

LouvainX: Louv2.01x International Human Rights

KarenWest (/dashboard)

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'Special procedures' are mechanisms established by the Commission on Human Rights, and now assumed by the Human Rights Council, to address either specific country situations or thematic issues in all parts of the world. In 1967, acting at the request of the newly independent African States and the broader non-aligned movement, the Commission on Human Rights established an *ad hoc* Working Group on South Africa, a group of five experts tasked with investigating and reporting back on allegations of torture and ill-treatment by the South African police (E/CN4/Res/2 (XXIII), 6 March 1967). (Only later did the Commission on Human Rights gradually establish itself as a human rights watchdog for the international community. By adopting Resolution 1235 (XLII) on 6 June 1967, the Economic and Social Council authorized the Commission on Human Rights, for the first time, to 'examine information relevant to gross violations of human rights and fundamental freedoms' and to 'make a thorough study of situations which reveal a consistent pattern of violations of human rights'. The creation of the Working Group was therefore its first significant initiative in this area.)

The establishment of the Working Group on South Africa was followed by that of a Working Group on the Arab territories occupied by Israel (1969), composed of three members mandated by the General Assembly, and of a Working Group on Chile (1975), following the military coup against President Allende, which like the Working Group on South Africa had five members appointed by the Commission. It was only in 1980, however, that the Commission created its first thematic mechanism, the Working Group on Enforced or Voluntary Disappearances. Special Procedures then developed as a system in the 1980s and 1990s, although initially with little consistency across the different mandates.

Special procedures are either an individual expert (usually called 'Special Rapporteur' or 'Independent Expert', though this latter denomination is now being abandoned) or a working group usually composed of five members (one from each region). (These experts are appointed by the Human Rights Council; a 'Special Representative of the Secretary-General', or a 'Representative of the Secretary-General', is appointed by the Secretary-General, at the request of the Human Rights Council). The mandate-holders of the Human Rights Council are unpaid individual experts who act in their personal capacity, and who contribute both to developing the understanding of human rights norms and to protecting human rights by using the various tools at their disposal. Depending on which special procedure is concerned, these tools include:

- the preparation of reports to the Human Rights Council or to the Third Committee (Social, Humanitarian and Cultural) of the General Assembly;
- addressing communications to States, in the form either of letters of allegations or urgent appeals; and
- carrying out country missions, with the consent of the State concerned, in order to assess the situation of human rights there.

In addition, one mechanism, the Working Group on Arbitrary Detention, receives complaints and issues 'opinions' on 1 individual cases, as well as 'deliberations' on general matters.

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Origins of Special Procedures | [8.2] The H... https://courses.edx.org/courses/LouvainX/Lo... You may wish to visit the Special Procedures page (http://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx) on the website of the Office of the UN High Commissioner for Human Rights, to be acquainted with the range of mechanisms that have been established over the years. In January 2014, there were thirty-eight thematic and sixteen country mandates, working with the support of the OHCHR.



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