

Uganda *and the* UN Human Rights Mechanisms



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Acronyms

AGHA	Action Group for Health, Human Rights and HIV/AIDS (AGHA) Uganda
CAT	Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment/Committee against Torture
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms 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	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disability/Committee on the Rights of Persons with Disabilities
ECOSOC	Economic and Social Council
GA	General Assembly
GC	General Comment
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
ICRMW	International Convention on the Rights of Migrant Workers and All Members of their Families
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances
IFHHRO	International Federation of Health and Human Rights Organizations
HRBA	Human Rights Based Approach
HRC	Human Rights Committee/Human Rights Council
HURINET	Human Rights Network - Uganda
HURIPED	Human Rights and Peace Centre
OHCHR	Office of the United Nations High Commissioner for Human Rights
NHRI	National Human Rights Institutions
NTD	Neglected Tropical Diseases
SPD	Special Procedures Division
SPT	Subcommittee on Prevention of Torture
UDHR	Universal Declaration of Human Rights
UHRI	Universal Human Rights Index
UN	United Nations
UPR	Universal Periodic Review

1. Introduction

On 10 December 1948, the United Nations (UN) General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR) as “a common standard of achievement for all peoples and nations”. It was the first international human rights document adopted at a universal level and has continued to provide a fundamental source of inspiration of national and international efforts to promote and protect human rights.



Mrs. Eleanor Roosevelt, chairperson of the UN Commission on Human Rights, holding a poster of the Universal Declaration of Human Rights, adopted on 10 December 1948.

Since the adoption of the UDHR, the UN has provided the forum for an impressive period of standard-setting and the elaboration of international human rights treaties that legally codify and expand the rights set forth in the Declaration. In parallel, several mechanisms tasked to monitor and ensure effective implementation of international human rights instruments have been established. These mechanisms are known as either *Charter-based* or *treaty-based* bodies and have undergone significant developments since 1948. The Charter-based mechanisms include those established by the UN Human Rights Council, such as the UN special procedures and the Universal Periodic Review (UPR). The treaty-based mechanisms are bodies created under the international human rights treaties, so called treaty bodies, and are composed of independent experts mandated to monitor State parties’ compliance with their treaty obligations.

This publication represents a modest attempt to explain the work and functions of these UN human rights mechanisms and how they relate to Uganda. As such, it aims at enhancing awareness and understanding of the UN human rights mechanisms and their role in promoting the respect for human rights in Uganda. Consequently,

the publication gives an overview of (1) the UN treaty bodies, (2) the UN special procedures and (3) the UPR and how Uganda has engaged with them.

The Office of the UN High Commissioner for Human Rights is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the UN Charter, in the UDHR and in international human rights laws and treaties. As such, OHCHR provides secretariat support to all of these mechanisms and works for their enhanced awareness and effectiveness.

OHCHR Uganda hopes that the present publication will provide a useful and informative tool in promoting understanding of the UN human rights mechanisms in Uganda, with a view to further the protection and promotion of human rights in the country.

2. The United Nations Human Rights Treaty Bodies

2.1 Brief History and Overview

The same day that the General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948, it mandated the UN Commission on Human Rights to embark on the process of drafting a legally binding covenant on human rights. This decision was based on a common agreement among UN member States that in order to enforce the rights set forth in the UDHR they needed to be translated into legal form as treaties which would directly bind States which ratified them. The forum for the discussion and negotiation of such treaties has been the UN Commission on Human Rights (replaced by the UN Human Rights Council in 2006), which has submitted draft treaty texts for formal adoption by the General Assembly ever since.

This period of standard-setting has led to the adoption of nine core international human rights treaties which create legal obligations for States parties to promote and protect human rights at the national level. These core international human rights instruments are as follows:

- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965¹
- The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- The International Covenant on Civil and Political Rights (ICCPR), 1966
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- The Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment (CAT), 1984
- The Convention on the Rights of the Child (CRC), 1989
- The International Convention on the Rights of Migrant Workers and All Members of their Families (ICRMW), 1990
- The Convention on the Rights of Persons with Disability (CRPD), 2006
- The International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED), 2006

¹ The year indicates the time of adoption of the treaty by the UN General Assembly.

Some instruments have expanded their scope of protection by means of the adoption of Optional Protocols, which are either procedural or substantive in character. Among the first category count the Optional Protocols to the ICCPR (ICCPR-OP-1), CEDAW (OP-CEDAW), CRPD (OP-CRPD), and CAT (OP-CAT). The first three Protocols provide for an individual complaints procedure in case of alleged violations of the rights set forth in the respective treaty. The Optional Protocol to CAT, adopted in 2002, establishes a system of regular visits to persons deprived of their liberty with a view to reinforce measures to prevent torture. With respect to substantive protocols, the second Optional Protocol to the ICCPR (ICCPR-OP-II) commits States parties to take all necessary measures to abolish the death penalty within its jurisdiction. To enhance protection of children’s rights, two Optional Protocols to the Convention on the Rights of the Child were adopted in 2000: on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) and on the Involvement of Children in Armed Conflict (OP-CRC-AC), respectively. On 10 December 2008, the General Assembly unanimously adopted an Optional Protocol (GA resolution A/RES/63/117) to ICESCR which provides the Committee competence to receive and consider communications. The Optional Protocol was opened for signature at a signing ceremony in 2009 and will enter into force upon the tenth ratification or accession to the treaty.

At the time of writing, all UN member States had ratified one or more of these instruments and more than 80% of UN member States had ratified four or more.

Current Status of Ratification of UN Human Rights Treaties²

	CAT	CAT-OP	CEDAW	CEDAW-OP	CERD	CESCR	CESCR-OP	CMW
Number of State Parties	147	54	186	100	173	160	3	43

	ICPPED	CRC	CRC-OPAC	CRC-OPSC	CRPD	CRPD-OP	ICCPR	ICCPR-1OP	ICCPR-2OP
Number of State Parties	22	193	136	139	91	60	166	113	73

At the time of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (the first legally binding international human rights treaty), it was recognized that States parties would require encouragement and

² Source: Human Rights Treaties Branch, OHCHR, 2010.

assistance in meeting their international obligations to put in place measures to ensure the enjoyment of the rights provided in the treaty by everyone within the State. Each treaty therefore creates an international committee of independent experts tasked to monitor, by various means, implementation of its provisions. These committees are also known as UN human rights treaty bodies.

There are today nine committees, or treaty bodies, that monitor States parties' implementation of UN human rights treaties:

- The Committee on the Elimination of Racial Discrimination (CERD): monitoring ICERD
- The Committee on Economic, Social and Cultural Rights (CESCR)³: monitoring ICESCR
- The Human Rights Committee (HRC): monitoring ICCPR and its second optional protocol
- The Committee on the Elimination of Discrimination against Women (CEDAW): monitoring CEDAW
- The Committee against Torture (CAT): monitoring CAT
- The Subcommittee on Prevention of Torture (SPT)⁴
- The Committee on the Rights of the Child (CRC): monitoring CRC and its two substantive protocols
- The Committee on Migrant Workers (CMW): monitoring ICRMW
- The Committee on the Rights of Persons with Disabilities (CPRD): monitoring CPRD

A tenth treaty body, the Committee on Enforced Disappearance (CED), which will monitor implementation of the International Convention on the Protection of All Persons from Enforced Disappearances, will be established no later than 23 June 2011.⁵

3 Contrary to all other committees, which are established by the respective treaty, the CESCR was established by ECOSOC resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to ECOSOC as per Part IV of the Covenant.

4 The Subcommittee on Prevention of Torture is mandated to visit places where persons are or may be deprived of their liberty with a view to strengthening protection of such individuals against torture and other cruel, inhuman or degrading treatment or punishment (articles 4 and 11 of OP-CAT).

5 In accordance with article 26 (3) of the ICPPED pursuant to which initial elections of members to the Committee shall be held no later than six month after the entry into force of the Convention, which occurred on 23 December 2010.

The Committee on the Rights of Persons with Disabilities during its first session, held in Geneva from 23 to 27 February 2009.⁶



Mr. Mohammed Al-Tarawneh (Jordan), member of the Committee on the Rights of Persons with Disabilities, in interview with OHCHR staff in Geneva.



2.2 Who is on the Committees?

Each committee is composed of independent experts (ranging in number from 10 to 25 members, please see table below) of recognized competence in the field of human rights and who serve in their personal capacity. They are nominated and elected for fixed, renewable terms of four years by States parties. However, the newer treaties provide that Committee members may only be elected once. When committee members are elected, consideration should be given to their expertise in the subject matter, equitable geographical distribution, representation of different forms of civilization and of the principal legal systems, and balanced gender representation.

For instance, the Convention on the Rights of Persons with Disabilities provides that “members of the Committee shall be elected by States Parties, consideration being

⁶ Photos included in this publication on the UN treaty bodies in session in Geneva were taken by and received with thanks from Danielle Kirby, OHCHR staff member.

given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities” (Article 34(4)). In the case of the Sub-Committee on Prevention of Torture, there is a specific requirement that members shall have “proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty” (article 5(2)).

BASIC FACTS on the UN TREATY BODIES⁷

Committee	No. of members	No of States Parties to treaty monitored
CERD	18	173 (89%)
HRC	18	161 (83%)
CESCR	18	158 (81%)
CEDAW	23	185 (96%)
CAT	10	145 (75 %)
CRC	18	193 (99 %)
CMW	14	37 (19%)
SPT	25	35
CRPD	18	27 (14%)

2.3 Main Functions and Roles

The treaty bodies perform a number of functions aimed at monitoring how the treaties are being implemented by States parties. Treaty bodies⁸ are mandated to *receive and consider reports* submitted regularly by States parties. Also, they issue *guidelines* to assist States with the preparation of their reports, elaborate *general comments* interpreting the treaty provisions and organize *discussions* on themes related to the treaties. Some of the treaty bodies may consider *complaints or communications* from individuals alleging that their rights have been violated by a State party, provided that the State has recognized the competence of the committee to this effect. For instance, in the case of violations under the ICCPR, the State party must have ratified the Optional Protocol to the Covenant to this effect. Some may also conduct *inquiries*, including visits to the country concerned.

⁷ Report on the working methods of the Human Rights treaty bodies relating to the state party reporting process, UN Doc. HRI/MC/2008/4, 5 June 2008.

⁸ The exception being the Sub-Committee on Prevention of Torture which is mandated to undertake regular visits to places where persons are or may be deprived of their liberty.

Although the treaty bodies are presented together as part of a coordinated treaty monitoring system which is going towards enhanced harmonization and coordination,⁹ it should be noted that each treaty body is an *independent committee of experts* which has the mandate to monitor implementation of a *specific treaty*. Although the treaty bodies continue their efforts to coordinate their activities, procedures and practices may differ from committee to committee. The main activities of UN treaty bodies can hence be identified as the following:

- Consideration of States parties' reports
- Consideration of individual complaints
- Inquiries and country visits
- Adoption of general comments
- Organization of days of discussion

Consideration of States Parties' Reports

The primary mandate, common to all of the treaty bodies, is to monitor implementation of the relevant treaty by reviewing reports submitted periodically by States parties. The idea of monitoring human rights through review of reports originates from a 1956 resolution of the United Nations Economic and Social Council (ECOSOC) which requested reports on progress made in the advancement of human rights. This model was incorporated into ICERD in 1965, the two Covenants of 1966 and every core international human rights convention adopted thereafter.

Each State party is required to submit a comprehensive initial report usually within one year of the entry into force of the treaty ratified (two) years in the case of the CRC and the ICESCR). The State party then must continue to report periodically (usually every four or five years, depending on the treaty) on further measures taken to implement the treaties. The reports must set out the legal, administrative and judicial measures taken by the State in this respect. To ensure that the reports contain adequate information to allow the committees to do their monitoring work, each treaty body issues guidelines on the form and content of State reports.¹⁰

⁹ Notably, in 2006 the treaty bodies adopted a set of harmonized reporting guidelines which are common to all committees. Please see UN Doc. HRI/MC/2006/3, 10 May 2006.

¹⁰ See the harmonized reporting guidelines and treaty specific guidelines referred to in footnote 6.

The Committee on Migrant Workers, established in 2004 at its 10th session in April 2009.



Purpose of reporting

States parties should regard the process of preparing their initial and periodic reports not only as an aspect of the fulfillment of their international



human rights obligations, but first and foremost as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of policy planning and implementation. In particular, the report preparation process offers an occasion for each State party to:

- Conduct a **comprehensive review** of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party;
- **Monitor progress** made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights in general;
- **Identify problems and shortcomings** in its approach to the implementation of the treaties; and
- **Plan and develop appropriate policies** to achieve these goals.

This way, treaty reporting provides an important tool for a State to assess what has been achieved, and what more needs to be done, to promote and protect human rights.

At national level, the reporting process should be such as to encourage and facilitate public scrutiny of government policies and constructive engagement with relevant actors of civil society conducted in a spirit of cooperation and mutual respect. At the international level, the reporting process creates a basis for **constructive dialogue** between States and the treaty bodies.

Examination of States parties' reports

Although there are variations from committee to committee with respect to the reporting procedure, some basic stages are common to all treaty bodies, namely the following:

- (1) Submission by the State party of its **(initial) report**;
- (2) Adoption of a **list of issues** by the committee;
- (3) Submission of a **written reply** by the State party to the list of issues;
- (4) **Formal consideration** of the report by the committee;
- (5) Adoption of **concluding observations** and recommendations by the committee;
- (6) **Implementation** of concluding observations and preparation of subsequent **periodic report** by the State party (return to step (1)).

1) Submission of initial report

The report must be submitted to the UN Secretary-General in one of the six working languages of the UN, after which it is processed by the Secretariat and translated into the committee's working language. Once processed, the report is scheduled for consideration by the committee at one of its regular sessions. Due to considerable backlog of reports for most of the treaty bodies, there may be a delay after submission of a report before it can be considered. Most committees try to give priority to initial reports.

Some information presented in States' reports (basic facts and statistics about the country, its constitutional and legal system, etc) presented to each treaty body is relevant to all treaties. Therefore, in 1991, the treaty bodies decided to allow States to submit a so called "core document" forming a common initial part of each report to any of the treaty bodies. Subsequently, reports submitted under the revised, harmonized reporting system will consist of two parts: the common core document and the treaty-specific document.¹¹

¹¹ Please see harmonized guidelines on reporting under the international human rights treaties, including

2) List of issues and questions

Before the session at which a committee will formally consider the report, a list of issues and questions is drawn up and submitted to the State party. The list of issues provides an opportunity for the committee to request additional information which may have been omitted in the report. The list of issues also allows the committee to begin the process of questioning the State party in more detail on specific issues raised by the report and which are of particular concern. Many States parties find the list of issues a useful guide and indication as to the kind of questions they are likely to be asked when their report is formally considered by the committee. It hence allows the State delegation to prepare itself for the formal consideration of its report and makes the dialogue between the State and the committee more constructive, informed and concrete.

3) Written reply to list of issues

The State party is normally requested to submit a written reply to the list of issues and questions prior to the consideration of the report. The written reply thus forms a supplement to the report. Similar to State reports, concluding observations and list of issues, these replies are public documents and are available at OHCHR website (please see below).

4) Formal consideration of report

All treaty bodies invite States parties to send a delegation to attend the session at which the committee is considering their report in order to allow Governments to respond to the committee's questions and provide additional information on their efforts to implement the provisions of the relevant treaty. This encounter between the State party and the committee members is not an adversarial procedure. Rather, the aim is to engage in a constructive dialogue so as to assist the Government in implementing the human rights treaty as fully and effectively as possible. States are not obliged to send a delegation to attend the session, although they are strongly encouraged to do so. Some treaty bodies may proceed with consideration of a State party's report in the absence of a delegation; others require a delegation to be present. The committees hold their sessions in Geneva, either in Palais des Nations or Palais

guidelines on the core common document, adopted in 2006 (see UN Doc. HRI/MC/2006/3, 10 May 2006) as well as the new guidelines on the treaty-specific document adopted by individual treaty bodies (for a recent compilation on the latter, see UN Doc. HRI/GEN/2/Rev.5, 29 May 2008).

Wilson. As an exception to this rule, CEDAW meets once a year in New York at UN Headquarters and the Human Rights Committee usually holds its March/April session in New York.

5) Concluding observations and recommendations

The examination of a report culminates in the adoption of “concluding observations” intended to give the reporting State practical advice and encouragement on further steps to implement the rights in the treaty. They normally highlight positive aspects as well as principal subjects of concern and recommendations of the effective implementation of the treaty concerned. States are asked to publicize the concluding observations within the country as widely as possible so as to create public debate on how to further promote and protect the human rights concerned.



OHCHR Uganda staff hands a certificate to a representative of the UPDF participant of a treaty body workshop in Mbale (eastern Uganda) in 2007. It was jointly organized UHRC and focused on the implementation of UN treaty body concluding observations in Uganda.

6) Implementation and follow-up of concluding observations and submission of the next periodic report

After the submission of the initial report, States are required to submit further reports at regular intervals: so called “periodic reports”. An important element of any periodic report will be reporting back to the committee on steps taken by the State party to implement the treaty body’s concluding observations on its previous report, bringing back the reporting cycle back to its starting point.

In order to assist States in implementing their recommendations, the treaty bodies have begun to introduce procedures to ensure effective follow-up to their concluding

observations. For instance, some committees request that States report back to the country rapporteur or follow-up rapporteur of the committee within an agreed time frame on the measures taken to specific recommendations, or “priority concerns”. The rapporteur then reports back to the committee. A pioneering procedure was recently tried by the CEDAW Committee as it undertook its first-ever follow-up visit at the invitation of a State party (Luxembourg) to discuss the Committee’s concluding observations. The importance attached to follow-up to findings of treaty bodies is illustrated in the convening of a Working Group on Follow-up in the context of the Inter-Committee Meeting of treaty bodies in January 2011. The Working Group discussed ways of enhancing working methods of treaty bodies in relation to follow-up to concluding observations, decisions to individual communications, inquiries and visits, and how to harmonize existing follow-up procedures across the treaty bodies.¹²

It is common for States parties to organize national workshops and other awareness-raising activities which bring together a wide range of stakeholders, including government officials, national human rights institutions (NHRIs) and representatives of civil society, to foster dialogue and reach common agreement on how to effectively implement the concluding observations. Such workshops may result in the adoption of national action plans specifying the necessary steps – such as dissemination and translation of the concluding observations, review of national legislation, and adoption of new policies – and identifying the timeframe and responsible authority for the specific interventions planned to give effect to each concluding observation. National workshops may also review the state of implementation of concluding observations adopted by several treaty bodies over a certain period of time. For instance, representatives from the Government of Indonesia, the Indonesian national human rights institution, non-governmental organizations (NGOs) and the media met in Jakarta in December 2008 to discuss follow-up to recommendations of CAT (May 2008), CERD (August 2007), CEDAW (August 2007) and CRC (Jan 2004) and agreed upon a plan of action to implement the concluding observations of these treaty bodies. Currently, Uganda stakeholders are enrolled in a similar exercise after the review of Uganda’s 4th, 5th, 6th and 7th consolidated periodic report under CEDAW, which took place in October 2010

¹² See further the webpage of the Inter-Committee Meeting of Treaty Bodies at http://www2.ohchr.org/english/bodies/icm-mc/WG_followup.htm

What happens if a State does not report?

Most committees have developed procedures by which they may proceed with the examination of the state of implementation of the relevant treaty by a State party even though no State report has been received. The committee may formulate a list of issues and questions for the State party, which is invited to send a delegation to attend the session. Information may also be received from UN partners and NGOs and, on the basis of this information and the dialogue with the State party, the committee will issue its concluding observations and recommendations. The review may proceed even if the State party declines to send a delegation to the session. The review procedure is used only in exceptional cases.

In most cases, however, notification by the committee that it intends to consider the situation in the absence of a report is sufficient to persuade the State party to produce a report within a short deadline. For example, the Committee on Economic, Social and Cultural Rights decided in 2008 to schedule the consideration of Mali and Tanzania in view of their long overdue initial reports on the implementation of ICESCR in the two States parties respectively.

The role of non-State actors and National Human Rights Institutions (NHRIs) in the reporting process

In addition to the State party report, the treaty bodies may receive information on the human rights situation in the country concerned from other sources, including UN agencies, other intergovernmental organizations, NGOs, and NHRIs.

Many NGOs and other civil society actors active in the State party under consideration, for instance, submit so called “alternative” or “shadow” reports in parallel to the initial and/or periodic State party report. These reports provide the committees with important additional information and give an alternative perspective on the state of treaty implementation in the country concerned. Likewise, NGOs and other non-State actors can provide vital input to the drafting of the list of issues. NGOs furthermore play an important role in the consideration of State party reports and some of the treaty bodies allow for oral presentations by NGOs. For instance, the Human Rights Committee sets aside the first morning meeting of each plenary session to enable representatives of NGOs to provide oral information. The Committee on Economic, Social and Cultural Rights allows for oral presentations before the Committee within

the framework of its “NGO hearings” and NGOs may sit in as observers during the Committee’s dialogue with the State.

National human rights institutions, usually mandated to monitor Governments’ compliance with international human rights obligations, play an equally important role in all stages of the treaty reporting process. This is the case of the Uganda Human Rights Commission (UHRC) which is constitutionally mandated to “monitor the Government’s compliance with international treaty and convention obligations on human rights”.¹³ Two treaty bodies, CRC and CERD, have adopted specific general comments which, *inter alia*, encourage States parties to consult NHRIs during the preparation of their reports, while underlining the importance of States to respect the independent role of national institutions in providing information to the committee.¹⁴ The committees generally discourage representatives from NHRI to participate as part of the government delegation during the formal consideration of a report in view of the fact that it may compromise the independence of NHRIs. Two treaty bodies, CERD and CMW, give NHRIs the opportunity to make oral statements during the official examination of State reports. CESCR, CEDAW and CRC allow NHRIs to join the informal committee meetings with NGOs or separate informal meetings between the committee members and the national institutions are organized prior to the session. Perhaps the most important activity performed by national institutions in relation to the reporting process is, however, that of bringing the treaty body recommendations “back home” by making them understandable in the national context (for example by simplifying the translating the recommendations into local languages), and advocating for their effective implementation. Among other things, NHRIs can inform the national parliament about progress, or lack thereof, in the implementation of concluding observations with a view to hold the government accountable for non-implementation.¹⁵

13 See the 1995 Constitution of Uganda, article 52 (g).

14 See CRC general comment 2, para. 21. CESCR has also issued a general comment (No. 10) which acknowledges the role of NHRI in monitoring implementation of the ICESCR at the national level. In 2008, CEDAW issued a statement on its relations with national human rights institutions, noting that “close cooperation” between the Committee and NHRIs is “critical”. See Annex II in Results of the fortieth session of the Committee on the Elimination of all forms of Discrimination against Women (UN Doc. E/CN.6/2008/CRP.1, 11 February 2008).

15 For more information on the role of NHRIs in UN treaty body system, see Amrei Müller and Frauke Seidenticker (eds), *The Role of National Human Rights Institutions in the United Nations Treaty Body Process*, Bonn-Berlin: The German Institute for Human Rights, December 2007.

Each treaty body has separate rules with respect to its interaction with NGOs and national human rights institutions. These guidelines are outlined in the working methods specific to each treaty body and are available on the website of each treaty body.

Consideration of Individual Complaints

At the time of writing, five of the treaty bodies (HRC, CERD, CAT, CEDAW and the CRDP) may consider complaints or communications from individuals who believe their rights have been violated by a State party.¹⁶ Complaints may also be brought by third parties on behalf of individuals provided they have given their written consent or where they are incapable of giving such consent. It is important to stress that the complaints procedure is *optional* for States parties: a treaty body cannot consider complaints relating to a State party unless the State has expressly recognized the competence of the treaty body in this regard, either by a declaration under the relevant treaty article or by accepting the relevant Optional Protocol.¹⁷ An Open-Ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure was established by the Human Rights Council at its eleventh session in June 2009.¹⁸ At the second session of the Open-Ended Working Group in December 2010, a first draft Optional Protocol was discussed.¹⁹

16 The Committee on Migrant Workers (once 10 States parties have accepted this procedure in accordance with article 77 of the Convention on the Rights of all Migrant Workers and members of their families) and the Committee on Enforced Disappearances (CED) (once the Committee becomes operational) will also have the mandate to consider individual complaints.

17 The HRC can consider individual communications brought against States parties to ICCPR-OP-1; CEDAW can consider individual communications brought against States parties to the OP-CEDAW; CAT can consider individual communications brought against States parties that have made the requisite declaration under article 22 of CAT; CERD can consider individual communications brought against States parties that have made the requisite declaration under article 14 of ICERD; CMW can consider individual communications brought against States parties that have made the requisite declaration under article 77 of ICRMW. The Committee on the Rights of Persons with Disabilities can consider individual communications brought against States parties to OP-CRPD. The Committee on Enforced Disappearances will be able to consider individual communications brought against States parties who have made the requisite declaration under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance. Finally, the General Assembly in November 2008 adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. When this Optional Protocol enters into force, the Committee on Economic, Social and Cultural Rights will be able to consider communications from individuals claiming a violation of their rights under the ICESCR.

18 Human Rights Council Resolution 11/1 of 17 June 2009.

19 See further <http://www2.ohchr.org/english/bodies/hrcouncil/OEWG/2ndsession.htm>

In some respects, the individual complaints procedure is quasi-judicial. For instance, a committee can recommend the award of compensation, release of prisoner, or order a re-trial, etc. However, the decisions cannot be enforced. They are non-binding and of a recommendatory character, similar to the concluding observations adopted with respect to States' reports. Nevertheless, in many cases States parties have implemented the committee's recommendation and granted a remedy to the complainant. For instance, the Human Rights Committee, in the case of *Devon Simpson v. Jamaica*, where the complainant claimed a violation of articles 7 and 10(1) of the ICCPR as a result of solitary confinement, deplorable prison conditions and worsening medical conditions, found a violation of article 10 of the ICCPR. Pursuant to article 2(3)(a) of the ICCPR, the Committee thus considered that the author of the complaint was "entitled to an appropriate remedy, including adequate compensation, an improvement in the present conditions of detention and due consideration of early release".²⁰

Inquiries and Country Visits

Four of the treaty bodies – CAT, CEDAW, CRPD and CED – may, on their own initiative, initiate inquiries in a State party to the respective convention. In the case of CEDAW, the committee can initiate a confidential investigation if it has received "reliable information of grave or systematic violations" of the Convention on All Forms of Elimination of Discrimination against Women (article 8, CEDAW-OP). The committee submits its findings to the State concerned who may respond within six months. Upon this information, the State party may be invited to inform the committee on remedies that have been implemented following the inquiry by the CEDAW committee. Likewise, the Committee on the Rights of Persons with Disabilities may designate one or more of its members to conduct a confidential inquiry, including a visit to the State party concerned if warranted and upon the consent of the State, if it receives reliable information on grave and systematic violations by a State party (article 6, CRPD-OP). In the case of CAT, the committee may designate one or more members to make a confidential inquiry if there are "well-founded indications that torture is being systematically practiced" in a place under the jurisdiction of that State party. Such inquiry, if the State agrees, may include a visit to the State concerned. The entire process is confidential in nature,

²⁰ See *Devon Simpson v. Jamaica*, Communication No. 695/1996 (19 March 1996), UN Doc. CCPR/C/73/D/695/1996, para. 9.

although a summary of the proceedings may be made public in the annual report of the committee. As with individual complaints, States parties to CEDAW and CAT must have recognized the competence of the committee to undertake such inquiries. Article 33 of the ICPED provides for the Committee on Enforced Disappearances to undertake in-country visits if a State party “is seriously violating the provisions of [the] Convention”. All these inquiry procedures allow States parties to opt-out; i.e. at the time of ratifying the respective treaty, States can refuse to recognize the competence of the Committee to initiate and conduct inquiries.

Also, the Subcommittee on Prevention of Torture may visit any place under the State party’s jurisdiction and control where “persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence” (article 1). This is to give effect to the objective of the Optional Protocol, namely “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment” (article 4). States parties to the Optional Protocol must also establish independent national preventive mechanisms (such as NHRIs, ombudsperson, parliamentary commission) which will conduct regular visits to places of detention.

General Comments or Recommendations

Each of the treaty bodies publishes its interpretation of the provisions of the human rights treaty it monitors in the form of so called general comments (GC) or recommendations. They cover a variety of subjects, including a comprehensive interpretation of substantive provisions (such as right to life or right to food), general guidance on information that should be included in the periodic reports, and specific recommendations as to measures needed to enhance implementation of the treaty.

The role of the general comments in providing interpretation of treaty rights, and their interrelationship, is important. It may be exemplified by GC No. 15 on the right to water, adopted in 2003 by the Committee on Economic, Social and Cultural Rights. Although the International Covenant on Economic, Social and Cultural Rights does not explicitly provide for a human right to water, GC No. 15 sets out that such a right falls within the right “to an adequate standard of living ... including adequate food, clothing and housing” as provided by article 11 of the Covenant.



The Committee on the Rights of Persons with Disabilities may designate one or more of its members to conduct a confidential inquiry, including a visit to the State party concerned if warranted and upon the consent of the State, if it receives reliable information on grave and systematic violations by a State party (article 6, CRPD-OP).

In the words of the Committee:

Article, paragraph 1, of the Covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing”. The use of the word “including” indicates that this catalogue of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. Moreover, the Committee has previously recognized that water is a human right contained in article 11, paragraph 1 (see General Comment No. 6 (1995)). The right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para. 1) and the rights to adequate housing and adequate food (art. 11, para. 1). The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity.²¹

²¹ General Comment No. 15, The right to water (articles 11 and 12 of the ICESCR), para. 3.

Some examples of other general comments adopted by each treaty body:

Committee on the Elimination of Racial Discrimination

- On the establishment of national institutions to facilitate the implementation of the Convention (No. 17)
- On non-citizens (No. 11)

Human Rights Committee

- Right to life (No. 6)
- Prohibition of torture or cruel, inhuman or degrading treatment (No. 20)
- Continuity of obligations (No. 26)

Committee on Economic, Social and Cultural Rights

- The right to adequate housing (No. 4)
- The right to adequate housing: forced evictions (No. 7)

Committee on the Elimination of Discrimination against Women

- Avoidance of discrimination against women in national strategies for the prevention and control of AIDS (No. 15)
- Violence against women (No. 19)

Committee against Torture

- Refoulement and communications (No. 1)
- Implementation of article 2 by States parties (No. 2)

Committee on the Rights of the Child

- Adolescent health and development (No. 4)
- HIV/AIDS and the rights of the child (No. 3)

Committee on Migrant Workers

- Domestic migrant workers (No. 1)

Days of Discussion

Some treaty bodies hold days of general discussion on a particular theme or issue of concern to the treaty body. These thematic discussions are usually open to external participants, such as UN partners, delegations from States parties, NGOs, and national human rights institutions. The outcome of the discussion may assist the treaty body in the drafting of a new general comment. For example, on 17 November 2008, the Committee on Economic, Social and Cultural Rights held a day of



The Committee on Economic, Social and Cultural Rights has issued nineteen general comments on the provisions and implementation of the International Covenant on Economic, Social and Cultural Rights. The most recent general comment, adopted in 2008, is on the right to social security (article 9 of ICESCR).

discussion on Non-discrimination and Economic, Social and Cultural Rights, which offered an opportunity to the Committee to review its draft general comment on non-discrimination in the light of the comments and suggestions made by the experts. A more recent example is provided in the adoption by the Committee on Migrant Workers of its first General Comment on Domestic Migrant Workers in December 2010, which was also preceded by the holding of a Day of General Discussion on 12-16 October 2009 and other preparatory work.²²

²² See further <http://www2.ohchr.org/english/bodies/cmw/dgd141009.htm>



The Committee on Migrant Workers at its 10th session, in Geneva 20 April to 1 May 2009. In December 2010, the Committee adopted its first General Comment on Domestic Migrant Workers.

2.4 Other Activities

State to State complaints

Four of the treaties – CAT (article 21), ICRMW (article 76), ICERD (articles 11-13), and ICCPR (articles 41-43) – allow for States parties to complain to the treaty body about alleged violations of the treaty by another State party. CAT and ICRMW procedures require that domestic remedies have first been exhausted and it applies only to States that have made a declaration accepting the inter-state complaints mechanism.

Resolution of inter-State disputes concerning interpretation or application of a convention

Three treaties, CEDAW (article 29), CAT (article 30) and ICRMW (Article 92), provide for disputes between States parties concerning interpretation or application of the convention to be resolved (first) by negotiation, and (falling that), by arbitration. One of the States involved may refer the dispute to the International Court of Justice (ICJ) if the parties fail to agree arbitration terms within 6 months. States parties may opt out from this possibility by making a declaration at the time of ratification. ICERD (article 22) also provides for a similar procedure of referral to the ICJ for decision on a dispute between two or more States parties on interpretation or application of the Convention.²³

²³ Recently, the ICJ pursuant to an application by Georgia against the Russian Federation on the basis of article 22 of the ICERD, ordered Georgia and Russia, within South Ossetia and Abkhazia and adjacent areas in Georgia, to, inter alia, refrain from committing, sponsoring, defending or supporting any act

Meeting with States parties

In addition to the consideration of initial and periodic reports, the UN treaty bodies meet with States parties on other occasions. Each treaty (with the exception of the ICESCR) provides for a formal meeting of States parties to be held every two years, usually at UN Headquarters, in order to elect half of the members of the treaty body. Also, article 50 of the Convention on the Rights of the Child provides for a conference of States parties to be convened to vote on any proposed amendments to the Convention. Most committees have also adopted the practice of holding regular informal meetings with the States parties to their treaty to discuss matters of mutual concern related to the implementation of the treaty and the work of the treaty body. The CRPD provides for the convening of a conference of States parties which is empowered to elect members to the committee and consider any other issue of relevance to the treaty.



Chairpersons of UN human rights treaty bodies discuss human rights challenges in Europe and beyond with European counterparts in Bibliothèqu Solvay in Brussels. © Regional Office for Europe

Annual Chairpersons meetings

Since 1995, with a view to enhance coordination and harmonization of the work of the different committees, the chairpersons of the treaty bodies meet annually. Informal consultations with States parties, UN partners and NGOs have also been a feature of

of racial discrimination, ensure security of persons, the right to freedom of movement and residence, and the protection of property without distinction as to national or ethnic origin (Case concerning the Application of the International Convention on the Elimination of All forms of Racial Discrimination (Georgia v. Russian Federation), Order of the ICJ, 2 December 2008)

these meetings. Since 1999, chairpersons have met with special procedures mandate-holders (both thematic and country mandates) of the former UN Commission on Human Rights and, since 2006, of the Human Rights Council. These discussions have focused on technical questions, such as increased information sharing between treaty bodies and special procedures. Since 2002, the annual chairpersons' meeting has been complemented by an "inter-committee meeting", which includes the chairpersons and two additional members from each committee. In July 2010, the nine Chairpersons of the UN human rights treaty bodies met in Brussels, to discuss how to increase cooperation to tackle human rights challenges inside and outside Europe with European Union officials, the Council of Europe and the European Court for Human Rights and European NGOs and academics. This was the first time that the annual meeting of Chairpersons of treaty bodies was held outside Geneva.

3) Uganda and the UN Treaty Bodies

3.1 Ratification

Uganda is a State party to all but one of the nine core international human rights instruments. It has hence ratified (year of ratification in brackets) the following UN human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1980); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1985); the Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment (CAT, 1986); the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1987); the International Covenant on Civil and Political Rights (ICCPR, 1995); the Convention on the Rights of the Child (CRC, 1990); the International Convention on the Rights of Migrant Workers and All Members of their Family (ICRMW, 1995); and the Convention on the Rights of Persons with Disability (CRPD, 2008).²⁴ The only treaty among the core international human rights instruments to which Uganda is not a State party is the International Convention for the Protection of All Persons from Enforced Disappearances.

With respect to the Optional Protocols, Uganda has ratified ICCPR-OP-I, CPRD-OP and both Optional Protocols to the CRC. Uganda has not yet ratified ICCPR-OP-II aiming at the abolition of the death penalty, CEDAW-OP allowing for individual complaints, OP-CAT and ICESCR-OP

3.2 Individual Complaint Procedure

To date, Uganda has only accepted the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by Uganda of rights set forth in the International Covenant on Civil and Political Rights. At the time of writing, the Human Rights Committee had yet not received any individual complaints relating to Uganda.

3.3 Reporting

As is indicated in the chart below, Uganda has submitted one core common document (in 1996) and submitted initial reports on the implementation of the ICCPR, CAT, ICERD, CEDAW, CRC and its two Optional Protocols. Uganda has submitted periodic reports on the implementation of convention rights as well as

²⁴ Please see chart below on ratification and reporting status of Uganda.

recommendations and concluding observations relating to ICERD, CEDAW and CRC. Accordingly, Uganda has been considered in regular committee sessions by the Human Rights Committee (in 2004), the Committee against Torture (in 2005), the Committee on the Elimination of Racial Discrimination (in 1984 and 2003), the Committee on the Elimination of Discrimination against Women (in 1995, 2002 and 2010) and the Committee on the Rights of the Child (in 1997, 2002, and 2008). A comprehensive list of these reports and their respective UN document symbol is provided below.

Reporting on the implementation in Uganda of the ICESCR is over 20 years overdue (Uganda's initial report was due in 1988) and reporting on the ICRMW is overdue by 12 years (Uganda's initial report was due in 1996). Uganda is also yet to submit a common core document in line with the guidelines for the common core document agreed by the meeting of human rights treaty body chairpersons. At the time of writing, the Government of Uganda had indicated it was compiling its initial reports under the CRPD and ICESCR.



Government officials and civil society representatives speaking at a regional workshop, held in Mbarara (western Uganda) in September 2007, on the implementation of treaty body concluding observations in Uganda.

UGANDA AND THE UN TREATY BODIES: RATIFICATION AND REPORTING STATUS AS OF JANUARY 2011

	ICCPR	ICESCR	CAT	ICERD	CEDAW	CRC	ICRMW	CPWD	CED
Signature					1985	1990		2007	2007
Ratification	1995	1987	1986	1980	1985	1990	1995	2008	
Reservations Amendments to treaty provisions			A: 17(7) 18(5)	A: 8	A: 20(1)	A: 43			
OPI	1995					OPSC (2001)		2008	
OP II						OPAC (2002)			
Reporting 1) Date of consideration	1 st 2004	No initial report submitted	1 st 2005	1 st 1984 2 nd -10 th 2003	1 st -2 nd 1995 3 rd 2002 4 th , 5 th , 6 th and 7 th considered 2010	1 st 1997 2 nd 2005	No initial report submitted	No Initial Report Submitted	
OPI						1 st 2008			
OP II						1 st 2008			
Next due date for submission	Overdue since 2008	Due since 1990	Overdue since 2008	Overdue since 2005		2011	Overdue since 1996	Due since 2010	

3.4 Uganda and Treaty Reporting: Documents

Below follows an exhaustive list of all initial and periodic reports submitted by Uganda to the UN treaty bodies as well as the list of issues and concluding observations adopted by the respective treaty body in response to these reports. This list aims at providing an overview of the whole spectrum of documents that are issued in the process of reporting to the UN treaty bodies, and to facilitate access to these documents. They all contain useful information on legal, political, juridical and other developments in Uganda concerned with human rights protection and promotion. The written replies by the Government of Uganda to the list of issues are also included, as available at OHCHR website (<http://www.ohchr.org>). Subsequent to the list, the procedure for where and how to find these documents on the internet is explained.

Core document UN Doc. HRI/CORE/1/Add.69, 7 March 1996

(<http://www.unhchr.ch/tbs/doc.nsf/0/7d731be449e6e5bdc12563f500473776?Opendocument>)

International Covenant on Civil and Political Rights

Initial report: UN Doc. CCPR/C/UGA/2003/1, 25 February 2003

([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.UGA.2003.1.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.UGA.2003.1.En?Opendocument))

List of issues: UN Doc. CCPR/C/80/L/UGA, 28 November 2003

(<http://daccessdds.un.org/doc/UNDOC/LTD/G03/455/68/PDF/G0345568.pdf?OpenElement>)

Concluding observations: UN Doc. CCPR/CO/80/UGA, 4 May 2004

([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.80.UGA.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.80.UGA.En?Opendocument))

Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Initial report: UN Doc. CAT/C/5/Add.32, 30 June 2004

(<http://daccessdds.un.org/doc/UNDOC/GEN/G04/424/07/PDF/G0442407.pdf?OpenElement>)

Concluding observations: UN Doc. CAT/C/CR/34/UGA, 21 June 2005

([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.34.UGA.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.UGA.En?OpenDocument))

International Convention on the Elimination of All forms of Racial Discrimination

Initial report: UN Doc. CERD/C/71/Add.2 and CERD/C/SR.680 and 687

Second-tenth report: UN Doc. CERD/C/358/Add.1, 24 October 2001

([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.358.Add.1.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.358.Add.1.En?Opendocument))

Concluding observations: UN Doc. CERD/C/62/CO/11, 2 June 2003
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.62.CO.11.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.62.CO.11.En?OpenDocument))

Convention on the Elimination of All Forms of Discrimination against Women

Initial and second report: UN Doc. CEDAW/C/UGA/1-2, 20 July 1992

Concluding observations UN. Doc. A/50/38, 31 May 1995
(<http://www.un.org/esa/gopher-data/ga/cedaw/14/a50--38.en>, see pp. 278-344)

Third report: UN Doc. CEDAW/C/UGA/3, 3 July 2000
(<http://daccessdds.un.org/doc/UNDOC/GEN/N00/523/73/IMG/N0052373.pdf?OpenElement>)

Concluding observations: UN Doc. A/57/38, 2002
(<http://www2.ohchr.org/english/bodies/cedaw/docs/co/UGANDACO.pdf>)

4th-7th Consolidated report: UN Doc. CEDAW/C/UGA/7, 21 October 2010
(<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/348/49/PDF/N0934849.pdf?OpenElement>)

Concluding Observations: UN Doc. CEDAW/C/UGA/CO/7
(<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UGA-CO-7.pdf>)

Convention on the Rights of the Child

Initial report: UN Doc. CRC/C/3/Add.40, 17 June 1996
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.40.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.40.En?OpenDocument))

List of issues: UN Doc. CRC/C/Q/UGA/1, 16 June 1997
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.Q.UGA.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.Q.UGA.1.En?OpenDocument))

Concluding observations: UN Doc. CRC/C/15/Add.80, 21 October 1997
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.80.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.80.En?OpenDocument))

Second report: UN Doc. CRC/C/65/Add.33, 5 November 2004
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.65.Add.33.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.65.Add.33.En?OpenDocument))

List of issues: UN Doc. CRC/C/Q/UGA/2, 17 June 2005
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.Q.UGA.2.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.Q.UGA.2.En?OpenDocument))

Written reply:

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.RESP.96.pdf>

Concluding observations UN Doc. CRC/C/UGA/CO/2, 23 November 2005 ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.UGA.CO.2.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.UGA.CO.2.En?OpenDocument))

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Initial report: UN Doc. CRC/C/OPSC/UGA/1, 7 April 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.UGA.1.doc>)

List of issues: UN Doc. CRC/C/OPSC/UGA/Q/1, 27 June 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.UGA.Q.1.pdf>)

Written reply: UN Doc. CRC/C/OPSC/UGA/Q/1/Add.1, 8 Sept 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.UGA.Q.1.Add.1EN.doc>)

Concluding observations: UN Doc. CRC/C/OPSC/UGA/CO/1, 16 October 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.UGA.CO.1.pdf>)

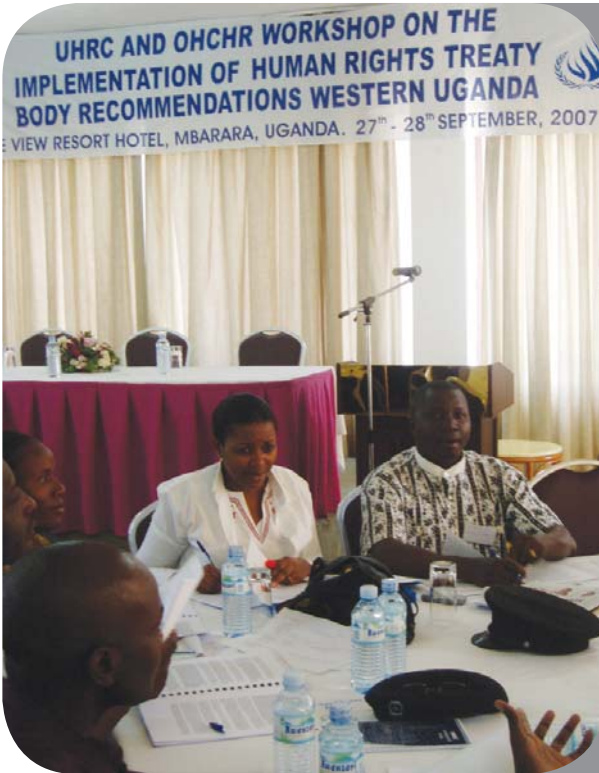
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Initial report: UN Doc. CRC/C/OPAC/UGA/1, 17 July 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.UGA.1.doc>)

List of issues: UN Doc. CRC/C/OPAC/UGA/Q/1, 27 June 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPAC.UGA.Q.1.pdf>)

Written reply: UN Doc. CRC/C/OPAC/UGA/Q/1/Add.1 (<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.UGA.Q.1.Add.1.pdf>)

Concluding observations: UN Doc. CRC/C/OPAC/UGA/CO/1, 17 October 2008 (<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.UGA.CO.1.pdf>)



OHCHR Uganda staff member and a representative from civil society in group work session during a regional workshop on the implementation of concluding observations in Uganda.

3.5 How to Search Documents of the Treaty Bodies

OHCHR has dedicated websites for each of the UN treaty bodies. Here you can find information on past and future events, the human rights instruments (text, status of ratification, reservations and declarations), the work of the treaty bodies (mandates, sessions, annual reports, working methods, General Comments, press releases), reporting guidelines, and relevant links. These sites are accessible from the general overview of UN treaty bodies:

<http://www2.ohchr.org/english/bodies/treaty/index.htm>

The OHCHR website also includes a **treaty body search engine**, where you can search UN documents relative the convention, country, type and document symbol.

OHCHR Treaty Body Search:

<http://tb.ohchr.org/default.aspx> (By convention, country, type and document symbol)

The United Nations ODS (Official Documents System) website is also a useful search engine. On this site, you can find any UN official document that has been catalogued electronically. If you already have the UN Document number (for instance UN Doc. CRC/C/OPAC/UGA/1 with respect to Uganda's initial report on the implementation of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict), it is a particularly easy search tool.

UN Official Documents: <http://documents.un.org> (By any UN document symbol)

The Universal Human Rights Index (UHRI) is a new information tool designed to facilitate access to conclusions and recommendations made by United Nations human rights mechanisms. This website contains all the concluding observations issued by the treaty bodies since 2000, as well as conclusions and recommendations of the Human Rights Council's special procedures concerning specific countries adopted since 2006.

Universal Human Rights Index: <http://www.universalhumanrightsindex.org>

3.6 Contacting the Human Rights Treaty Bodies

Queries on the work of the UN treaty bodies can be addressed to OHCHR which serves as the Secretariat for the treaty bodies.

Postal address: Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland

General inquiries: Tel: +41 22 917 90 00, Email: InfoDesk@ohchr.org

3.7 Further Information and Reading

As noted above, OHCHR has dedicated websites for each of the UN treaty bodies <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>. Here you can find information on past and future events, the human rights instruments (text, status of ratification, reservations and declarations), the work of the treaty bodies (mandates, sessions, annual reports, working methods, general comments, and press releases), reporting guidelines, and relevant links. For instance, to find information on the UN Committee on the Rights of the Child, please see: <http://www2.ohchr.org/english/bodies/crc/index.htm>.

See Fact Sheet No. 30 on The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, available at: <http://www.ohchr.org/Documents/Publications/FactSheet30en.pdf>

To learn more about the complaints procedures you can refer to Fact sheet No. 7/ Rev.1 on The Complaint Procedure, available at: <http://www.ohchr.org/Documents/Publications/FactSheet7Rev.1en.pdf>



Participants at a joint UHRC-OHCHR workshop on implementation of concluding observations in Mbale (eastern Uganda) in 2007.

4) United Nations Special Procedures

4.1 Overview and Brief History

The term special procedures has been developed since 1967 in light of the practice of the UN Commission on Human Rights, replaced in 2006 by the UN Human Rights Council, to describe a diverse range of procedures established to promote human rights and prevent violations in relation to specific themes or to examine the situation in specific countries. As at November 2010, there were 31 thematic mandates and 8 country-specific mandates.²⁵

Contrary to the current situation, the first special procedures were country-specific. In 1967, the Commission on Human Rights was authorized by the ECOSOC to examine information regarding “gross violations of human rights” and to study “situations which reveal a consistent pattern of violations of human rights” (ECOSOC Resolution 1235). Subsequently, the same year, the Commission on Human Rights set up the first special procedure: The Ad Hoc Working Group of Experts to investigate charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa. In 1975, in response to the *coup d'état* in Chile, the Commission established the Working Group on the Situation of Human Rights in Chile. It was not until 1980 that the first thematic mandate was created, namely the Working Group on Enforced or Involuntary Disappearances. Since then, the number of thematic procedures has increased, and since 1995 with an emphasis on economic, social and cultural rights. To exemplify this trend, it suffices to note that in 1998 there were twenty-six (26) country-specific mandates, a number halved by 2003 to thirteen (13) and further reduced to only eight (8) country-specific special procedures as of 2008.

²⁵ A list of all current special procedures and the respective mandate-holders is available at the end of this chapter.



Members of the Working Group on Arbitrary Detention visiting a former detention centre in Buenos Aires during a mission to Argentina from 21 to 24 July 2008.²⁶

4.2 Establishment, Nomination, Selection and Appointment

Special procedures are established subsequent to broad intergovernmental negotiations and discussion. As such, special procedures mandate-holders are accountable to and report to the Human Rights Council. The Human Rights Council specified the roles, status, prerogatives and responsibilities of special procedures in its Resolution 5/2 of 17 June 2007, which contains a Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. At the Annual Meeting of special procedures in June 2008, mandate holders adopted *their Manual*, which provides guidelines on the working methods of special procedures. At the same meeting, they also adopted an *Internal Advisory Procedure* to review practices and working methods, which allows any stakeholder to bring issues relating to working methods and conduct to the attention of the Coordination Committee. The procedure was devised to enhance the independence and effectiveness of special procedures and cooperation by States, and to contribute to the self-regulation of the special procedures system and of individual mandate-holders. At its 8th session, the Human Rights Council adopted a *Presidential statement* concerning the terms of special procedures mandate holders and their compliance with the Code of Conduct.

²⁶ This and photos below from special procedures' country visits to the Maldives and Paraguay were received with thanks from Special Procedures Division, OHCHR.

Any of the following entities may nominate candidates as special procedures mandate-holders: Governments; regional groups operating within the UN human rights system; international organizations or their offices; NGOs; other human rights bodies; and individuals. On this basis, a public list of candidates is produced by the Secretariat of the Human Rights Council (i.e. OHCHR). Nominations of candidates may be submitted to the Secretariat through hrcspecialprocedures@ohchr.org. A consultative group subsequently submits a list of candidates who possess the highest qualifications for the mandate in question and meet the general requirements. The President of the Human Rights Council then identifies an appropriate candidate for each special procedure vacancy and the appointment of mandate-holders will be completed upon the subsequent approval by the Human Rights Council. Special procedures are given different names: Special Rapporteurs, Independent Experts, Working Group, Special Representative of the Secretary-General, or Representative of the Secretary-General. Although the title differs, there are no major differences in their general responsibilities or methods of work.

Mandate-holders' tenure is no longer than six years. With respect to thematic special procedures, two terms of three years is the rule.

4.3 Who are the Special Procedures Mandate-holders?

Mandate-holders are selected on the basis of their expertise, experience in the field of the mandate, independence, impartiality, personal integrity, and objectivity. The Code of Conduct specifies that all special procedures mandate-holders have to make the following declaration in writing upon assumption of his or her mandate:

I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the objective of promoting and protecting human rights without seeking or accepting any instruction from any other party whatsoever.²⁷

Due consideration is also given to gender balance and equitable geographical

²⁷ Human Rights Council, Resolution 5/2, 17 June 2007 on Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, article 5.

representation, as well as to an appropriate representation of different legal systems. While overall regional diversity is important, any link between a given region and any particular mandate would undermine the necessary emphasis on expertise and impartiality. Also, the requisite independence and impartiality are not compatible with the appointment of individuals currently holding decision-making positions within the executive or legislative branches of their Governments or in any other organizations.

As noted in the declaration above, special procedures mandate-holders act in their personal capacity. They are not UN staff, nor are they remunerated or get any other financial awards for their work, although their expenses are defrayed by the UN. Legally speaking, mandate-holders are considered as “experts on mission” and, as such, enjoy certain functional privileges and immunities as provided for under the 1946 Convention on the Privileges and Immunities of the United Nations.

4.4 Main Functions and Activities

The principal functions of special procedures are to:

- **Analyze** the relevant thematic issue or country situation, including through country-visit;
- **Advise** on measures which should be taken by Government/s concerned and other relevant actors;
- **Alert** UN organs, in particular the Human Rights Council, and the international community to the need to address specific situations (“early warning” functions);
- **Advocate** on behalf of victims of violations through measures such as requesting urgent action by relevant States and calling upon Governments to respond to specific allegations of human rights violations and provide redress;
- **Advocate** and mobilize international and national communities and the Human Rights Council to address particular human rights issues;
- **Follow-up** to recommendations.

In the discharge of their work, mandate-holders are called upon to take into account all available source of information that they consider to be credible and relevant. This includes information from Governments, inter-governmental organizations, NGOs, national human rights institutions, victims of alleged human rights violations, relatives of victims and witnesses. Whenever feasible and appropriate, mandate-

holders should endeavour to consult and meet with such sources, and they should cross-check information received to the best extent possible. In their information-gathering activities, they should be guided by the principles of discretion, transparency, impartiality and even-handedness. They should rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up.

In fulfilling their mandates, special procedures undertake four principal activities: (i) communications; (ii) country visits; (iii) thematic analysis; and (iv) awareness-raising. Below follows a brief description of each activity.



Country visits are an essential means for special procedures mandate-holders to obtain direct and first-hand information on a human rights situation. Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik, discusses migrants' housing conditions during her mission to the Maldives in February 2009.

(i) *Communications*

Special procedures use two main types of communications to alert Governments and other relevant actors on a human rights situation: *Urgent appeals* and *letters of allegation*.

Urgent appeals are used to communicate information in cases where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner under letters of allegation. An urgent appeal includes a summary of the facts, indication of specific concerns in light of international instruments and case law, and a request to the Government to provide information on the substance of the allegations and to take urgent measures to prevent

or stop the alleged violation. Governments are generally requested to provide a satisfactory answer within 30 days.

Letters of allegation communicate information about violations that are alleged to have already occurred and in situations where urgent appeals do not apply. The letter of allegation requests the Government concerned to provide information on the substance of the allegations, measures taken to investigate and punish alleged perpetrators, information about remedies made available to the victims, and legislative, administrative and other steps taken to avoid reoccurrence of such violations. Governments are usually requested to provide a reply within two (2) months.

In appropriate cases, including those of grave concern or in which a Government has repeatedly failed to respond to communications, mandate-holders may decide to make such urgent appeals public by issuing a *press release*. Mandate-holders may do so separately or jointly. In 2007, 46 per cent of all communications were joint communications by two or more special procedures. In general, mandate-holders should engage in dialogue with the Government through the communications procedure before resorting to a press release. A total of 1003 communications, submitted to 128 countries, were issued by special procedures during 2007.²⁸ Out of this number, only 32% of communications received a written reply from the government/s concerned. In 2008, a total of 911 communications were sent to Governments in 118 countries. 66% of these were joint communications of two or more mandate holders. In 2009, a total of 689 of communications were sent to 119 countries, 66% of which were joint communications sent by two or more mandates.

Follow-up to communications is done in several ways, including through: (i) reporting to the Human Rights Council and other appropriate bodies on communications sent and replies received; (ii) analysis of general trends, and (iii) maintaining a systematic and constructive dialogue with Governments concerned.

(ii) *Country visits*

Country visits are an essential means for special procedures mandate-holders to obtain direct and first-hand information on a human rights situation. They facilitate an intensive dialogue with all relevant State authorities and allow for contact with and information-gathering from victims, witnesses, civil society actors, the

²⁸ Source: Special Procedures Bulletin, Tenth Issue, July-September 2008.

academic community and international agencies present. All country visits occur at the invitation of the State. The State may take initiative to a visit, or the mandate-holder may solicit an invitation, or the country may have issued a so called “standing invitation” to all thematic special procedures. By extending such an invitation, States indicate that they will, in principle, automatically accept a request to visit by any special procedure. As of August 2008, 62 States have extended a standing invitation. On average, thematic special procedures undertake approximately two to four country visits per year.

Considerations which may lead a mandate-holder to request a country-visit include, among others, human rights development at the national level (whether positive or negative), the availability of reliable information regarding human rights violations, or a wish to pursue a particular thematic interest. Other factors may include considerations of geographical balance, the expected impact of the visit, and the willingness of national actors to cooperate, the likelihood of follow-up to recommendations, or the recent adoption by one or more treaty bodies of relevant concluding observations. The preparation of country visits is carried out on the basis of close cooperation and consultation between the mandate-holder(s) and the Permanent Mission of the State concerned in Geneva, as well as with OHCHR and other relevant UN agencies. In connection to the preparation of the programme, the Government must offer appropriate guarantees to ensure the protection of witnesses and the absence of any reprisals against any person cooperating with the mission in any way. Country visits require freedom of inquiry, including access to relevant facilities, such as prisons and detention centres and contacts with NGOs. Any person or group who cooperates with a special procedure is entitled to protection by the State from harassment, threats or any other form of intimidation or retaliation.

The mandate-holder shares with the Government his or her preliminary findings and recommendations during a departure briefing with the authorities. The mandate-holder issues an official report on the visit and contains information on principal meetings, an analysis of the situation, and a set of conclusions and recommendations towards the Government and other relevant actors. A draft report is submitted to the Government to correct any misunderstandings or factual inaccuracies. Comments by the Government concerned on the substance of the report should be annexed to the report, or, they may upon request also be issued as an official document.

In their regular reports to the Human Rights Council, special procedures mandate-holders report on the number of requested country visits and the response by the Government(s) concerned. Special procedures also report on human rights violations by non-state actors. For example, the Special Rapporteur on the situation of human rights in Somalia reported, during 1996 to 2000, on abuses perpetrated by warlords and militia and also addressed actions by UN agencies in the absence of a central government in the country.



The Special Representative of the Secretary-General on Internally Displaced Persons, Mr. Walter Kälin, meets with the Minister for Relief, Disaster Preparedness and Refugees, Mr. Musa Ecweru, during a working visit to Uganda in 2006.

(iii) Thematic Studies

Mandate-holders may opt to devote a separate report to a particular topic of relevance to the mandate. Such studies may be initiated by the mandate-holder or undertaken pursuant to a specific request by relevant bodies. Studies should be thoroughly researched and where appropriate should take account of replies to questionnaires and other requests for information transmitted to UN agencies, NGOs, treaty bodies, regional organizations, other experts. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recently published a report on manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights (UN Doc. A/HRC/9/12, 2 September 2008). Another example is the report on the intersection between culture and violence against women by the Special Rapporteur on violence against women, its causes and consequences (UN Doc. A/HRC/4/34, 17 January 2007).

Also, in early 2008, the Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment issued a report on strengthening the protection of women against torture (UN Doc. A/HRC/7/3, 15 January 2008).



Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Manfred Nowak, in discussion with a prison director during his visit to Paraguay in March 2009.

(iv) *Awareness-raising*

Awareness-raising is an important element in relation to the conduct of most special procedures, but the precise nature of activities will vary from one mandate to the other. All mandate-holders have a webpage on the OHCHR website that provides information on their mandate, links to their reports and other relevant documents. For instance, information about the Special Rapporteur on the Situation of Human Rights Defenders (Mrs. Margaret Sekaggya from Uganda) is available at-<http://www2.ohchr.org/english/issues/defenders/index.htm>. Four times a year, OHCHR publishes “The Special Procedures Bulletin” and, annually, “Facts and Figures” on Special Procedures.

4.5 Public reporting

As noted above, mandate-holders report on their activities on a regular basis to the Human Rights Council and the General Assembly. In the case of country visits, full details of the action taken will be provided in the mandate-holder’s official report on his/her visit. The report on the first visit to Uganda by the Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health is reproduced in full below to provide a useful example of such reports.

In the case of communications, a summary of the exchange of information and essence of Governments' replies are issued separately, attached as an addendum to their main report. The sections of such separate reports that relate to communications submitted to the Government of Uganda are reproduced below. Mandate-holders present their reports to the Human Rights Council and in some cases to the General Assembly. This opportunity for interactive dialogue is an important element in the awareness-raising of the issues at stake and constitutes an integral part of cooperation between States and special procedures.

5) Uganda and Special Procedures

5.1 Communications

Six different special procedures have expressed concern over events in Uganda by means of the submission of letters of allegation and/or urgent appeals to the Government of Uganda. The below chart refers to these communications as reported in the public reports of special procedures to the Commission on Human Rights (until 2010) and, subsequently, to the Human Rights Council. Since communications are confidential until the presentation and publication of their annual reports, the list inevitably does not reflect communications which may have been submitted during the past year and which will only be made public upon publication of their forthcoming annual reports.

Special procedure	Mandate-holder	Type of communication (and reply by Government ¹)	Summary of communication reproduced in report
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions	Mr. Bacre Waly Ndiaye	Letter of allegation	UN Doc. E/ CN.4/1992/30, 1992
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions	Mr. Bacre Waly Ndiaye	Letter of allegation (follow-up)	UN Doc. E/ CN.4/1993/46, 23 December 1993
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Ms. Asma Jahangir Mr. Theo van Boven	Urgent appeal, 23 September 2002 (with follow-up) (No reply)	UN Doc. E/ CN.4/2003/68 Add.1, 12 February 2003
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Ms. Asma Jahangir Mr. Theo van Boven	Letter of allegations, 17 September 2003 (No reply)	UN Doc. E/ CN.4/2004/7/ Add.1, 24 March 2004
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Ms. Asma Jahangir Mr. Manfred Nowak	Letter of allegation, 15 July 2004 (No reply)	UN. Doc E/ CN.4/2005/7/ Add.1, 17 March 2005

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression	Mr. Amebyi Ligabo	Letter of allegation, 7 March 2006 (No reply)	UN Doc. A/HRC/4/27/Add.1, 26 March 2007
Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression	Mr. Amebyi Ligabo	Letter of allegation, 13 March 2006 (No reply)	UN Doc. A/HRC/4/27/Add.1, 26 March 2007
Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression	Mr. Amebyi Ligabo	Urgent appeal, 14 June 2006 (No reply)	UN Doc. A/HRC/4/27/Add.1, 26 March 2007
Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Mr. Philip Alston Mr. Manfred Nowak	Joint letter of allegation, 8 August 2006 (No reply)	UN Doc. A/HRC/4/20/Add.1, 12 March 2007 UN Doc. A/HRC/4/33/Add.1, 20 March 2007
Special Rapporteur on the Independence of Judges and Lawyers	Mr. Leonardo Despouy	Letter of allegation, 2 April 2007 (No reply)	UN Doc. A/HRC/8/4/Add.1, 28 May 2008
Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression	Mr. Amebyi Ligabo	Letter of allegation, 23 April 2007 (No reply)	UN Doc. A/HRC/7/14/Add.1, 25 February 2008
Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Mr. Manfred Nowak	Letter of allegation, 19 September 2007 (No reply)	UN Doc. A/HRC/C/7/3/Add.1, 19 February 2008
Special Rapporteur on the Right to Food	Mr. Jean Ziegler	Letter of allegation, 19 October 2007 (No reply)	UN Doc. A/HRC/7/5/Add.1, 5 March 2008
Special Representative of the Secretary-General on the Situation of Human Rights Defenders	Ms. Hina Jilani	Letter of allegation, 30 November 2007 (No reply)	UN Doc. A/HRC/C/7/28/Add.1, 5 March 2008
Special Rapporteur on the Situation of Human Rights Defenders and Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Ms. Margaret Sekaggya Mr. Leandro Despouy Mr. Manfred Nowak	Letter of allegation, 12 August 2008	A/HRC/10/12/Add.1, 4 March 2009

Special Rapporteur on the Situation of Human Rights Defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	Ms. Margaret Sekaggya Mr. Frank William La Rue Lewy	Urgent appeal, 22 September 2008	A/HRC/10/12/Add.1, 4 March 2009
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur On the situation of human rights defenders	Mr. Frank La Rue Ms. Margaret Sekaggya	Urgent appeal, 30 April 2009	
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences	Mr. Frank La Rue Ms. Margaret Sekaggya Ms Yakin Erturk	Urgent Appeal, 13 May 2009	
Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Special Rapporteur on the right to food and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	Mr. Walter Kaelin Ms. Raquel Rolnik Mr. Olivier de Schutter Mr. James Anaya	Allegation letter, 14 May 2009	
Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances , the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on violence against women, its causes and consequences	Mr. Santiago Corcuera Cabezut Mr. Frank La Rue Ms. Margaret Sekaggya Ms. Yakin Erturk	Urgent appeal, 3 June 2009	

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Mr. Anand Grover	Allegation letter, 14 August 2009	
Chairperson –Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Mr. El Hadji Malick Sow Mr. Anand Grover Mr. Manfred Nowak Mr. Philip Alston	Urgent appeal, 12 November 2009	
Special Rapporteur on extrajudicial, summary or arbitrary executions, the special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Mr. Philip Alston Mr. Frank La Rue Mr. Manfred Nowak	Allegation letter, 22 September 2009	
Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	Mr. James Anaya	Allegation letter, 18 December 2009	
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Mr. Anand Grover	Allegation letter, 22 December 2009	
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	Mr. Frank La Rue	Allegation letter, 22 April 2010	
Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Mr. Asma Jahangir Mr. Manfred Nowak	Urgent Appeal, 31 May 2010	

Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders	Mr. El Hadji Malick Sow	Urgent Appeal, 23 September 2010	
	Ms. Gabriela Knaul		
	Mr. Martin Scheinin		
	Mr. Frank La Rue		
	Ms. Margaret Sekaggya		

5.2 Country visits

1) Visits to Uganda by Special Procedures

Four special procedures have visited Uganda upon the invitation of the Government: the Special Rapporteur on the Right to Education (1999), the Special Representative of the Secretary-General on Internally Displaced Persons (2003), the Independent Expert on the Effects of Structural Adjustment Policies and Foreign Debt on the Full Enjoyment of Human Rights (2003), and the Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health (2005/2007).

Their reports, including description of purpose of the visit, stakeholders met with, main findings are available at; <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm>.

In addition to the official visit to Uganda by the Special Representative of the Secretary-General on Internally Displaced Persons in 2003, Mr. Francis Deng, his successor, Mr. Walter Kälin, undertook a working visit to Uganda from 28 June to 4 July 2006. During this visit, the Special Representative travelled to Gulu, Lira and Pader districts, areas which, the Special Rapporteur writes in his report “had seen some of the worst displacements since the conflict between the Government of Uganda and the Lord’s Resistance Army began”.²⁹ During the visit, the Special Representative met with the President of Uganda, the Prime Minister, and the Minister for Relief, Disaster Preparedness and Refugees. In addition, Mr. Kälin consulted

²⁹ See UN Doc. A/HRC/4/38, 3 January 2007, paras. 11-16

with traditional and religious leaders, representatives of local governments, Uganda police and UPDF commanders, UN agencies, NGOs and residents of IDP camps, including men and women leaders. The Special Representative also participated in a national conference designed to address obstacles for the implementation of the Uganda National IDP Policy.³⁰ Worth mentioning is that the Special Rapporteur on torture and other cruel, inhuman and degrading treatment and punishment, Prof. Manfred Nowak, visited Uganda in September 2010. He was invited by the Austrian Aid and Development Agency and the UHRC to give training on human rights based approach and human rights mechanisms. Though not an official visit, the mandateholder had nonetheless the opportunity to meet with stakeholders, learn about the situation in Uganda and share some of the key elements of his mandate and best practices from other countries. Also, the independent expert on the human rights situation in Somalia, Dr. Shamsul Bari, also visited Uganda in the framework of his mandate in August 2010, in the aftermath of the terrorist attacks that occurred in Kampala that July.



The Special Representative of the Secretary-General on IDPs, Mr. Walter Kälin, in a meeting with members of the IDP community during his visit to Gulu (northern Uganda).

2) Requested visits

The Special Rapporteur on Freedom of Expression and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions both requested to visit Uganda in 2006. A visit to Uganda by the Independent Expert on the Question of Human Rights and Extreme Poverty visits has been agreed to in principle and/or is under consideration.

³⁰ Ibid.

3) *Standing Invitation*

Currently, Uganda has not yet issued a standing invitation to special procedures. To date over 70 countries have extended standing invitations to the special procedures.

5.3 Current UN Special Procedures and Mandate-holders

Civil and Political Rights Thematic Mandates

Special Rapporteur on extrajudicial, summary or arbitrary executions:

Mr. Christof Heyns (South Africa) (since August 2010)

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression:

Mr. Frank William La Rue Lewy (Guatemala) (since August 2008)

Special Rapporteur on freedom of religion or belief:

Mr. Heiner Bielefeldt (Germany) (since August 2010)

Special Rapporteur on the independence of judges and lawyers:

Ms. Gabriela Knaul (Brazil) (since June 2009)

Special Rapporteur on the situation on human rights defenders:

Ms. Margaret Sekaggya (Uganda) (since May 2008)

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance:

Mr. Githu Muigai (Kenya) (since August 2008)

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

Mr. Martin Scheinin (Finland) (since July 2005)

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment:

Mr. Juan Ernesto Mendez (Argentina) (since November 2010)

Working Group on enforced or involuntary disappearances:

Mr. Olivier de Frouville (France) (since November 2008)

Mr. Ariel Dulitzky (Argentina/USA) (since August 2010)

Ms. Jasminka Dzumhur (Bosnia and Herzegovina) (since May 2010)

Mr. Osman El-Hajje (Lebanon) (since August 2009)

Mr. Jeremy Sarkin (South Africa) (since May 2008)

Working Group on Arbitrary Detention

Mr. Mads Andenas (Norway) (since August 2009)

Mr. Roberto Garretón (Chile) (since May 2008)

Ms. Shaheen Sardar Ali (Pakistan) (since August 2008)

Mr. Elhadji Malick Sow (Senegal) (since May 2008)

Mr. Vladimir Tochilovsky (Ukraine) (since May 2010)

Economic, Social and Cultural Rights Thematic Mandates

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living:

Ms. Raquel Rolnik (Brazil) (since May 2008)

Special Rapporteur on the right to education:

Mr. Kishore Singh (India) (since August 2010)

Independent Expert in the field of cultural rights:

Ms. Farida Shaheed (Pakistan) (since November 2009)

Independent expert on the question of human rights and extreme poverty:

Ms. Maria Magdalena Sepulveda (Chile) (since May 2008)

Special Rapporteur on the right to food:

Mr. Olivier De Schutter (Belgium) (since May 2008)

Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights:

Mr. Cephas Lumina (Zambia) (since May 2008)

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health:

Mr. Anand Grover (India) (since August 2008)

Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation”

Ms. Catarina de Albuquerque (Portugal) (since November 2008)

Independent expert on human rights and international solidarity:

Mr. Rudi Muhammad Rizki (Indonesia) (since July 2005)

Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights:

Mr. Calin Georgescu (Romania) (since August 2010)

Groups in Focus Thematic Mandates

Special Rapporteur on the sale of children, child prostitution and child pornography:

Ms. Najat Maalla M'jid (Morocco) (since May 2008)

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people:

Mr. James Anaya (United States of America) (since May 2008)

Special Rapporteur on the human rights of internally displaced persons:

Mr. Chaloka Beyani (Zambia) (since November 2010)

Special Rapporteur on the human rights of migrants:

Mr. Jorge A. Bustamante (Mexico) (since July 2005)

Independent Expert on minority issues:

Ms. Gay J. McDougall (United States of America) (since July 2005)

Special Rapporteur on contemporary forms of slavery, including its causes and consequences:

Ms. Gulnara Shahinian (Armenia) (since May 2008)

Special Rapporteur on trafficking in persons, especially women and children:

Ms. Joy Ngozi Ezeilo (Nigeria) (since August 2008)

Special Rapporteur on violence against women, its causes and consequences:

Ms. Rashida Manjoo (South Africa) (since August 2009)

Working Group on people of African descent:

Ms. Monorama Biswas (Bangladesh) (since November 2008)

Ms. Mirjana Najcevska (The former Yugoslav Republic of Macedonia) (since November 2008)

Ms. Verene Shepherd (Jamaica) (since April 2010)

Mr. Linos-Alexandros Sicilianos (Greece) (since August 2009)

Ms. Maya Sahli (Algeria) (since August 2008)

Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination:

Ms. Najat Al-Hajjaji (Libyan Arab Jamahiriya) (since July 2005)

Ms. Amada Benavides de Pérez (Colombia) (since July 2005)

Mr. José Luis Gomez del Prado (Spain) (since October 2005)

Mr. Alexander Nikitin (Russian Federation) (since July 2005)

Ms. Faiza Patel (Pakistan) (since August 2010)

Country Specific Mandates

Independent Expert on situation of human rights in Burundi:

Mr. Fatsah Ouguergouz (Algeria) (since August 2010)

Special Rapporteur on the situation of human rights in Cambodia:

Mr. Surya Prasad Subedi (Nepal) (since May 2009)

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea:

Mr. Marzuki Darusman (Indonesia) (since August 2010)

Independent Expert on the situation of human rights in Haiti:

Mr. Michel Forst (France) (since August 2008)

Special Rapporteur on the situation of human rights in Myanmar:

Mr. Tomas Ojea Quintana (Argentina) (since May 2008)

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967:

Mr. Richard Falk (United States of America) (since May 2008)

Independent Expert on the situation of human rights in Somalia:

Mr. Shamsul Bari (Bangladesh) (since May 2008)

Independent Expert on the situation of human rights in the Sudan:

Mr. Mohamed Chande Othman (Tanzania) (since October 2009)

5.4 Contacting Special Procedures

All mandate holders receive support from OHCHR in the execution of their respective mandates. The Human Rights Council and Special Procedures Division (HRCSPD) of OHCHR in Geneva provides support to thematic special procedures with thematic, fact-finding, policy and legal expertise, research and analytical work, and administrative and logistical services. HRCSPD also supports the mandate-holders in the development of tools and methodologies to improve coordination among special procedures and to strengthen linkages between them and OHCHR, the UN system and other partners. Importantly, in the area of communications, the Quick Response Desk processes communications sent by mandate-holders through the database on communications and the dedicated email urgent-action@ohchr.org which centralizes incoming information to be submitted to the attention of mandate-holders.

The contact details of the HRCSPD are:

Address:

Human Rights Council and Special Procedures **Division**

c/o OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41.22.917.90.06

General Information Email: SPBInfo@ohchr.org

For communications: urgent-action@ohchr.org Website: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

For further information on how to submit communications, please the OHCHR website <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>. Communications should contain a factual description of the alleged violation and be submitted by individuals or organizations acting in good faith with direct or reliable knowledge of the violation they are reporting. They should not be politically motivated, abusive or based solely on media reports. Please specify which special

procedure(s) mechanism the information is addressed to in the subject line of the e-mail or fax, or on the envelope.

For further information or to submit information other than specific information on alleged human rights violations, please contact spbinfo@ohchr.org.

5.5 Further Information and Reading

The OHCHR website contains information on the system of special procedures and on specific mandates:

<http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

Here you can find pages devoted to each special procedure. The pages contain detail on the mandate, country visits, links to reports, press statements, and how to submit information, etc. For instance, to learn more about the Special Rapporteur on the Right to Education please visit the dedicated website at:

<http://www2.ohchr.org/english/issues/education/rapporteur/index.htm>.

To learn more about special procedures, please consult Fact Sheet No. 27 on “Seventeen Frequently Asked Questions about United Nations Special Rapporteurs” (to be updated). It is available at:

<http://www.ohchr.org/Documents/Publications/FactSheet27en.pdf>. See also:

Manual of the United Nations Human Rights Special Procedures, available at: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>)

United Nations Special Procedures: Facts and Figures 2009, available at: http://www2.ohchr.org/english/bodies/chr/special/docs/Facts_Figures2009.pdf

6) Universal Periodic Review

6.1. Overview of Universal Periodic Review (UPR)

The Human Rights Council is the principal intergovernmental human rights body of the UN and consists of 47 UN Member States. At the establishment of the Human Rights Council in 2006, the General Assembly mandated the Council to “undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States” (GA resolution 60/251). The resolution established that “the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies”.



The Human Rights Council Room in the Palais des Nations in Geneva, where the Universal Periodic Review takes place.

The subsequent year, on 18 June 2007, the Human Rights Council responded to this request and adopted detailed modalities regarding the Universal Periodic Review (UPR) mechanism. Resolution 5/1 of the Human Rights Council sets out these modalities, including the basis of the review, the principles and objectives to be followed, the periodicity and order of review of countries, outcome and follow-up to review, etc. It furthermore decided that the review will be conducted in one working group composed of the 47 member States of the Council. Subsequently, unlike the UN human rights treaty bodies and special procedures, the UPR constitutes a mechanism whereby States’ implementation of human rights treaties is monitored

by other States and not by independent expert bodies. As set forth in Resolution 5/1 of the Human Rights Council, the review process is based on the following instruments: the UN Charter, the UDHR, human rights instruments that the State has ratified, and applicable parts of international humanitarian law.

According to the calendar of review, all 193 member States will be reviewed under the first four year cycle of the UPR (please see chart on next page). As such, the UPR is a significant innovation of the Human Rights Council in that it is based on the philosophy of equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situation in their countries and to discuss challenges to the enjoyment of human rights. As of the time of writing, no similar mechanism of this kind exists. Uganda is scheduled for review in 2011. This review will, as is the case with all States, be conducted on the basis of three core documents:

- 1) **Information prepared by the State concerned**, which can take the form of a national report, and any other information considered relevant by the State concerned, which could be presented either orally or in writing (not exceeding 20 pages). States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders.
- 2) **A compilation prepared by the OHCHR** of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents (not exceeding 10 pages).
- 3) **Additional, credible and reliable information provided by other relevant stakeholders** to the UPR, which will be summarized by OHCHR (not exceeding 10 pages). Stakeholders include, inter alia, NGOs, NHRIs, human rights defenders, academic institutions and research institutes, regional organizations, as well as civil society representatives.

6.2 Uganda and the Universal Periodic Review

Uganda's first review under the UPR was scheduled for October 2011. At the time of writing, the Government of Uganda was in the preparatory stages of their National Report. Civil Society including the Uganda Human Rights Commission were holding national and regional consultations for submission of information to the stakeholder's report. The United Nations Agencies were also in process of preparing and compiling relevant information for the UN report.

TIMELINE OF THE UNIVERSAL PERIODIC REVIEW OF UGANDA

PREPARATION AND SUBMISSION OF REPORTS		REVIEW PROCESS		IMPLEMENTATION OF RECOMMENDATIONS
June 2011 Selection of Troika	4 July Deadline for submission of National Report	12 th Session of the UPR WG 3-14 October 2011 Review of Uganda to take place and adoption of draft report of the WG 48hrs later		4 Year Cycle: - Follow-up - Implementation - Monitoring - Documenting - Reporting
14 March Deadline for submission of Stakeholders and UN agencies	AUGUST All reports published on website	10 days before review Troika submits advanced questions to SuR	MARCH 2012 Adoption of outcome by the HRC	OCTOBER 2015: Assessment of implementation of Recommendations and new review
JANUARY - AUGUST 2011		SEPTEMBER 2011 - MARCH 2012		OCTOBER 2011 - OCTOBER 2015

Further information about the UPR can be found on the OHCHR website:
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
 or you can also refer to www.upr-info.org

Information may also be sought at the following addresses:

For States: UPRStates@ohchr.org

For NGOs: civilsocietyunit@ohchr.org

For other Stakeholders: UPRsubmissions@ohchr.org

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