

# Working with Special Rapporteur For human rights and Social Justice

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## Do we all know about SRs ?

- Special Rapporteurs are independent experts, established in accordance with the UN Charter, mandated to report and advise on human rights relating to Country or Themes.
- Their mandate are quite unique, open, associable, achievable, less technical, more pragmatic.
- Country visit, Receive complaints and act on human rights violation cases, sending communication to the states, contribute to development of international human rights standard through studies and consultation. Report annually to HRC.

## SRs and relevancy

- Currently, 36 Thematic and 16 Country Specific;
  - All are relevant for IPs *de jure* and *de facto* basis; Indigenous Peoples are entitled to individual and collective human rights that are enshrined under various International Instruments including UN Charter;
  - IPs' Issues are Cross cutting and dealt by almost all Core UN mechanisms and Special Procedures;
  - Important for rationalize, justify your claim related to collective rights.
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- In our experience, SRIP responses promptly to the complain;
  - SRIP is requested to work closely with PFII to "develop a regular cooperative dialogue with all relevant actors;" to pay a "special attention to the situation of **indigenous children and women**;" to consider "relevant recommendations of the world conferences and treaty bodies on matters regarding his/her mandate;" and to "submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work."

## UN Special Rapporteur on the Rights of Indigenous Peoples (SRIP)

- Appointed by HRC in 2001 and renewed the mandate in 2004 and extended in 2007 that includes:
  - Promoting good practice of overcoming existing obstacles to the full and effective protection of human rights and fundamental freedoms;
  - Country Reports on IPs' human rights situation of Selected Countries (36);
  - Receiving Communication on individual and collective human rights violation

What are the points needed to be considered ??

- SR take action on credible information;
- Any person, groups and organization hold *locus standi* to communicate;
- Brief , precise and full disclosure of information;
- When and where, identification of victim/s , case details chronologically, disclose of perpetrators, action taken by government, no double jeopardy but information taken in national, international authorities and stage of action, evidences, information of petitioner.

## Recommendation for Remedies

- What do you want ?
- Who is responsible: authorities or Institution ?
- How it is feasible ?
- Be substantially realistic.
- Think how recommendation can help constructively.

## Precaution

- Analyze situation, attitude of authorities, states or personnel whether complaining really help.
- Make strategy.
- Though there is no require of domestic exhaustion, however at least networking and collaboration with HR Institutions are important.
- Try to lobby personnel who are positive or sympathetic to IPs rights / case .

## Legal and Policy Matters

- Laws that recognize/identify/ states IPs in any form;
- Laws and Policies that impact to IPs;
- Decision of Court or other remedial mechanism if it is available.

## What we achieved from engagement /Experiences

- SRIP recommended to direct representation in CA through the freely chosen representatives in accordance with their own procedure (A/HRC/12/34/Add.3) ;
- The Supreme Court of Nepal Issued Directive Order in line with SRIP' Recommendation
- In the Case of Treason against IPs' Political Institution (PKLRM) , SRIP communicate Gvt. to provide information on the situation of leaders who fled to India and recommend to respect their rights to freedom of expression and assembly, right to life etc.
- Finally, the Appeal Court repealed the Case.

- Eased up to file complaint in CERD

### Interactive Dialogue tips

- Prior arrangement of time through Secretariat or online;
- Be precise and brief;
- Remember victim has right to say, assist only in consent;
- Respect the spirit of collectivity, make sure you are not eating others time;
- Prepare your written documents to substantiate your information;

- Study relevant recommendation and update status of implementation;
- If you have good practice, submit in written.