the mandate has recently visited the country, it is less likely that another visit be planned; and
  - whether other Special Procedures are planning to visit Syria (check the forthcoming visits using the Special Procedures’ database – see below). Due to the number of Special Procedures, it is very unlikely that a Special Procedure undertakes a visit where another Special Procedure with a relatively close mandate is already visiting;
- once the Special Procedure has requested an invitation from a country, you can pressure the state authorities – for example, the office of the Attorney-General – to accept the country visit requested by the Special Procedure; and
- when a country visit is scheduled, and before it takes place, you can send information and analysis on specific human rights concerns to the Special Procedures. You can offer to meet with the Special Procedure or recommend individuals, organisations or members of bar associations to meet once in the country.

## *How can you contact a Special Procedure?*

Each Special Procedure can be contacted directly through the contact details indicated on its respective website.

See **Handout 4: List of UN Special Procedures**.

## *Relevant links*

- The Special Procedures’ database provides a list of previous and forthcoming visits and pending invitation requests.<sup>155</sup>

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<sup>155</sup> See <http://spinternet.ohchr.org/SitePages/Home.aspx>, accessed 24 October 2018.

- Country visit reports are also available on the website of each Special Procedure. Prior to their official presentation to the HRC or the UNGA, each report is available on the website of the relevant session (respectively on the HRC Extranet for the HRC and the UN ODS for the UNGA).

### *Special Procedures' thematic reports*

Each Special Procedure submits one or two thematic reports a year to the HRC and/or the UNGA. Thematic reports are available on the website of each Special Procedure.

A thematic report constitutes an interpretation of international legal norms on a specific issue, in light of the current practice. It has a specific interpretative authority attached to the position of UN Special Procedure. The topic of a report can be broad.

For example, in 2009 and 2016 the Special Rapporteur on the independence of judges and lawyers dedicated her report to the independence of lawyers, or more specifically, the training of legal and judicial professionals or the issue of legal aid.

### *Why contribute to the drafting of a thematic report?*

Though thematic reports may point at generic types of violations, they may provide country-specific information and point at specific violations taking place in a country. It can provide the opportunity to raise awareness about severe human rights violations or, to the contrary, good practices at country level.

### *How can you contribute to a thematic report?*

If the Special Procedure organises a consultation (online and/or on-site) in preparation for their report, you can provide first-hand information in order to support the development of the report. This consultative process is not systematic; however, it is increasingly becoming frequent.

For example, in 2016, the Special Rapporteur on the independence of judges and lawyers held an online consultation and two on-site consultations – in Belgrade and Geneva – on lawyers under threat, in preparation for her report submitted to the September 2016 session at the UNGA.

Current consultations are available on the Special Procedures database. They are advertised on the OHCHR Civil Society email update. In this regards, we invite you to subscribe to the email updates on the Civil Society Section.

Some Special Procedures mention on their website or newsletter the theme of their next report. Information on the next report can also come from informal contact with the OHCHR secretariat of each mandate.



## Session 10.5: Engaging with treaty bodies

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR
- Handout 6: How to submit information to UN human rights mechanisms
- Handout 7: Planning forthcoming advocacy opportunities at UN level

### SUGGESTED EXERCISES

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**Group discussion:** Identify relevant treaty bodies and related activities for your advocacy.



## Session 10.5 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- describe the role and mandate of UN treaty bodies;
- identify the relevant activities in order to report violations of human rights to UN treaty bodies; and
- use international human rights recommendations at the domestic level.

### KEY MESSAGE

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This session provides information for Syrian legal professionals to engage with UN treaty bodies.

You can engage with treaty bodies:

- in relation to country reviews to send shadow reports in advance of Syria's review, and to attend the session during which Syria is being reviewed and provide information during formal and informal sessions organised by each treaty body; and
- at any time to request that a treaty body makes an inquiry procedure in case of systematic and gross human rights violations; to submit information with a view to support an early warning or urgent actions procedure before the CERD, the CRPD and the CED; and to rely on the treaty bodies' recommendations in your legal/judicial practice.

### ENGAGING WITH TREATY BODIES

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**Reminder:** Treaty bodies are composed of independent experts responsible for the interpretation and monitoring of a specific treaty. They review the implementation of a treaty by each state, in theory, every four or five years, upon the submission of a national report. In practice, states are reviewed much less often, due to the delay in state reporting. A treaty body can also hear individual cases of violation when the state has accepted its jurisdiction. Finally, they develop general comments or observations, which interpret the provisions of the treaty. They have three sessions a year – each session lasts from one to three weeks. During this session, each committee reviews a number of countries, hears a number of cases and works to develop a General Comment.

You can engage with treaty bodies:

- in relation to country reviews:
  - to send shadow reports in advance of Syria's review; and

- to attend the session during which Syria is being reviewed and provide information during formal and informal sessions organised by each treaty body;
- at any time:
  - to request a treaty body to make an inquiry procedure in case of systematic and gross human rights violations;<sup>156</sup>
  - to submit information with a view to support an early-warning or urgent actions procedure before the CERD, the CERP and the CED; and
  - to rely on the treaty bodies recommendations in your legal/judicial practice.

Each of the treaty bodies has established its own functioning. The table below summarises each treaty bodies' role and opportunities for NGOs to engage with them.

NGO opportunities to engage with treaty bodies

ACTIVITIES & FUNCTIONS OF TREATY BODIES	TREATY BODIES										NGO INPUT
	CERD	CESCR	HRC	CEDAW	CAT	SPT	CRC	CMW	CRPD	CED	
Examination of State reports	■	■	■	■	■		■	■	■	■	Through consultations regarding preparation of State reports Through submission of NGO reports both in relation to the adoption of list of issues and the actual examination
Concluding observations	■	■	■	■	■		■	■	■	■	Through providing draft recommendations to treaty body members and the secretariats
Individual communications	■	■	■	■	■		■	■	■	■	By assisting victim to submit a complaint By submitting complaint on behalf of the victim
Inter-State complaints	■		■		■		■	■		■	N/A
General Comments or General Recommendations	■	■	■	■	■		■	■	■	■	By raising relevant issues during general days of discussion By submitting information and comments for the drafting process
Inquiry procedure through country visits to investigate well-founded allegations of systematic violations of human rights		■		■	■	■	■		■	■	Through submission of relevant information
Follow-up procedure	■	■	■	■	■	■	■	■	■	■	By providing information on progress of implementation and follow-up Supporting and monitoring State implementation of recommendations of treaty body
Early-warning or urgent action procedure	■								■	■	Submitting information on violations

Source: ISHR, *A Simple Guide to the UN Treaty Bodies* (2015), p 36

See **Handout 7: Planning forthcoming advocacy opportunities at UN level.**

<sup>156</sup> This procedure is not available for the HRC, CERD and CMW.

## *Treaty bodies country review*

Countries are obligated to report to treaty bodies every four to five years on the implementation of the treaties it has ratified.

In practice, the delay in reporting is one of the main weaknesses of the treaty body system. As a mitigation measure, treaty bodies can decide to review country situations in the absence of report for a long period of time.

### *Why engage in the country review by the treaty bodies and how?*

A country review by a treaty body is often portrayed as a dialogue between the treaty body and the state on how to improve the human rights situation in the country.

Although concluding observations have no judicial authority and are not legally binding as such, they benefit from the authority attached to the treaty bodies, usually perceived as quasi-judicial authority.

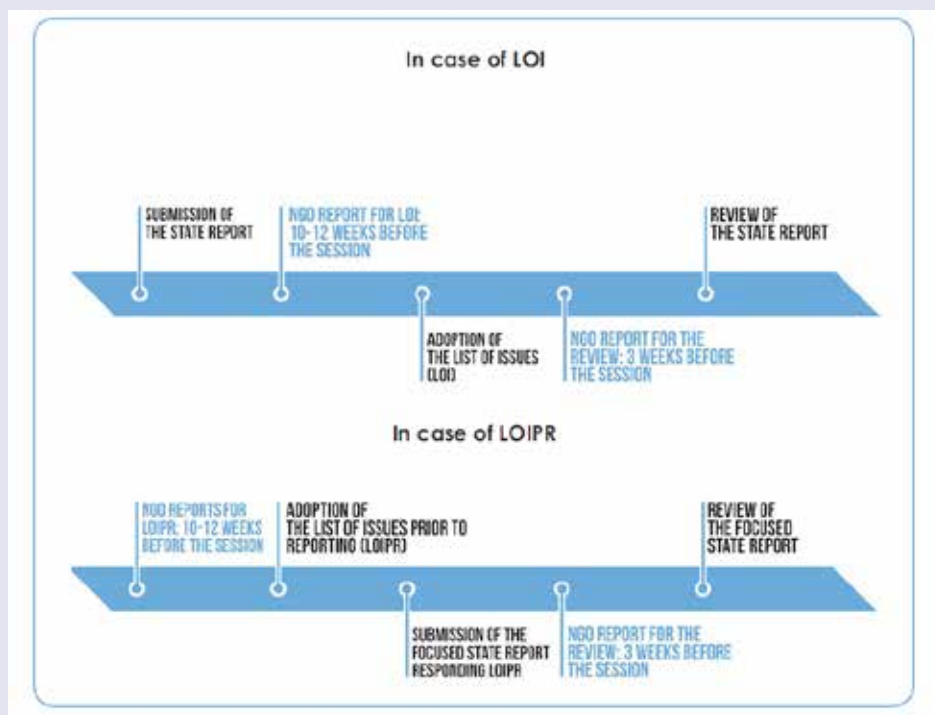
### *In preparation for the country review*

After the submission of the state report, the treaty body prepares a list of issues (LOI) to the state under review based on its initial report. Some committees have initiated a simplified procedure starting the process with a list of issues prior to reporting (LOIPR).

You can therefore inform the LOIPR (when applicable), the LOI and the actual reviewing process of the country by submitting a shadow report monitoring the implementation of human rights in the country since the last country review by the relevant treaty body. You can choose to send information at both stages of the process or only one (see table below).

The modalities for submitting information vary from one human rights treaty body to another. Generally, you should submit information and material following the submission of the state party report to a treaty body and before its consideration (see **Handout 6: How to submit information to UN human rights mechanisms**).

## Participation of NGOs at the country review process by the Human Rights Committee (CCPR)



Source: CCPR Centre, UN Human Rights Committee: Participation in the reporting process (2015)

### During the country review

You need to have an accreditation to attend the treaty body session (See **Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR**). However, you cannot participate in the country review itself.

For most of the treaty bodies, you can brief treaty body members during formal and informal meetings prior to the country review:

- During formal briefings, NGOs that have registered through the treaty body secretariat to make a statement will be called to make it. NGOs statements are aimed to draw the attention of the treaty body members to existing concerns and violations in the country under review. treaty body members may then ask for complementary information.
- For informal briefings, NGOs do not need to register to attend or intervene. The format is very similar to formal briefings, but the opportunity to make oral intervention is open.

### After the country review

The output of the dialogue between the treaty body and the state is the adoption of ‘concluding observations’ by the treaty body. Concluding observations have neither judicial nor quasi-judicial authority and are not legally binding. They constitute non-binding legal recommendations addressed to states.

In recent years, some committees have strengthened their monitoring process, and now request the state to send a monitoring report on the implementation of their recommendations within an agreed timeframe during the country review. There is no sanction in case a state fails to send a monitoring report.

You can use treaty bodies' recommendations and decisions in order to interpret international and national law in their practice. You can also invoke these recommendations to discuss law reform or reform in the administration of justice.

### *Individual complaints*

An individual complaint to a treaty body is a last resort remedy an individual may have, after all remedies are exhausted in the country.

The decision of the treaty body may:

- recognise the state's responsibility for human rights violations;
- request reparation for the victims;
- request guarantee of non-recurrence; and
- request provisional measures to protect the victims.

The process of individual complaint before treaty bodies is quasi-judicial. It is a very lengthy process, due to the response expected respectively from the state and the author of the complaint. Committees take in average about four years to hold a decision (referred to as 'views').

The treaty bodies' decisions qualify as 'international jurisprudence'. While some countries do recognise their legal binding force, others still disregard it.

### *List of treaty bodies that can receive individual complaints*

The following treaty bodies can consider individual complaints under certain circumstances:

- HRC (for states parties to the First Optional Protocol to the International Covenant on Civil and Political Rights);
- CED (upon state's declaration under Article 31 of the Convention);
- CESCR (for states parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights);
- CERD (upon state's declaration under Article 14 of the Convention);
- CEDAW (for states parties to the Optional Protocol to the Convention on the Elimination of Discrimination against Women);
- CAT (upon state's declaration under Article 22 of the Convention);

- CRC (for states parties to the Third Optional Protocol on a communications procedure (OPIC); and
- CRPD (for states parties to the Optional Protocol to the Convention).

The CMW's individual complaint procedure has not entered into force yet. This individual complaint mechanism will become operative when ten states parties have made the necessary declaration under Article 77.

**Reminder:** Syria has not recognised the competence of any committees to receive and consider individual complaints.

### *Inquiry procedure*

Some treaty bodies have specific procedures to either respond to imminent threats (early warning and urgent procedures) or undertake inquiry in case of systematic and gross human rights violations.

You can trigger either of the procedures by submitting information to the relevant treaty body.

The inquiry procedure is available if the state has not opted out from the inquiry procedure. It is confidential and the cooperation of the state party shall be sought at all stages of the proceedings.

Early warning and urgent measures were originally introduced by the CERD in order to prevent violations to escalate and prevent a resumption of conflict where it has previously occurred. The same procedures have been included in the most recent treaties, the CRPD and the CED.

### *Interpretation of international human rights treaties*

#### WHY CONTRIBUTE TO A GENERAL COMMENT?

Treaty bodies are in charge of interpreting UN human rights treaties. A General Comment/Observation provides an authoritative interpretation of international human rights treaties/provisions. Treaty bodies play a central role in providing an evolving interpretation of human rights in light of the current reality and practice on the ground. General Comments/Observations then guide the implementation of human rights at country level.

Legal professionals should read and apply international treaties and related General Comments all together.

Conversely, legal professionals are best placed to influence the development or revision of General Comments/Observations. They are key actors who can provide first-hand information to treaty bodies on the domestic and modern implementation of human rights treaties and recommendations.



## Session 11: Submitting recommendations to United Nations mechanisms

### DURATION

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100 minutes

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 2: How to find human rights mechanisms' recommendations and decisions
- Handout 6: How to submit information to UN human rights mechanisms
- Handout 7: Planning forthcoming advocacy opportunities at UN level

### SUGGESTED EXERCISES

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**Case study:** Identification of the best suited mechanisms for advocacy at UN level.

Participants will receive a list of human rights issues covered during the training and choose which of the mechanisms and advocacy avenues outlined in the session are best suited for advocacy. Participants will then share and explain their selections with the group to generate a discussion.

**Advocacy:** Preparation of an engagement strategy.

Groups of five participants working on similar issues will develop an engagement strategy with UN human rights mechanisms. The strategy should include which mechanisms will be targeted and how – as well as tangible advocacy activities for each mechanism. These strategies will then be discussed with all the participants and the trainers.



## Session 11 Content

### LEARNING OBJECTIVES

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At the end of this session, participants will be able to:

- prepare submissions to UN human rights mechanisms;
- identify the relevant mechanisms and actions based on the type violations; and
- influence international human rights recommendations.

### KEY MESSAGE

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This session aims to support the drafting of recommendations to be submitted to UN human rights mechanisms.

Recommendations should satisfy three conditions:

- be based on the most relevant international human rights instruments and recommendations;
- translate into a concrete recommendation the human rights principles of non-discrimination, participation, access to information or accountability, taking into account the legal, institutional and budgetary contexts of the country; and
- clearly identify the rights-holders and duty-bearers in the specific recommendation made.

### SUBMITTING RECOMMENDATIONS TO UNITED NATIONS MECHANISMS

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#### *Selecting the adequate mechanism*

**Reminder:** The victims and types of violations, as well as your objective will determine what is/are the appropriate human rights mechanism(s) to address.

- You are looking for a rapid response mechanism providing international support in case of violation of human rights in your country:
  - **Special Procedures:** The communication process with the Special Procedures is available in any circumstance for all countries, notwithstanding whether Syria has ratified international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.
  - **Treaty bodies:** You can also use the inquiry procedure and early warning or urgent action procedures existing for some of the treaty bodies.
- You want to bring an individual complaint at the international level:

- **HRC:** In case of gross violations of human rights, you can also use the complaint mechanism of the HRC (please note that this mechanism has not proven to be effective so far).<sup>157</sup>
- You want to channel information to human rights mechanisms in order to support evidence-based recommendations on human rights violations:
  - **Special Procedure:** you can inform the country visit of a Special Procedure.
  - **Treaty bodies:** you can submit information in preparation for the country review by a treaty body.
  - **UPR:** you can submit information in preparation for Syria’s UPR.
  - **HRC:** you can organise advocacy activities during a HRC sessions (ie, oral or written statement, or parallel event).

## FORMAT

The following sections provide general recommendations for the preparation of submissions, followed by specific recommendations on how to draft recommendations on the protection of human rights in Syria.

Requirements regarding the format of the submissions will depend on the human rights mechanism concerned. **Handout 6: How to submit information to UN human rights mechanisms** provides the links to the relevant information about each committee.

The introduction of any of your submissions should include a presentation of the NGOs involved (including contact details), activities in the country, as well as methodological information on how the information was collected.

### *SMART and human rights-based recommendations*

Your recommendations should be SMART in order to be actionable and monitored.<sup>158</sup>

In addition, your recommendations should follow a human rights-based approach, and thus satisfy the following conditions.

1. They should build on international human rights norms and standards and recommendations of the UN human rights mechanisms. This implies that they should translate into concrete recommendations the human rights principles of non-discrimination, participation, access to information or accountability, taking into account the legal, institutional and budgetary contexts of the country.

<sup>157</sup> Please note that, as Syria has not recognised the competence of the committees to receive individual complaints, you cannot use the complaint mechanism of the treaty bodies.

<sup>158</sup> UPR Info, A guide for recommending states at the UPR (UPR Info 2015), 27.

2. They should address the root causes of the problem, the ‘what’ and the ‘how’, as well as the relevant duty-bearers and rights-holders.
3. Your recommendations should build on good practices.

See **Handout 2: How to find human rights mechanisms’ recommendations and decisions.**

### *Writing a shadow report (UPR/treaty bodies)*

#### LIST OF QUESTIONS – LOI/LOIPR (TREATY BODIES)

When the submission aims to inform the LOI or LOIPR developed by treaty bodies in preparation for a country review, legal professionals should submit a shadow report as presented below, suggesting questions to the treaty body.

After the adoption of the LOI by the treaty body, NGOs that decide to inform further the country review should provide updated information or questions following the LOI addressed to the country to be reviewed.

#### SHADOW REPORTS IN PREPARATION FOR A COUNTRY REVIEW (UNIVERSAL PERIODIC REVIEW/TREATY BODIES)

NGO submissions aim to provide an assessment of the human rights situation in Syria since its latest review by the human rights mechanism concerned (before 2012 for most of the treaty bodies). The submission will provide an assessment of the progress, failures, and obstacles related to the realisation of human rights through evidence-based information presented.

The country’s human rights situation is assessed against:

- the relevant international, regional and national standards; and
- the human rights recommendations made recently (ie, by international, national and regional human rights mechanisms).

The assessment should include information on:

- the current level of enjoyment of the rights or the economic, social and legal contexts;
- the measures taken by the state to implement its human rights obligations, including domestic legislation and how they are implemented, as well progress achieved and remaining challenges; and
- violations and judicial cases that evidence the state’s failure in fulfilling, protecting and respecting human rights.

Any case law referenced should be up to date and indicate the stage of the judicial proceedings. Information should, as much as possible, specify sources. You should ensure that the credibility of the information cannot be challenged.

Background information should not be too extensive or duplicate information already provided in the state report. (**Reminder:** in the case of the UPR, the state report may not be available by the time the NGO submits its report.)

### Specific requirements for the treaty bodies

Before making any submission, you should check:

- whether Syria has ratified or acceded to the relevant instrument, and, if so, the extent of any declarations or reservations Syria has made to its provisions (generally, reservations do not prevent civil society actors from addressing specific issues and from bringing them to the attention of the treaty body);
  - you will find the relevant information related to Syria on the OHCHR’s interactive dashboard and in **Tool 1**.<sup>159</sup>
- when the next state report is due and when the next session of the relevant treaty body is scheduled. These dates are subject to change at short notice so it is important to be in regular contact with the relevant treaty body’s secretariat in the lead-up to each session to be aware of the main issues which are or have been under consideration. It is important for civil society actors to familiarise themselves with the contents of previous state reports, as well as the previous concluding observations and previous lists of issues;
  - you will find relevant information related to human rights in Syria on the OHCHR’s country page;<sup>160</sup>
  - particularly, you will find information related to Syria:
    - o for the deadline of the next state report on:
      - \* OHCHR’s page: ‘reporting status for Syrian Arab Republic’;<sup>161</sup> and
      - \* OHCHR’s page: ‘deadlines for the submission of documentation’;<sup>162</sup>
    - o for the date of the next session on:
      - \* each treaty body’s page: in the ‘sessions’ tab;<sup>163</sup> and
      - \* OHCHR’s page: ‘expected date of consideration’;<sup>164</sup>
    - o for previous state reports, concluding observations and previous lists of issues on the OHCHR’s page: ‘reporting status for Syrian Arab Republic’;<sup>165</sup> and

159 See <http://indicators.ohchr.org>, accessed 24 October 2018.

160 See [www.ohchr.org/EN/countries/MENARRegion/Pages/SYIndex.aspx](http://www.ohchr.org/EN/countries/MENARRegion/Pages/SYIndex.aspx), accessed 24 October 2018.

161 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN), accessed 24 October 2018.

162 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx), accessed 24 October 2018.

163 See [www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx](http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx), accessed 24 October 2018.

164 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En), accessed 24 October 2018.

165 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN), accessed 24 October 2018.

- the reporting guidelines of each human rights treaty body (so that civil society actors can help monitor the extent to which States Parties' reports conform to them).

#### *Specific requirements for the UPR*

When preparing a submission to the UPR, you should look at the reports and recommendations made by UN human rights mechanisms to monitor the implementation since the last UPR. You can also refer to the recommendations made by other relevant regional human rights mechanisms and national information.

You can find recommendations made by UN Mechanisms since the last UPR of Syria in 2016:

- for all the UN human rights mechanisms:
  - OHCHR's 'universal human rights index' for Syrian Arab Republic;<sup>166</sup>
- for UPR recommendations:
  - Syrian Arab Republic's page on the UPR web page;<sup>167</sup> and
  - UPR info's 'database of recommendations' for the Syrian Arab Republic;<sup>168</sup>
- for treaty bodies' recommendations:
  - OHCHR's page: 'reporting status for Syrian Arab Republic';<sup>169</sup> and
  - Treaty bodies Search;<sup>170</sup>
- for the Independent International Commission of Inquiry on the Syrian Arab Republic:
  - in the Commissions reports;<sup>171</sup>
- for HRC resolutions:
  - on the Universal Rights Group's Portal, select the tab 'HRC resolutions' then select the filters 'types: Country' and 'topic: Syrian Arab Republic'.<sup>172</sup>

Concerning the format and content of the submission, all requirements are contained in the OHCHR Technical Guidelines: 'Universal Periodic Review (Third Cycle): Information and guidelines for relevant stakeholders' written submissions'.

166 See <http://uhri.ohchr.org/EN/search/results?cc=SY>, accessed 24 October 2018.

167 See [www.ohchr.org/EN/HRBodies/UPR/Pages/SYindex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/SYindex.aspx), accessed 24 October 2018.

168 See [www.upr-info.org/database/index.php?limit=0&f\\_SUR=170&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchR eco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=170&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchR eco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly), accessed 24 October 2018.

169 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN), accessed 24 October 2018.

170 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/TBSearch.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx), accessed 24 October 2018.

171 See [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx), accessed 24 October 2018.

172 See [www.universal-rights.org/human-rights/human-rights-resolutions-portal](http://www.universal-rights.org/human-rights/human-rights-resolutions-portal), accessed 24 October 2018.

### *Key requirements:*

- Maximum length: 2,815 words (about five pages) for an individual submission and 5,630 words (about ten pages) for a joint submission.
- Focus on key human rights issues and implementation of accepted recommendations of the state, following the country matrix developed by the OHCHR.
- Deadline: seven to eight months prior to the review. Check for the exact deadlines.<sup>173</sup>
  - The report should be submitted through the online UPR submissions registration system.<sup>174</sup>

### *Preparing advocacy factsheets (universal periodic review/treaty bodies)*

An advocacy factsheet is a two-page document summarising in a clear and concise manner the international human rights obligations of the country and the relevant international recommendations made by the treaty bodies on a specific issue (eg, children's rights, freedom of expression, association and assembly and independence of judges and lawyers).

It presents:

1. the international obligations of the country and the international recommendations received on a specific issue;
2. progress, gaps and pitfalls in the implementation of each of these obligations/recommendations; and
3. four or five key recommendations to be made or questions to be put forward to the country by the treaty body or recommending state at the UPR. Recommendations should follow the instructions provided in the section above.

For a template of advocacy factsheet, see Factsheet no 3 UPR Advocacy Paper Template, UPR Info & Child Rights Connect (2013).<sup>175</sup>

The UPR Info website provides a number of examples of advocacy factsheets under the 'Documentation for NGOs' section.<sup>176</sup>

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173 See [www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx), accessed 24 October 2018.

174 See <https://uprdoc.ohchr.org>, accessed 24 October 2018.

175 See [www.upr-info.org/sites/default/files/general-document/pdf/upr\\_info\\_fs3\\_supplementaryadvocacytemplate\\_e.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_fs3_supplementaryadvocacytemplate_e.pdf), accessed 24 October 2018.

176 See [www.upr-info.org/en/how-to/documentation-for-ngos/advocacy](http://www.upr-info.org/en/how-to/documentation-for-ngos/advocacy), accessed 24 October 2018.

## *Preparing oral statements (universal periodic review pre-session/treaty bodies)*

An oral statement to the treaty bodies or at the UPR Info pre-session can build on the advocacy factsheet above.

Below are the instructions provided by UPR Info for the preparation of the oral statement at the UPR Info pre-sessions.

### STRUCTURE OF THE STATEMENT:

*1) Presentation of the organisation (Give a brief overview of the group you are representing. State if it is part of a coalition and mention its engagement in the UPR process so far): 3-4 lines max.*

*2) Briefly explain if national consultations took place (how many, where, when, who was invited) or not for the drafting of the national report: 2 lines max.*

*3) Briefly present the plan of your statement. Indicate the number of issues you will raise and in which order.*

*4) Issues: It is important to break down issues. Women, children, minorities, indigenous peoples, etc. can contain several sub-issues such as violence, discrimination, trafficking, education, and many more. Select a limited number of issues. For each issue, repeat step 1 to 3 as described below.*

*Step 1: Give an update on the recommendations from the first review dealing with this issue (do not hesitate to cite the name of the countries which made those recommendations). Have the recommendations been implemented? If not, was it due to lack of financial resources or political will? Were the recommendations too general? If there was no recommendation made during the first cycle on this issue, mention it in the statement and move to step 2.*

*Step 2: Describe how the situation on that issue has evolved in the country since the last review, highlight achievements and remaining gaps. Give examples of laws that have been passed or revoked, measures taken by the Government and 1 or 2 individual cases. Do not hesitate to give some figures and concrete examples.*

*Step 3: Suggest 2 or 3 recommendations and/or questions. Recommendations should be limited to the specific issue, should contain one specific aim and one specific measure and take into account the previous UPR recommendations if any.*

See **Handout 7: Planning forthcoming advocacy opportunities at UN level**







## Part III: Evaluating your training

### DURATION

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45 min

### EQUIPMENT

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- Flipchart or blackboard
- Marker pen
- Video projector and screen
- Laptop or computer

### TRAINING MATERIAL

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- PowerPoint
- Handout 8: Final training evaluation

### EVALUATING YOUR TRAINING

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The IBAHRI recommends evaluating the training throughout the entire training process, that is at the end of each session. It will provide key information that will enable you to monitor your training and re-evaluate the learning objectives, methodology and content based on the participants' feedback. It can also allow you to evaluate whether the key message of the past session has been delivered. Time for this continuous evaluation should be included in all the sessions.

At the end of the training, you should also conduct a final evaluation to assess whether the training has been effective. A final training evaluation form can be found in **Handout 8**.

The evaluation should also continue after the end of the training with a series of follow-ups: in the medium and long terms to assess whether participants have used the knowledge acquired during the training, and whether the training was useful for their work and organisation.



# Handouts

## Handout 1: List of treaties ratified by Syria and their respective reservations

Treaty	Ratification	Individual complaints?	Declarations/reservations
<b>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</b>	1969	No	<p>'The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.'</p> <p>'The Syrian Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the Parties to the dispute, to be referred to the International Court of Justice for decision. The Syrian Arab Republic states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.'</p>
<b>International Covenant on Civil and Political Rights (ICCPR)</b>	1969	No	<p>'The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.'</p> <p>'The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.'</p>
<b>International Covenant on Economic, Social and Cultural Rights (ICESCR)</b>	1969	No	<p>'The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.'</p> <p>'The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.'</p>
<b>Convention on the Elimination of All Forms of Discrimination Against Women</b>	2003	No	<p>'..... subject to reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute.'</p> <p>'The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of the Convention...'</p>
<b>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	2004	No	<p>'In accordance with the provisions of article 28, paragraph 1, of the Convention, the Syrian Arab Republic does not recognize the competence of the Committee against Torture provided for in article 20 thereof.'</p> <p>'The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of this Convention.'</p>

Treaty	Ratification	Individual complaints?	Declarations/reservations
<b>Convention on the Rights of the Child</b>	1993	No	'The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah's principles, in particular the content of article 14 related to the Right of the Child to the freedom of religion [...].'
<b>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</b>	2003	No	'Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols. The Syrian Arab Republic declares that the statutes in force and the legislation applicable to the Ministry of Defence of the Syrian Arab Republic do not permit any person under 18 years of age to join the active armed forces or the reserve bodies or formations and do not permit the enlistment of any person under that age.'
<b>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</b>	2003	No	'A reservation is entered to the provisions set forth in article 3, paragraph 5, and article 3, paragraph 1 (a) (ii) of the Optional Protocol on the sale of children, child prostitution and child pornography, which relate to adoption. Declaration: Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols.'
<b>International Convention on the Protection of the Rights of All Migrant Workers</b>	2005	No	'...accession of the Syrian Arab Republic to the said Convention thereof by its Government does not, in any way, imply recognition of Israel, nor shall it lead to any such dealing with the latter as are governed by the provisions of the Convention.'
<b>Convention on the Rights of Persons with Disabilities</b>	2009	No	'Our signature of this Convention does not in any way, imply recognition of Israel or entry into relations with Israel, in any shape or form, in connection with the Convention. We signed today on the basis of the understanding contained in the letter dated 5 December 2006 from the Permanent Representative of Iraq to the UN addressed, in his capacity as Chairman of the Group of Arab States for that month, to the Chairman of the Committee, which contains the interpretation of the Arab Group concerning article 12 relating to the interpretation of the concept of "legal capacity".'
<b>Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD-OP)</b>	2009	No	'The Government of the Syrian Arab Republic declares that it does not recognize the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") provided for in articles 6 and 7 of the Optional Protocol, in accordance with Article 8 of that Protocol, which provides that each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.'

## Handout 2: How to find human rights mechanisms' recommendations and decisions

Human rights mechanisms	You are looking for:	Where to find it:
<b>All mechanisms</b>	<ul style="list-style-type: none"> <li>Treaty bodies' recommendations and decisions</li> <li>Special Rapporteurs' recommendations</li> <li>UPR recommendations</li> </ul>	Universal Human Rights Index <sup>177</sup>
<b>Treaty Bodies</b>	'General comments' or 'General Recommendations' (CEDAW/CERD)	Human rights treaty bodies -General Comments <sup>178</sup>
	Concluding observations (country reporting process)	Treaty body's search web page <sup>179</sup>
	Decisions (complaint mechanism)	Treaty body jurisprudence database <sup>180</sup>
	Reports of inquiry	Treaty Body's website
	Upcoming countries to be reviewed	Calendar of country reviews by treaty body <sup>181</sup> OHCHR human rights by country <sup>182</sup>
	Reporting status	Search engine by country <sup>183</sup>
<b>Special Procedures</b>	Communications	Communications report of Special Procedures <sup>184</sup> Communications search engine <sup>185</sup>
	Country reports	Special Rapporteurs' website Country visits since 1998 (database) <sup>186</sup> or special procedures' search engine <sup>187</sup> Forthcoming country visits <sup>188</sup> OHCHR 'Human rights by country' web page <sup>189</sup>
	Thematic reports	Special Procedures' website (with sometimes the topic of the report indicated or an index of reports by issue)

177 See <http://uhri.ohchr.org/en>, accessed 24 October 2018.

178 See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/233/20/pdf/G1523320.pdf?OpenElement>, accessed 24 October 2018.

179 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/TBSearch.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx), accessed 24 October 2018.

180 See <http://juris.ohchr.org>, accessed 24 October 2018.

181 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En), accessed 24 October 2018.

182 See [www.ohchr.org/EN/countries/MENARegion/Pages/SYIndex.aspx](http://www.ohchr.org/EN/countries/MENARegion/Pages/SYIndex.aspx), accessed 24 October 2018.

183 See [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx), accessed 24 October 2018.

184 See [www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx), accessed 24 October 2018.

185 See <https://spcommreports.ohchr.org>, accessed 24 October 2018.

186 See [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en), accessed 24 October 2018.

187 See [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Search.aspx?Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Search.aspx?Lang=en), accessed 24 October 2018.

188 See [http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx), accessed 24 October 2018.

189 See [www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx](http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx), accessed 24 October 2018.

<b>UPR</b>	All recommendations made at the UPR	UPR Info database <sup>190</sup> (search engine)
	<i>Country-specific information (submitted prior the review):</i> National reports submitted by the state under review Compilation of UN information Summary of stakeholders' information	UPR website UPR Info website <sup>191</sup>
	<i>Country-specific information (submitted prior the review):</i> Civil society individual submission (eg. IBAHRI submissions)	UPR Info website <sup>192</sup>
	<i>Country-specific information:</i> Outcome of the review (Working Group report)	UPR website UPR Info website <sup>193</sup>
<b>Human Rights Council</b>	Country/thematic resolutions	Universal Rights Group's Portal to the resolutions adopted by the HRC <sup>194</sup> RightDocs <sup>195</sup>

190 See [www.upr-info.org/database](http://www.upr-info.org/database), accessed 24 October 2018.

191 See [www.upr-info.org/en](http://www.upr-info.org/en), accessed 24 October 2018.

192 See [www.upr-info.org/en](http://www.upr-info.org/en), accessed 24 October 2018.

193 See [www.upr-info.org/en](http://www.upr-info.org/en), accessed 24 October 2018.

194 See [www.universal-rights.org/human-rights/human-rights-resolutions-portal](http://www.universal-rights.org/human-rights/human-rights-resolutions-portal), accessed 24 October 2018.

195 See [www.right-docs.org](http://www.right-docs.org), accessed 24 October 2018.

## Handout 3: How to organise a side/parallel event

Mechanism	Deadline for room booking	Room Booking System
<b>Human Rights Council</b>		
<b>Side event during the HRC session</b>	The deadline for room booking is available a few weeks before the HRC session at: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>	Online booking system: NGO Side-Event Room Request Form: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>
	The organiser of the event may invite a maximum of 15 guests who do not already hold access badges to the Palais des Nations. These guests should register individually on the online platform <a href="http://reg.unog.ch">reg.unog.ch</a> (a link will be accessible before each HRC session to register specifically to the side events of this session) two working days prior to the event and upload a copy of the official signed letter inviting them to participate. After this deadline, no further requests or changes will be accepted.	
<b>UPR</b>		
<b>Information meeting on the UPR process</b>	The room booking system is open a few months before each UPR session and is closed a few weeks before the start of the session. Please regularly check the section 'NGOs and NHRIs' of the OHCHR UPR website for the updated deadline. <sup>196</sup>	Online registration system available at: <a href="http://www.ohchr.org/en/hrbodies/upr/pages/NgosNhris.aspx">www.ohchr.org/en/hrbodies/upr/pages/NgosNhris.aspx</a>  For further information, contact the NGO Liaison Unit, HRC Secretariat at: <a href="mailto:hrcngo@ohchr.org">hrcngo@ohchr.org</a>

<sup>196</sup> See [www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx), accessed 24 October 2018.



## Handout 4: List of special procedures (valid as of 31 December 2017)

You can find the complete list of Special Procedures at: [www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx)

EXAMPLES OF SPECIAL RAPORTEURS WITH THEMATIC MANDATES WHO CAN BE CONTACTED IN RELATION TO THE SITUATION OF HUMAN RIGHTS IN THE SYRIAN ARAB REPUBLIC:

Special Rapporteurs	Name of current Special Rapporteur	Date appointed	Overview of the mandate	Contact information
Special Rapporteur on extrajudicial, summary or arbitrary executions	Dr Agnes Callamard	1 August 2016	<a href="http://www.ohchr.org/EN/Issues/Executions/Pages/Overview.aspx">www.ohchr.org/EN/Issues/Executions/Pages/Overview.aspx</a> Model complaint form: <a href="http://www.ohchr.org/EN/Issues/Executions/Pages/ModelQuestionnaire.aspx">www.ohchr.org/EN/Issues/Executions/Pages/ModelQuestionnaire.aspx</a>	<a href="mailto:aje@ohchr.org">aje@ohchr.org</a>
Special Rapporteur on the right to food	Hilal Elver	May 2014 – assumed functions on 2 June 2014	<a href="http://www.ohchr.org/EN/Issues/Food/Pages/Overview.aspx">www.ohchr.org/EN/Issues/Food/Pages/Overview.aspx</a>	<a href="mailto:srfood@ohchr.org">srfood@ohchr.org</a>
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Dainius Pūras	June 2014	<a href="http://www.ohchr.org/EN/Issues/Health/Pages/OverviewMandate.aspx">www.ohchr.org/EN/Issues/Health/Pages/OverviewMandate.aspx</a>	<a href="mailto:srhealth@ohchr.org">srhealth@ohchr.org</a>
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Professor Nils Melzer	1 November 2016	<a href="http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx">www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx</a>	<a href="mailto:sr-torture@ohchr.org">sr-torture@ohchr.org</a>
Special Rapporteur on violence against women, its causes and consequences	Dubravka Šimonovic	June 2015	<a href="http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx">www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx</a>	<a href="mailto:vaw@ohchr.org">vaw@ohchr.org</a>
Special Rapporteur on the rights of persons with disabilities	Catalina Devandas Aguilar)	1 December 2014	<a href="http://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/SRDisabilitiesIndex.aspx">www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/SRDisabilitiesIndex.aspx</a>	<a href="mailto:sr.disability@ohchr.org">sr.disability@ohchr.org</a>
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	David Kaye	August 2014	<a href="http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx">www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx</a> For model complaint form: <a href="http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionQuestionnaire.aspx">www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionQuestionnaire.aspx</a>	<a href="mailto:freedex@ohchr.org">freedex@ohchr.org</a>
Special Rapporteur on the situation of human rights defenders	Michel Forst	June 2014, by the President of the HRC	<a href="http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx">www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx</a> Model complaint form: <a href="http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx">www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx</a>	<a href="mailto:defenders@ohchr.org">defenders@ohchr.org</a>
Special Rapporteur on the rights to freedom of peaceful assembly and of association	Annalisa Ciampi	May 2017 to 30 November 2017	<a href="http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx">www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx</a>	<a href="mailto:freeassembly@ohchr.org">freeassembly@ohchr.org</a>

Special Rapporteurs	Name of current Special Rapporteur	Date appointed	Overview of the mandate	Contact information
<b>Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism</b>	Fionnuala Ní Aoláin	June 2017	<a href="http://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx">www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx</a>	<a href="mailto:srct@ohchr.org">srct@ohchr.org</a>

## WORKING GROUPS THAT CAN BE CONTACTED IN RELATION TO THE CURRENT SITUATION OF HUMAN RIGHTS IN THE SYRIAN ARAB REPUBLIC

Working Groups	Members of the Working Group	Overview of the mandate	Contact information
<b>Working Group on Arbitrary Detention</b>	Seong-Phil Hong (Republic of Korea) José Guevara (Mexico) Sètondji Roland Adjovi (Benin) Leigh Toomey (Australia) Elina Steinerte (Latvia)	<a href="http://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx">www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx</a>  The Working Group on Arbitrary Detention has adopted criteria to determine whether a deprivation of liberty is arbitrary (See <a href="http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf">www.ohchr.org/Documents/Publications/FactSheet26en.pdf</a> )	<a href="mailto:wgad@ohchr.org">wgad@ohchr.org</a>
<b>Working Group on Enforced or Involuntary Disappearances</b>	Luciano Hazan (Argentina) Bernard Duhaime (Canada) Henrikas Mickevičius (Lithuania) Houria Es-Slami (Morocco) Tae-Ung Baik (Republic of Korea)	<a href="http://www.ohchr.org/EN/Issues/Disappearances/Pages/Mandate.aspx">www.ohchr.org/EN/Issues/Disappearances/Pages/Mandate.aspx</a>	<a href="mailto:wgeid@ohchr.org">wgeid@ohchr.org</a>
<b>Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination</b>	Elzbieta Karska (Poland) Patricia Arias (Chile) Anton Katz (South Africa) Gabor Rona (USA/Hungary) Saeed Mokbil (Yemen)	<a href="http://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx">www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/WGMercenariesIndex.aspx</a>	<a href="mailto:mercenaries@ohchr.org">mercenaries@ohchr.org</a>

## Handout 5: How to get an accreditation to attend the sessions of the treaty bodies/HRC/UPR

### GETTING AN ACCREDITATION TO ACCESS THE UN PREMISES AND ATTEND THE HRC/UPR/TREATY BODIES SESSIONS

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The UN has recently set up a new accreditation system for all meetings held in Geneva at UNOG: Indico. You need to register using Indico in order to obtain a security badge to access UN premises.

A brief description to the registration process is provided at: [http://csonet.org/content/documents/Indico\\_Quick\\_Guide\\_for\\_NGO\\_Participants.pdf](http://csonet.org/content/documents/Indico_Quick_Guide_for_NGO_Participants.pdf).

**Step 1:** Create an Indico account at: <https://reg.unog.ch/user/register> (one per individual).

**Step 2:** Register separately for the event, using the link provided on the event's website.

**Step 3:** You will then receive the UN pass electronically a few days before the session.

You then need to collect your pass in person at the security booth:

- for Palais des Nations: Pregny Gate, 8 - 14 Avenue de la Paix, 1211 Geneva 10, Switzerland; office hours are 0800 to 1700, Monday to Friday)
- for Palais Wilson: 52 rue des Pâquis, 1201 Geneva, Switzerland. Office hours are 0900 to 1800, Monday to Friday).

You need to bring the electronic UN pass, a valid national passport or government-issued photo ID, and an accreditation letter if relevant.

Please note that applicants must bring their passports (or government-issued photo ID) every time they wish to enter UN premises.

### GETTING A TEMPORARY OR ANNUAL GROUND PASS

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ECOSOC NGOs can request annual or temporary ground passes (up to three months, renewable once). There is currently no limit to the number of ground passes that can be requested.

A pass must be requested three days before the first entry into the UN premises.

All relevant information for requesting passes is available on the Accreditation page of the UN & Civil Society website: [www.unog.ch/80256EE60057E07D/\(httpPages\)/205B83FEAF802AF880256EF4002BD3EA?OpenDocument](http://www.unog.ch/80256EE60057E07D/(httpPages)/205B83FEAF802AF880256EF4002BD3EA?OpenDocument).

## Handout 6: How to submit information to UN human rights mechanisms

### INFORMATION SUBMITTED TO TREATY BODIES

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The schedule for each committee session is published on the treaty body web page. NGOs are given the opportunity to send a written report. They also have the opportunity to take part in public and private meetings organised during the session of the committee.

Due to each treaty body's large amount of work, it is important to send your report as early as possible. Each committee provides specific guidance for the format of the written report.

For example, CERD expects a summary page and a table of contents, with a short description of the mandate or nature of the organisation.

CEDAW mentions a limit of 3,300 words for individual contributions.

Some committees, such as the CMW, prepare an information note for civil society participation prior to each session. The information note mentions deadlines and the participation process. It is available on the treaty body's web page.

For all treaty bodies, NGO written submissions should:

- indicate the full name of the NGO;
- indicate the state party scheduled for consideration to which the information relates;
- indicate whether the submission should be considered confidential or can be posted on the committee's website; all submissions will be posted on the committee's website unless identified as 'confidential';
- be submitted as much as possible in English, French or Spanish (please note that the Secretariat does not translate documents submitted by civil society stakeholders);
- be transmitted to the Secretariat within the deadlines indicated below or in the NGO information note available on the committee's website under the relevant session; and
- submit the written information in Word format (if not otherwise indicated) by email (see table below) or post to:

[Name of the relevant treaty body]

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais Wilson – 52, rue des Pâquis

CH-1201 Geneva (Switzerland)

Tel: +41 22 917 9706

Fax: +41 22 917 9008

Regarding informal briefings, committees usually provide a time slot in their programme of work for a public informal meeting with civil society organisations (CSOs) on the first day of the session. During the informal meetings, CSOs can present their written reports and answer questions from committee members.

CSOs can also provide information to the committee during private informal briefings, often organised during lunch hours. All committee members are informed by the Secretariat when the briefing will take place, but it is up to committee members to decide whether to attend. You can also personally invite committee members to the briefing to increase the chances of attendance. A briefing usually lasts one hour.

Finally, CSOs can try to make informal contacts with committee members. However, it must be noted that committee members have a busy schedule.

Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<b>Committee against Torture</b>	<p><b>LOI and LOIPR</b></p> <p>CSOs' written information must be received by the Secretariat, in an electronic format, between three to four months before the session adopting the LOI and lists of issues prior reporting (please regularly check the CAT web page).</p> <p><b>Concluding observations (country reviews)</b></p> <p>CSOs' written information must be received by the Secretariat, in an electronic format, at least four weeks before the start of the session reviewing the country.</p> <p><b>In-session briefings</b></p> <p>In order to participate in the NGO in-session briefings with CAT members, CSOs must be accredited at least two weeks before the session and register for the in-session briefings by contacting the World Organisation against Torture (<a href="mailto:cat@omct.org">cat@omct.org</a>), and copy the Secretariat of the Committee (<a href="mailto:cat@ohchr.org">cat@ohchr.org</a>).</p>	<p>Written submissions should be sent in Word format to: <a href="mailto:cat@ohchr.org">cat@ohchr.org</a></p> <p>For general queries, contact the CAT Secretariat:</p> <p>Tel: +41 22 917 9886            Fax: +41 22 917 9008            Email: <a href="mailto:cat@ohchr.org">cat@ohchr.org</a></p>	<p>The World Organisation Against Torture (Organisation Mondiale Contre la Torture (OMCT)) assists in the coordination of NGOs participation for the sessions.</p> <p>OMCT            PO Box 21            8, rue du Vieux-Billard            1211 Geneva 8            Switzerland            Tel: + 41 22 809 4939            Fax: + 41 22 809 4929            Email: <a href="mailto:omct@omct.org">omct@omct.org</a></p>

Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<p><b>Committee on Enforced disappearances</b></p>	<p><b>LOI/country reviews (concluding observations)</b></p> <p>Civil society actors are requested to observe the deadlines indicated in the NGO information note that will be available on the Committee’s website under the relevant session. Civil society ‘alternative reports’ that follow the same form of presentation as the reports submitted by the state party concerned are especially welcome. Inputs can be submitted prior to the adoption of the LOI and/or the review of the state party’s report. Civil society actors may also send information related to the follow-up to concluding observations procedure. Civil society actors are encouraged to take into consideration the reports by the state party while transmitting their inputs.</p> <p><b>In-session briefings</b></p> <p>Civil society representatives will have the possibility to address the Committee during formal meetings (with interpretation in English, French and Spanish). These meetings are set out in the programme of work and normally take place at the beginning of the session. Civil society representatives may also organise informal briefings (without interpretation) with Committee members. These meetings are usually organised at 1400 to 1500 on the day prior to the examination of a particular state party. There will be a designated room for these briefings. For civil society stakeholders that would like to address the members of the Committee but cannot travel to Geneva, the Secretariat may organise video conferences.</p> <p>Please contact the CED Secretariat at <b>ced@ohchr.org</b>, at least one month prior to the beginning of the session, to confirm attendance to a meeting and/or arrange coffee briefings with the members of the Committee.</p>	<p>Submit the information/report in both PDF and Word formats to the CED Secretariat: <b>ced@ohchr.org</b>.</p> <p>For general queries, contact the CED secretariat:</p> <p>Tel: +41 22 917 9189  Fax: +41 22 917 9008  Email: <b>ced@ohchr.org</b></p>	
<p><b>Committee on the Elimination of All Forms of Discrimination against Women</b></p>	<p><b>Written NGO submissions</b></p> <p>These should not exceed 3,300 words (6,600 words for submissions by NGO coalitions) and should be sent in electronic Word format.</p> <p><b>List of Issues (Pre-sessional Working Group)</b></p> <ul style="list-style-type: none"> <li>• NGO submissions should be received in electronic format at least six weeks before the pre-sessional working group.</li> <li>• Hard copies can also be sent (optional).</li> </ul> <p><b>Constructive dialogue (in plenary session)</b></p> <p>All submissions should be received in electronic Word format, three weeks prior to the beginning of the session by the Secretariat of the Committee.</p> <p><b>In-session briefings</b></p> <p>Pre-sessional Working Group: NGOs may make an oral presentation to Committee members on the first day of the Pre-Sessional Working Group. A written version of the statement should be submitted in hard copy (ten copies) on the day of the briefing.</p>	<p>Written submissions should be sent electronically in Word format to: <b>cedaw@ohchr.org</b>.</p> <p>If NGOs also wish to submit the information in hard copy format, they should send ten (in case of LOI) or 15 (in case of constructive dialogues) hard copies of their submission to:</p> <p>CEDAW Secretariat  OHCHR – Palais Wilson  52, rue des Pâquis  CH-1201 Geneva 10  Switzerland</p> <p>For general queries, contact the CEDAW Secretariat:</p> <p>Tel: +41 22 917 9443  Fax: +41 22 917 9008  Email: <b>cedaw@ohchr.org</b></p>	<p>NGOs should contact International Women’s Rights Action Watch (IWRAP) Asia Pacific if they wish to make an oral briefing. They can also request support from IWRAP-Asia Pacific to submit their written information (in Word format) to the Secretariat. For details and deadlines, contact:</p> <p>IWRAP-Asia Pacific  10-2, Jalan BangsarUtama 9  BangsarUtama  59000 Kuala Lumpur,  Malaysia  Tel: +60 322 822 255  Fax: +60 322 832 552  Email: <b>iwrap-ap@iwrap-ap.org</b> or <b>iwrap_ap@yahoo.com</b></p>

Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<p><b>Committee on the Elimination of All Forms of Racial Discrimination</b></p>	<p><b>List of themes</b></p> <p>Usually the list of themes is sent to the respective state governments and published by CERD four to six weeks prior to the relevant session. It is generally recommended that, if wishing to provide information specifically for the list of themes, civil society actors start preparing and submit it to the Secretariat as soon as possible. When submitted, it must also be clearly indicated that the input is for the list of themes so that it is processed in a timely manner.</p> <p>Country review: alternative reports should be sent to the Secretariat at the latest three weeks before the relevant session.</p> <p><b>In-session briefings</b></p> <p>NGOs that wish to participate should contact the CERD Secretariat before the session concerned. These meetings are convened in the conference room where CERD has its formal sessions and interpretation is provided by the conference service in English, French, Spanish, Russian and Chinese. Depending on the number of NGOs wishing to speak, the exact time given to one speaker will vary.</p> <p>NGOs wishing to participate in the informal briefing taking place during the lunch break (usually one hour) should inform the CERD Secretariat.</p>	<p>Written submissions should be sent Word format to: <b>cerd@ohchr.org</b></p> <p>For general queries, contact the CERD Secretariat:</p> <p>Tel: +41 22 917 9757 Fax: +41 22 917 9008 Email: <b>cerd@ohchr.org</b></p>	<p>The International Movement against all forms of discrimination and racism (IMADR) provides support and information on the work of the CERD.</p> <p>IMADR International Secretariat 6 Floor, 1-7-1, Irifune, Chuo-ku, Tokyo 104-0042, Japan Tel: (81 3) 6280 3101 Fax: (81 3) 6280 3102 Email: <b>imadr@imadr.org</b></p> <p>Geneva Office 150, route de Ferney, CP 2100 1211 Geneva 2, Switzerland Tel: (41 22) 791 6263 Fax: (41 22) 791 6480 Email: <b>Geneva@imadr.org</b></p>
<p><b>Committee on Economic, Social and Cultural Rights</b></p>	<p><b>LOI/country reviews (concluding observations)</b></p> <p>The submissions to CESCR should be:</p> <ul style="list-style-type: none"> <li>submitted in English, French or Spanish. It is very useful if you submit a report and/or summary translated into English. Please note that the UN Secretariat does not translate these reports;</li> <li>transmitted to the CESCR Secretariat preferably six weeks and at the latest three weeks before the beginning of the session. An eight to ten week deadline applies to the pre-sessional working groups submissions; and</li> <li>transmitted to the CESCR Secretariat electronically only.</li> </ul> <p><b>In-session briefings</b></p> <p>NGOs wishing to take part in the in-session briefing the first day of each reporting session should register with the CESCR Secretariat.</p>	<p>Written submissions should be sent in Word format to: <b>cescr@ohchr.org</b></p> <p>For general queries, contact the CESR Secretariat:</p> <p>Tel: +41 22 917 9529 Fax: +41 22 917 9008 Email: <b>cescr@ohchr.org</b></p>	

Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<p><b>Committee on the Protection of the Rights of All Migrants Workers and Members of their Families</b></p>	<p><b>Country reviews</b></p> <p>All written submissions should reach the Secretariat of the Committee three weeks prior to the beginning of the session.</p> <p>Civil society organisations/National Human Rights Institution (NHRI) submissions should be in English, French or Spanish and should generally not exceed ten pages in length.</p> <p>All information should be submitted electronically to the CMW Secretariat.</p> <p><b>In-session briefings</b></p> <p>Civil society actors that have submitted written information are given the opportunity to provide oral information to the Committee in a public meeting before the Committee’s examination of the state party’s report, as well as for those states for which the Committee will be adopting Lists of Issues and/or LOIPR.</p> <p>CSOs/NHRIs making oral statements should note that such interventions should typically not exceed ten minutes.</p> <p>More or less time may be provided by the Chair depending upon the number of speakers.</p> <p>CSOs/NHRIs should also bring five hard copies of their oral statements/talking points at least 15 minutes prior to the meeting for interpretation purposes.</p> <p>Prior to the briefing, CSOs/NHRIs are requested to send an electronic version of their statements/ talking points in Word format to: <a href="mailto:cmw@ohchr.org">cmw@ohchr.org</a>.</p>	<p>Word and PDF versions of the submission should be sent to: <a href="mailto:cmw@ohchr.org">cmw@ohchr.org</a></p> <p>For general queries, contact the CMW secretariat:</p> <p>Tel: +41 22 917 9335 Fax: +41 22 917 9008 Email: <a href="mailto:cmw@ohchr.org">cmw@ohchr.org</a></p>	<p>CSOs can contact the International NGO Platform for the Migrant Workers Convention:</p> <p>c/o December 18 Rue de Varembe, 1 PO Box 96 CH-1211 Geneva 20 Tel: +41 22 919 1048 Fax: +41 22 919 1048 Email: <a href="mailto:ipmwc@december18.net">ipmwc@december18.net</a></p>
<p><b>Committee on the Rights of the Child</b></p>	<p><b>LOI (pre-sessions)</b></p> <p>Reports should be submitted electronically three months before the pre-session. Deadlines for the submission of reports are posted on the website of the Committee for each pre-session.</p> <p>Five paper copies of each submission should be sent to the OHCHR.</p> <p><b>Country reviews/sessions (concluding observations)</b></p> <p>Additional submissions between the pre-session and the session can be sent up to one month prior to the session. Deadlines for submitting additional information is posted on the website of the Committee for each session.</p> <p><b>In-session briefings</b></p> <p>Please note that only the organisations that submit written information in accordance with the aforementioned deadlines and procedures can be invited to participate in the pre-sessional working groups.</p> <p>All information can be found at: <a href="http://www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx">www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx</a>.</p>	<p>All reports should be submitted electronically through the Child Rights Connect website at:</p> <p><a href="http://www.childrightsconnect.org/upload-session-reports">www.childrightsconnect.org/upload-session-reports</a></p> <p>For general queries, contact the CRC secretariat:</p> <p>Tel: +41 22 917 9141 Fax: +41 22 917 9008 Email: <a href="mailto:crc@ohchr.org">crc@ohchr.org</a></p>	<p>If you wish to receive support and capacity-building to engage in the reporting process and the work of the Committee, you can contact:</p> <p>Child Rights Connect 1 rue de Varembe 1202 Geneva, Switzerland Tel: +41(0)22 740 4730 Email: <a href="mailto:crcreporting@childrightsconnect.org">crcreporting@childrightsconnect.org</a> <a href="http://www.childrightsconnect.org">www.childrightsconnect.org</a></p>



Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<p><b>Committee on the Rights of Persons with Disabilities</b></p>	<p>The Committee recommends a maximum of 10,700 words in the case of alternative reports, and a maximum of 5,350 words for other submissions. Hard copies are not necessary.</p> <p><b>LOI (pre-sessional working groups)/country reviews (concluding observations)</b></p> <p>Report should be sent at least one month prior to the review of the country. The informative note to participants available on the website before each session defines the specific deadline.</p> <p><b>In-session briefings</b></p> <p>Registration to in-session briefings should be made at least one month prior to the session. Representatives of organisations of persons with disabilities and civil society organisations applying for a briefing meeting shall submit a request specifying:</p> <ul style="list-style-type: none"> <li>• the name of the organisation: coalitions are encouraged to make a brief description of their comprising organisations, their mission/vision statement and what role persons with disabilities play in the organisation;</li> <li>• the title of the briefing event;</li> <li>• brief description of the topics that will be addressed during the country specific briefing; and</li> <li>• name and function of the speaker(s).</li> </ul> <p>Speakers are requested to submit statements of their interventions to the Secretariat prior to the briefing.</p> <p>Organisations willing to make oral statements are encouraged to coordinate themselves the use of meeting time and the allocation of time slots among themselves. If such coordination is not feasible, the Committee Secretariat will allocate time slots after consultation with the Chair of the Committee.</p> <p>Thematic briefings will take place during non-official meeting time.</p>	<p>All reports should be submitted in Word format, to: <b>jaraya@ohchr.org</b></p> <p>Please indicate in the email subject line: 'Submission' and the 'name of the country' (for example, 'Submission Armenia')</p> <p>For general queries, contact the Secretariat of the Committee:</p> <p>Tel: +41 22 917 9703  Fax: +41 22 917 9008  Email: <b>crpd@ohchr.org</b></p>	

Treaty body	Deadline for submission of information	OHCHR contact	Support NGO
<p><b>Human Rights Committee</b></p>	<p><b>LOI</b></p> <p>NGOs should submit their report ten to 12 weeks before the start of the session during which the relevant LOI is adopted.</p> <p>A specific deadline is set by the Committee Secretariat and is indicated in the information note prepared by the Committee Secretariat for each session. The information note is published on the website of the Committee on the page of each session and on the Human Rights Committee Centre’s website.</p> <p><b>Country reviews (concluding observations)</b></p> <p>NGO reports should be submitted no later than four weeks before the country review. A specific deadline is set by the Committee Secretariat for the submission of NGO reports at each session.</p> <p><b>In-session briefings</b></p> <p>NGOs wishing to take part in the in-session briefing should contact CCPR Centre in order to register.</p>	<p>The report should be sent to:</p> <p>Kate Fox (<a href="mailto:kfox@ohchr.org">kfox@ohchr.org</a>)</p> <p>Sindu Thodiyil (<a href="mailto:sthodiyil@ohchr.org">sthodiyil@ohchr.org</a>)</p> <p>For general queries, contact the Secretariat of the Committee:</p> <p>Tel: +41 22 917 9000  Fax: +41 22 917 9008  Email: <a href="mailto:ccpr@ohchr.org">ccpr@ohchr.org</a></p>	<p>CCPR Centre provides support to NGOs.</p> <p>CCPR-Centre organises open national NGO consultations before the review of some state reports to prepare a civil society report.</p> <p>Centre for Civil and Political Rights (CCPR Centre)  Rue de Varembé 1  1202 Genève  Tel: 022 332 2555  Email: <a href="mailto:info@ccprcentre.org">info@ccprcentre.org</a></p>

## Indicative schedule for NGO reporting at the Human Rights Committee

### Indicative schedules for NGO reporting

	Deadline for NGO reports for LOI	Drafting of LOI by the Committee	Adoption of LOI by the Committee	Deadline for NGO reports for the review	Review of the State Report by the Committee
State reports scheduled to be reviewed at March session	April (at least 10 weeks before Committee's July session)	May	July (at Committee's July session)	February (3 weeks before Committee's March session)	March
State reports scheduled to be reviewed at July session	July (at least 10 weeks before Committee's October session)	August	October (at Committee's October session)	June (3 weeks before Committee's July session)	July
State reports scheduled to be reviewed at October session	December (at least 10 weeks before Committee's March session)	January	March (at Committee's March session)	September (3 weeks before Committee's October session)	October

Source: CCPR Centre, UN Human Rights Committee: *Participation in the reporting process (2015)*, p 26

For further information on civil society engagement with treaty bodies:

- CRC: 'The Reporting Cycle of the Committee on the Rights of the Child: A Guide for NGOs and NHRIs', Child Rights Connect (2014), [www.childrightsconnect.org/wp-content/uploads/2015/07/EN\\_GuidetoCRCReportingCycle\\_ChildRightsConnect\\_2014.pdf](http://www.childrightsconnect.org/wp-content/uploads/2015/07/EN_GuidetoCRCReportingCycle_ChildRightsConnect_2014.pdf); see also, 'The Committee's guidelines for the participation of partners', [www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx](http://www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx).
- ICERD and CERD: 'A Guide for Civil Society Actors', The International Movement against All Forms of Discrimination and Racism (2011), [www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf).
- CEDAW: 'Producing Shadow Reports to the CEDAW Committee: A Procedural Guide', International Women's Rights Action Watch (2008), [www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro](http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro).
- CRPD: International Disability Alliance, Convention on the Rights of Persons with Disabilities, [www.internationaldisabilityalliance.org/resources/convention-rights-persons-disabilities](http://www.internationaldisabilityalliance.org/resources/convention-rights-persons-disabilities).
- HRC, 'Participation in the Reporting Process – Guidelines for Non-Governmental Organisations', Centre for Civil and Political Rights (2015), <http://ccprcentre.org/ccpr-ngo-guidelines>.

## INFORMATION SUBMITTED TO THE HUMAN RIGHTS COUNCIL

Submission	Submission form	Deadline for submission
<b>Written submission</b>	Online submission available at: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>	The deadline for written submissions is available at: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>  (Note: the deadline is usually two weeks before the beginning of the session)
<b>Oral statement</b>	Online registration system available at: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>  Once the statement is uploaded through the online registration system, it is shortly available on the HRC Extranet.	The registration day for oral statements is usually the week before the beginning of the session: <a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a>  (Note: if possible, and in order to facilitate the interpretation, the statement should be delivered in hard copy at the NGO desk of the HRC)
<b>Joint oral statement form (NGOs joining a statement submitted by another NGO)</b>	The joint oral statement form is available at: <a href="http://www.ohchr.org/Documents/HRBodies/HRCouncil/OralStatementCoSponsorshipForm.doc">http://www.ohchr.org/Documents/HRBodies/HRCouncil/OralStatementCoSponsorshipForm.doc</a>  The joint statement form should be signed and brought in person to the list of speakers' desk. If the NGO is based outside of Geneva, the signed form may be emailed to <a href="mailto:hrcngo@ohchr.org">hrcngo@ohchr.org</a>	The joint statement form must be submitted a day before the oral statement.

## INFORMATION SUBMITTED TO THE UNIVERSAL PERIODIC REVIEW

Submission	Submission form	Deadline for submission
<b>Shadow report (NGOs-NHRIs)</b>	Stakeholder submissions should be sent – according to the deadlines – through the 'online UPR submissions registration system' to register contributions for the UPR documentation from UN entities and stakeholders, available at: <a href="https://uprdoc.ohchr.org">https://uprdoc.ohchr.org</a> . Stakeholders should follow the Guidelines for the Use of the Online UPR Submissions Registration System. <sup>197</sup>	Shadow reports must be submitted seven to eight months prior to the review. Check exact deadlines at <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx">www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx</a> .
<b>National report (state reports)</b>	National reports should be directly submitted to: <a href="mailto:uprstates@ohchr.org">uprstates@ohchr.org</a>	Deadlines for states to submit the national report shall be officially communicated by the HRC Secretariat to the states concerned. These are indicatively 12 weeks before the session during which the review will take place. National reports not submitted within established deadlines will not be translated in the six official languages of the UN.

<sup>197</sup> Download the Guidelines at [www.ohchr.org/Documents/HRBodies/UPR/How-to-GuideUPR\\_Online\\_Registration\\_System.doc](http://www.ohchr.org/Documents/HRBodies/UPR/How-to-GuideUPR_Online_Registration_System.doc), accessed 24 October 2018.

## Handout 7: Planning forthcoming advocacy opportunities at UN level

Events/ sessions	Type of information	Website
<b>All mechanisms</b>	Human rights events in Geneva	OHCHR calendar of human rights events in Geneva: <a href="http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx">www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx</a>
<b>Treaty bodies</b>	Country reviews	Calendar of country reviews by treaty bodies: <a href="http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&amp;Lang=En">http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&amp;Lang=En</a>
	Due reporting date	OHCHR Human rights by country (select the country and look at 'reporting status'): <a href="http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx">http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx</a>
<b>HRC</b>	Deadlines for written and oral submissions	<p>Reports presented to the HRC are usually available about a month before the start of the HRC session, while the programme of work with the exact timetable of the session may be available only two weeks prior to the session.</p> <p>The deadline for NGOs written submissions is available on the 'NGO participation' web page of the HRC, as well as the time and day that NGOs can register for an oral statement.</p> <p><a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx</a></p> <p>Time slots are allocated by order of registration and, depending on the time restriction, only a limited number of NGOs will be able to actually make their statements. NGOs are therefore encouraged to register in the few minutes after the registration system is open.</p>
	Draft resolutions	<p>Draft resolutions are available on the HRC Extranet, usually a week before the vote, which takes place the last day of the HRC session:</p> <p><a href="http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCRegistration.aspx">www.ohchr.org/EN/HRBodies/HRC/Pages/HRCRegistration.aspx</a></p>
<b>Special Procedures</b>	Forthcoming country visits	<a href="http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx">http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx</a>
<b>UPR</b>	UPR cycle	The calendar of country reviews by UPR cycle is available at: <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx">www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx</a>
	Deadlines for submitting information	'NGO-NHRI' section: <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx">www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx</a>

## Handout 8: Final training evaluation

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

1. From 1 (insufficient) to 5 (appropriate and relevant), how would you rate:

	1	2	3	4	5
The training programme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The pace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The length of the course	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The training material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The handouts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The experience sharing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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2. From 1 (insufficient) to 5 (appropriate and relevant), how would you rate:

	1	2	3	4	5
The training room	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The hotel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative arrangements and communication <b>prior</b> to the programme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative arrangements and communication <b>during</b> the programme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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**3. To what extent did the training programme meet your expectations?**

1 = not at all

3 = met expectations

5 = exceeded my expectations

The programme met my expectations	1	2	3	4	5
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If the programme did not meet or exceed your expectations, please explain why:

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**4. How relevant was this training programme to your work?**

1 = not at all

3 = relevant

5 = extremely relevant

The programme was relevant to my work	1	2	3	4	5
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**5. How useful were the sessions?**

1 = not useful at all

3 = somewhat useful

5 = very useful

Presentations	1	2	3	4	5
Interactive discussions	1	2	3	4	5
Case studies	1	2	3	4	5
Breakout sessions	1	2	3	4	5

**6. Which aspects of the programme did you find the most helpful?**

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**7. Which aspects of the programme did you find the least helpful?**

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*8. Are there any other topics in the area of human rights that you think should be covered in future trainings? Please describe:*

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*9. If you have any other suggestions as to how this training programme might be improved, please add your comments below:*

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*10. Please indicate if you have any further comments:*

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Thank you



## Handout 9: Relevant articles of the Rome Statute

### *Article 6 – Genocide*

For the purpose of this Statute, ‘genocide’ means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

### *Article 7 – Crimes against humanity*

1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

## *Article 8 – War crimes [NIAC]*

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, ‘war crimes’ means:

(...)

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

- (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
  - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
  - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (ix) Killing or wounding treacherously a combatant adversary;
  - (x) Declaring that no quarter will be given;
  - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
  - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- (f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

# Bibliography

## Engaging with UN human rights mechanisms (general manuals)

- OHCHR, Professional Training Series No 20 Reporting to the United Nations Human Rights Treaty Bodies: Training Guide in English: [www.ohchr.org/Documents/Publications/PTS20\\_HRTB\\_Training\\_Guide\\_PartI.pdf](http://www.ohchr.org/Documents/Publications/PTS20_HRTB_Training_Guide_PartI.pdf)
- OHCHR, Working with the UN Human Rights Programme – a Handbook for Civil Society, [www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf)
- OHCHR, A Practical Guide for Civil Society: How to Follow Up on United Nations Human Rights Recommendations, [www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRecommendations.pdf](http://www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRecommendations.pdf)
- Human Rights Law Centre and International Service for Human Rights, Domestic implementation of UN human rights recommendations: A guide for human rights defenders and advocates, [www.ishr.ch/sites/default/files/article/files/domestic\\_implementation\\_of\\_un\\_human\\_rights\\_recommendations\\_-\\_final.pdf](http://www.ishr.ch/sites/default/files/article/files/domestic_implementation_of_un_human_rights_recommendations_-_final.pdf)
- OSJI, From judgments to justice, Implementing International and Regional Human Rights Decisions (2010), [www.opensocietyfoundations.org/sites/default/files/from-judgment-to-justice-20101122.pdf](http://www.opensocietyfoundations.org/sites/default/files/from-judgment-to-justice-20101122.pdf)

## Engaging at the UPR

- OHCHR, Universal Periodic Review: Information and guidelines for relevant stakeholders' written submissions, [www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf](http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf)
- OIF, Universal Periodic Review, Implementation plan of recommendations and pledges, [https://www.francophonie.org/IMG/pdf/oif\\_epu\\_practical\\_guide\\_web.pdf](https://www.francophonie.org/IMG/pdf/oif_epu_practical_guide_web.pdf)
- UN, Working with ECOSOC, An NGOs Guide to Consultative Status
- UPR Info, tutorial about the UPR Process, [www.upr-info.org/en/tutorials](http://www.upr-info.org/en/tutorials)
- UPR Info, The Civil Society Compendium, A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review (2017)
- UPR Info, The Butterfly Effect, Spreading good practices of UPR implementation (2016)
- For the preparation of an advocacy factsheet, see Factsheet no 3 UPR Advocacy Paper Template, UPR Info & Child Rights Connect (2013)
- Guide to the UPR Info pre-sessions, Empowering human rights voices from the ground (2016)

## Engaging with UN Treaty Bodies

- Reporting to the UN Human Rights Treaty Bodies, Training Guide (Part I), Facilitators' Note (Part II) (2017), [www.ohchr.org/Documents/Publications/PTS20\\_HRTB\\_Training\\_Guide\\_NotesforFacilitators\\_PartII.pdf](http://www.ohchr.org/Documents/Publications/PTS20_HRTB_Training_Guide_NotesforFacilitators_PartII.pdf)
- International Service for Human Rights (ISHR), Simple Guide to the UN Treaty Bodies, [www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf](http://www.ishr.ch/sites/default/files/article/files/ISHR%20Simple%20Guide%20to%20the%20UN%20Treaty%20Bodies.pdf)
- Centre for Civil and Political Rights (CCPR-Centre), UN Human Rights Committee: Participation in the reporting process (2015), [http://ccprcentre.org/doc/CCPR/Handbook/CCPR\\_Guidelines%20for%20NGOs\\_en.pdf](http://ccprcentre.org/doc/CCPR/Handbook/CCPR_Guidelines%20for%20NGOs_en.pdf)
- Child Rights Connect, The Reporting Cycle of the Committee on the Rights of the Child: A Guide for NGOs and NHRIs (2014), [www.childrightsconnect.org/wp-content/uploads/2015/07/EN\\_GuidetoCRCReportingCycle\\_ChildRightsConnect\\_2014.pdf](http://www.childrightsconnect.org/wp-content/uploads/2015/07/EN_GuidetoCRCReportingCycle_ChildRightsConnect_2014.pdf)
- The International Movement against All Forms of Discrimination and Racism (IMADR), ICERD and CERD: A Guide for Civil Society Actors (2011), [www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf)
- International Women's Rights Action Watch, Producing Shadow Reports to the CEDAW Committee: A Procedural Guide (2008), [www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro](http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro)
- International Disability Alliance, The CRPD Committee, [www.internationaldisabilityalliance.org/CRPD](http://www.internationaldisabilityalliance.org/CRPD)

## Manuals particularly relevant for legal professionals

- ICJ-TRIAL, Promoting Accountability through the Human Rights Bodies in Geneva: A Working Paper for Civil Society Organizations (2013), [www.iccnw.org/documents/ICJTRIALREPORTNGO\\_Sept\\_2013.pdf](http://www.iccnw.org/documents/ICJTRIALREPORTNGO_Sept_2013.pdf)
- OMCT, A Handbook on The Individual Complaints Procedures of the UN Treaty Bodies (2014), [www.omct.org/files/2014/11/22956/v4\\_web\\_onusien\\_en\\_omc14.pdf](http://www.omct.org/files/2014/11/22956/v4_web_onusien_en_omc14.pdf)







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