

2022 **NGO**

ENGAGEMENT GUIDE SERIES

Guide for engaging with  
UN Special Procedures  
mandate holders





This project is a cross-border collaborative effort between law firms and NGO partners to develop guidelines on recourses to action for the NGO community in the areas of UN and EU mechanisms, judicial review and the appointment of an *amicus curiae*.

The pathways to justice described in these guides are all too often overlooked or misunderstood due to the overwhelming amount of complex or academic information on these mechanisms. These guidelines steer our NGO partners through easily accessible resources on the different avenues to accessing justice.

The Free Legal Advice Centre (FLAC), The Public Interest Law Alliance (PILA), a project of FLAC based in Dublin, and The Public Interest Litigation Support (PILS) Project in Belfast identified a need in the NGO community for better information and resources on legal recourses to action in the following areas:

1. Individual non-court mechanisms at European level
2. Engagement with UN Special Procedures mandate holders
3. Taking individual complaints to UN treaty bodies
4. *Amicus curiae* procedure
5. Judicial Review

To address this need, PILA, The PILS Project and Arthur Cox offices in Belfast and Dublin collaborated to develop and finalise guideline documents in each of the target areas. The guides were written or revised by the Arthur Cox offices on a *pro bono* basis and were peer reviewed by colleagues from the legal sector in the North and South.

The aim of this project is to provide NGOs with the information they need to understand the available recourses to action and to determine which (if any) to pursue. Should an NGO decide to explore a recourse to action further, the NGO may contact PILA or The PILS Project for assistance through the respective *pro bono* referral schemes.

# Contents

---

5	Introduction
6	Types of UN Special Procedures mandate holders
10	The role of Mandate Holders
11	What's different about UN Special Procedures mandate holders?
12	How can civil society contribute?
26	Acknowledgements

Information sources and useful websites are hyperlinked throughout this guide. Updated links to the NGO Engagement Guides are available on the Public Interest Law Alliance website ([www.pila.ie](http://www.pila.ie)) and the PILS Project ([www.pilsni.org](http://www.pilsni.org)) website.

# Introduction

---

This document is intended as a practical guide for civil society actors in the Republic of Ireland and Northern Ireland seeking to engage with UN Special Procedures mandate holders.

UN Special Procedures mandate holders are individuals who are independent human rights experts appointed by the UN Human Rights Council, an inter-governmental body based in Geneva whose mission is the promotion and protection of human rights around the world.

Historically in Ireland, there has been considerably less focus placed on engagement with UN Special Procedures mandate holders than with other inter-governmental human rights safeguards. However, this contrasts with the interventionist approach the UN has taken in relation to Northern Ireland in the context of its post-conflict society.

Mandate holders examine, monitor, advise and publicly report on human rights situations in specific countries or on certain thematic human rights issues. In their role, mandate holders can visit individual countries and send communications to States concerning alleged human rights violations.

While mandate holders are independent and unpaid, the Office of the UN High Commissioner for Human Rights (the "OHCHR") provides them with human resources and logistical and research support to assist them in their work. Mandate holders are elected for 3-year terms that can be renewed for another 3 years.

Mandate holders provide an alternative avenue for civil society actors to advocate for human rights issues. This is of particular importance in areas that are not comprehensively covered in national law/enforcement mechanisms, where there is a systemic infringement of human rights leading to other barriers to access to justice at a national level or where a State has not signed or ratified international treaties whose enforcement mechanisms would otherwise be available to victims.



# Types of UN Special Procedures mandate holders

---

At the time of writing, there are 58 Special Procedures Mandate Holders (45 thematic mandates and 13 country-specific mandates). Special Procedures Mandate Holders have different titles, including “special rapporteurs,” “independent experts,” “special representatives,” and “working groups.”

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence is particularly relevant to Northern Ireland. In the wake of “The Troubles,” this Special Rapporteur has made visits to Northern Ireland, most recently in 2016, to assess the status of implementation of the recommendations posed by the UN. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence issued a questionnaire to Northern Ireland. Themes of the questionnaire centred around independence of the Historical Investigations Unit which exemplified the two-way approach the UN had taken in relation to Northern Ireland specifically.

Working Groups typically consist of five experts drawn from each regional group – Western European & Others Group (which includes Ireland), Eastern European Group, African Group, Asian & Pacific Group and Latin American & Caribbean Group.

Civil society actors can nominate candidates for appointment as mandate holders. More information on the nomination, selection and appointment of mandate holders is available on the website of the OHCHR at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>.

UN Special Procedures thematic mandate holders	
1	Working Group of Experts on People of African Descent
2	Independent Expert on the enjoyment of human rights by persons with albinism
3	Working Group on Arbitrary Detention
4	Working Group on the issue of human rights and transnational corporations and other business enterprises
5	Special Rapporteur on the promotion and protection of human rights in the context of climate change
6	Special Rapporteur in the field of cultural rights
7	Special Rapporteur on the right to development
8	Special Rapporteur on the rights of persons with disabilities
9	Working Group on Enforced or Involuntary Disappearances
10	Special Rapporteur on the right to education
11	Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
12	Special Rapporteur on extrajudicial, summary or arbitrary executions
13	Special Rapporteur on the right to food
14	Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights
15	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
16	Special Rapporteur on the rights to freedom of peaceful assembly and of association
17	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
18	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
19	Special Rapporteur on the situation of human rights defenders

20	Special Rapporteur on the independence of judges and lawyers
21	Special Rapporteur on the rights of indigenous peoples
22	Special Rapporteur on the human rights of internally displaced persons
23	Independent Expert on the promotion of a democratic and equitable international order
24	Independent Expert on human rights and international solidarity
25	Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members
26	Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
27	Special Rapporteur on the human rights of migrants
28	Special Rapporteur on minority issues
29	Independent Expert on the enjoyment of all human rights by older persons
30	Special Rapporteur on extreme poverty and human rights
31	Special Rapporteur on the right to privacy
32	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
33	Special Rapporteur on freedom of religion or belief
34	Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
35	Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
36	Special Rapporteur on contemporary forms of slavery, including its causes and consequences
37	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
38	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment



39	Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
40	Special Rapporteur on trafficking in persons, especially women and children
41	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
42	Special Rapporteur on violence against women, its causes and consequences
43	Special Rapporteur on the human rights to safe drinking water and sanitation
44	Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
45	Working Group on discrimination against women and girls

#### UN Special Procedures country mandate holders

Special Rapporteur on the situation of human rights in Afghanistan	Special Rapporteur on the situation of human rights in Burundi
Special Rapporteur on the situation of human rights in Belarus	Special Rapporteur on the situation of human rights in Cambodia
Independent Expert on the situation of human rights in the Central African Republic	Special Rapporteur on the situation of human rights in Eritrea
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
Independent Expert on the situation of human rights in Mali	Special Rapporteur on the situation of human rights in Myanmar
Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	Independent Expert on the situation of human rights in Somalia
Special Rapporteur on the situation of human rights in the Syrian Arab Republic (mandate has yet to commence, as a commission of inquiry is ongoing)	

# The role of Mandate Holders

---

Mandate holders have a number of functions. These include:

- Receiving and analysing information on human rights situations provided by various sources on an ongoing basis;
- Networking and sharing information with partners, both governmental and non-governmental, within and outside the United Nations;
- Seeking (often urgently) clarification from States on alleged violations and, where required, requesting States to implement protection measures to guarantee or restore the enjoyment of human rights;
- Raising awareness about specific human rights situations and phenomena, and threats to and violations of human rights;
- When specific circumstances so warrant, communicating their concerns through the media and other public statements;
- Undertaking country visits to assess human rights situations related to their respective mandates, and making recommendations to States with a view to improving those situations;
- Reporting and making recommendations to the Human Rights Council and, where relevant to their mandates, to the General Assembly (and in some cases to the Security Council) on: regular activities under their mandate; field visits; and specific thematic trends;
- Contributing thematic studies to the development of authoritative norms and standards for the subject area of the mandate, and providing legal expertise on specific issues.



# What's different about UN Special Procedures mandate holders?

---

- Mandate holders provide an avenue for civil society organisations to raise alleged human rights violations even where the State has not ratified the relevant UN treaty. For example, while Ireland has yet to ratify the UN Convention for the Protection of All Persons from Enforced Disappearance (the "CED"), organisations can submit communications to the Working Group on Enforced or Involuntary Disappearances concerning alleged human rights violations relating to disappearances.
- Civil society organisations can raise an individual case with a mandate holder without exhausting domestic remedies. UN Treaty Bodies demand, save in exceptional circumstances, that domestic remedies be exhausted before deeming a complaint to be admissible.
- Mandate holders can respond quickly to alleged or potential human rights violations. By contrast, examinations by UN Treaty Bodies only take place every few years. Similarly, it can take a considerable length of time for an individual complaint to be heard by a UN Treaty Body and for its findings to be released.
- The mandates themselves are more specialised than UN human right treaties. For example the Working Group on the issue of human rights and transnational corporations and other business enterprises may be particularly suited to issues involving business and human rights, an issue which is yet to be subject to a specific treaty.

# How can civil society contribute?

---

1. Submit information to mandate holder
2. Assisting with a country visit
3. Contribute to thematic reports / development of guidelines
4. Other ways to engage with mandate holders

## 1. Submit information to mandate holder

Mandate holders can receive submissions from victims of human rights violations (past, present or planned) and from civil society actors with direct and reliable knowledge of human rights violations. Mandate holders may then send letters, called “Communications,” to governments, intergovernmental organisations, businesses, military or security companies, reporting on the allegations of human rights violations that they have received.

Communications cover a range of issues, including individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In addition, civil society actors are able to act pre-emptively and provide mandate holders with information on new laws, policies and practices which, if passed or come into effect, may result in human rights violations.

### Who can make a submission?

Any individual, group, civil society organisation, inter-governmental entity or national human rights body can submit information to mandate holders.

### How can a submission be made?

The OCHR website has an online form (available at <https://spsubmission.ohchr.org/>) where submissions can be made. This is the preferred method to submit information.

If it is not possible to complete the online form, submissions can be sent by email (to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)) or post (to OHCHR-UNOG, 8-14 Avenue de la Paix 1211, Geneva 10, Switzerland).

### What information should be included in a submission?

The online form will require you to define the type of submission: is it a human rights violation, reporting a bill, legislation or policy, or adding information to a previous submission?

You will then choose 1-5 issues or the country that your submission is concerned with (out of the various issues/countries that have been assigned a mandate holder).

#### In the body of the submission the following information is required:

1. identification of the alleged victim(s);
2. identification of the person(s) or organisation(s) submitting the communication, if different from the victim;
3. date, place and detailed description of the circumstances of the incident(s) or violation; and
4. identification of the alleged perpetrators of the violation (if known).

The information provided in a submission must be credible and contain sufficient detail. The human rights which are alleged to have been violated should be clearly identified and the submission should include reasons why the State is responsible for the violation.

Submissions cannot be anonymous, manifestly unfounded, politically motivated, contain abusive language or be based solely on media reports.

Civil society actors may also provide mandate holders with a draft letter of allegation or urgent action letter (both of which are discussed in more detail below). Most mandate holders have limited resources and they appreciate measures which save their time.

### What will a mandate holder do with this information?

Mandate holders can choose whether or not to use any submissions received to produce a Communication. The choice is left up to the mandate holder but they must have regard to their mandate and the Code of Conduct for Special Procedures Mandate Holders (this Code, available [here](#), defines the standards of ethical behaviour and professional conduct that mandate holders are to observe while discharging their duties).

Communications generally take one of two forms: **urgent action letters** (ongoing or potential human rights violations), or **letters of allegation** (past human rights violations). However, the mandate holder may also choose to make a public statement or to issue a press release on the matter.

Urgent action letters are sent when the alleged violations are particularly time-

sensitive and carry a risk of loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims.

A response is usually requested within 30 days.

When the urgent action procedure does not apply, letters of allegation are sent to communicate information and request clarification about alleged human rights violations. States are usually given 60 days to provide a response.

Through Communications, mandate-holders may ask States to explain allegations, clarify the law, seek information on new developments, submit observations, or follow up on previous recommendations. Where a submission falls within the scope of more than one mandate, mandate holders can issue joint Communications. Communications sent and State replies received remain confidential until they are published in the Communications reports compiled by each of the mandate holders and submitted to each regular session of the Human Rights Council (usually held in March, June and September of each year). The Communications reports are publicly available.

The names of alleged victims are usually included in the communication sent to the State and in the public Communications reports. If an individual does not wish to be named in this way, they should make an explicit request to that effect in their submission. Where alleged victims are under 18, are alleged victims of sexual violence, or have (themselves or through representatives) made it clear in their submission that there are concerns for their security, their names will not be published in the public Communications reports. If the alleged victims or their representatives make it clear in their submission that concerns relating to the security of the alleged victims exist, the mandate holders may also decide, on an exceptional basis, to withhold the victims' names from any Communication.

The identity of the source(s) of the mandate holder's information is always kept confidential and neither included in any Communication, nor in the public Communications report.

Depending on the response to a Communication received, a mandate holder can seek additional information or can make recommendations regarding an alleged human rights violation. Unfortunately, however, the mandate holders do not have any legal powers or authority to enforce their views or recommendations. However, such recommendations can be persuasive and hold political significance.



## Communication to Ireland

Letters of allegation, urgent action letters, country visit requests, requests for contributions to thematic reports and other forms of information are communicated to the Permanent Mission of Ireland to the United Nations in Geneva. These communications are then forwarded to the Department of Foreign Affairs & Trade which directs them to the relevant governmental department or representative.

In recent years, Ireland has been called on to respond to a number of Communications issued by mandate holders on topics such as:

- The Rights of Victims and Survivors of Mother and Baby Homes (further information here);
- Reform of Direct Provision (further information here);
- Legislation that restricts civil society organisations' effective exercise of freedom of movement and fundraising capacity (further information here);
- Rights of beneficiaries of social welfare and other governmental payments (further information here);
- Detention and Interrogation (further information here);
- Right to housing (further information here);
- Labour exploitation against migrant workers (further information here);
- Freedom of expression and social media (further information here);
- Homelessness and standard of living (further information here);
- Gender recognition (further information here);
- Rights of the traveller community (further information here); and
- Abortion laws and reproductive health (further information here).

At time of writing, mandate holders had recently issued a number of Northern Ireland-specific communications to the United Kingdom government, including on:

- Information received regarding threats against a human rights lawyer and academic at Queen's University Belfast (further information here); and
- Proposed legislation relating to the creation of a mechanism for impunity regarding serious human rights violations committed during the Troubles in Northern Ireland (further information here).

You can search for Communications based on a particular mandate, region, state or time using the Communication Search Function on the UN Website.

## Case Study: Letter of Allegation concerning the Gender Recognition Bill

In April 2015, the Working Group on the issue of discrimination against women in law and in practice and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health transmitted a joint communication to the Irish Government concerning the potential discriminatory effects of certain provisions of the Gender Recognition Bill. In particular, the mandate holders expressed concerns with regard to mandatory medical certification and disproportionate safeguards applied to children which, in their view, discriminated against transgender people and their rights to privacy, equality and education and could affect physical and mental health.

The mandate holders requested information on the analysis carried out by the Government with regard to the compatibility of the requirement of certification by medical practitioners with international human rights standards, the impact of the proposed legislation on the human rights of young transgender people and how the rights of intersex people would be protected through the proposed legislation.

In June 2015, the Government announced that it would no longer require a medical assessment as a requirement for gender recognition and would drop the “forced divorce” clause which required applicants for gender recognition to be single.

The Government provided its official response to the communication in September 2015. It highlighted amendments made to the Bill since the joint communication had issued, including provision in the Bill for the review of the operation of the legislation after a two-year period, and the rationale for not extending legal gender recognition to young people under the age of 16.



## 2. Assisting with a country visit

Before undertaking a country visit, a mandate holder must request permission from the State in question to do so. If the State agrees to the visit, it will extend an official invite to the mandate holder.

Some countries, including Ireland (in 2001), have issued standing invitations, which means that they are, in principle, prepared to receive a visit from any thematic mandate-holder. To date, Ireland has received four official visits from UN Special Procedures mandate holders: [the Special Rapporteur on the right to freedom of opinion and expression in 1999](#) ; [the Independent Expert on human rights and extreme poverty in 2011](#); [the Special Rapporteur on human rights defenders in 2012](#) ; and [the Special Rapporteur on the sale and sexual exploitation of children in 2018](#).

While Northern Ireland does not have the constitutional status to issue standing invitations, it is grouped together with the United Kingdom which receives visits from UN Working Groups and Special Rapporteurs. In 2015 and 2016 the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence made a visit to the United Kingdom of Great Britain and Northern Ireland with a special focus on the impartiality and independence of public institutions. In investigating this the Special Rapporteur sent a questionnaire to state bodies seeking clarification on issues such as whether discriminatory barriers were being eliminated and whether the government was providing support to organisations working to build bridges between communities in Northern Ireland. A follow-up report on this visit was [published in August 2021](#), with the current Special Rapporteur expressing regret at what they called '*insufficient implementation of the recommendations*' by the UK government since the visit by their predecessor.

Where a State is experiencing difficulties in protecting a specific human right, civil society actors can encourage the State to invite a relevant mandate holder to undertake a country visit to assist in addressing the issue. Civil society actors can also directly encourage mandate holders to carry out a country visit or provide them with information which may prompt a request for a visit.

Country visits allow mandate holders to assess the general human rights situation and/or the specific institutional, legal, judicial and administrative situation in a given State, under their respective mandates.

Mandate holders must be permitted to move freely throughout a country during a visit. Often mandate holders will speak with alleged human rights victims and witnesses, interview government officials, academics, experts, and civil society, and conduct investigations in order to assess the situation on the ground. The Terms of Reference for country visits by mandate holders to States and territories - adopted by special procedures in 1998 and updated in 2016 - are intended to guide Governments in the conduct of a visit. The full Terms of Reference are available [here](#).

After the visit, a mandate holder issues a press statement and, later, a mission report containing their findings and recommendations. It is relevant to note that, again here, the recommendations of the mandate holders are not binding, but are persuasive.

### How can civil society engage?

Once confirmed, civil society actors can undertake a range of activities both before, during and after a visit from a mandate holder.

In advance, civil society actors can raise awareness of the visit through media and social media channels. Organisations can also provide the mandate holder with briefings in order to raise specific issues ahead of a country visit. This will help to inform the mandate holder of the situation on the ground and may influence their decisions as to specific issues to concentrate on or places to visit. Mandate holders finalise their agenda prior to undertaking a visit. While there may be some flexibility, civil society representatives should, therefore, signal their interest in meeting with the mandate holder well in advance.

During the visit, civil society organisations may seek a meeting with the mandate holder or organise an event with them. Civil society actors can also facilitate opportunities for direct interaction with organisations working on the ground and affected communities. Oftentimes, civil society organisations will work collaboratively to determine how they can best contribute to a country visit.





## Case Study: Country visit to Ireland by the former Independent Expert on extreme poverty and human rights

In January 2011, then Independent Expert on extreme poverty and human rights, Magdalena Sepúlveda Carmona, visited Ireland. Her visit focused on the impact of the economic crisis in Ireland and the effect of austerity measures on the enjoyment of human rights. She looked, in particular, at how vulnerable groups were impacted by recovery measures.

As part of this visit, Ms Sepúlveda Carmona met with the Minister for Equality, Human Rights and Integration, representatives from a wide range of governmental departments, the Irish Human Rights Commission, the Equality Authority and civil society representatives. Furthermore, she travelled to a number of locations throughout the country, including a direct provision centre and halting site, to assess the situation on the ground.

Representatives of FLAC met with Ms Sepúlveda Carmona during her visit and provided her with a briefing highlighting a range of issues relevant to the extreme poverty mandate (including homelessness resulting from housing repossessions, the application of the Habitual Residence Condition for social welfare payments, the system of direct provision and the restrictive nature of the civil legal aid scheme).

In May 2011, Ms Sepúlveda Carmona published her mission report on Ireland. She made a range of recommendations including to reverse austerity measures which had disproportionately impacted the most vulnerable and to strengthen the social protection system, infrastructure and social services. She also made recommendations on issues which FLAC had raised in its briefing such as direct provision and the civil legal aid scheme.

### Follow up to a country visit

In combination with other strategies, civil society organisations play a vital role in ensuring that States effectively implement recommendations issued by mandate holders following their country visit. Civil society organisations can apply pressure in a number of ways, such as:

- Bringing the recommendations to the attention of politicians in one-to-one discussions;
- Raising awareness of the recommendations through media work;
- Submitting parliamentary questions requesting updates on progress made in implementing the recommendations;
- Drawing on the recommendations to support advocacy work;
- Including the recommendations in research reports and submissions;
- Disseminating the recommendations widely among networks;
- Seeking a meeting with government officials responsible for the implementation of the recommendations;
- Organising a follow-up conference to a country visit involving all relevant stakeholders;
- Following-up with the relevant mandate holder on the progress achieved, or lack thereof, in implementing the recommendations.



### 3. Contribute to thematic reports / development of guidelines

Mandate holders provide annual reports to the Human Rights Council detailing the activities they have undertaken in the previous year. Additionally, mandate holders are sometimes requested to provide, or provide on their own initiative, thematic reports to the UN General Assembly or the Human Rights Council.

For example, the UN Special Rapporteur on the Right to Adequate Housing presented a report on homelessness to the Human Rights Council in March 2016. The report notes that, in Ireland, families with children have become the fastest growing group within the homeless population.

#### How can civil society engage?

Thematic reports can take the form of guidance to UN Member States on how to implement and improve compliance with human rights obligations and standards, as well as detailed studies on specific human rights violations or situations affecting a certain vulnerable group. To inform these reports, mandate holders frequently directly seek the input of civil society actors in consultations, or will put out open calls for input.

Calls for input are published on each mandate holder's page on the OCHR website, and the mandate holder will give further specifications on the information sought in these calls. Submissions in response to a call for input are made by email to a dedicated email address for each call and are treated as confidential (although the submitter can expressly consent to their submission being published on the website of the mandate holder).

Information provided by civil society actors for inclusion in these reports should be well-evidenced, clear and should follow any directions that the mandate holder has set out in the call.

### 4. Other ways to engage with mandate holders

In addition to the avenues of engagement mentioned above, civil society organisations can engage with mandate holders and their work in other informal ways:

- Mandate holders regularly organise seminars and consultations on topics relevant to their mandate. Civil society organisations are often asked to contribute or to attend such events.
- Invite a mandate holder to participate in one of your initiatives or events. This can be a very good way to draw attention to a human rights issue.



## Case Study: Christian Aid conference on the human rights impact of tax and fiscal policies

In February 2015, Christian Aid organised a conference on the human rights impact of tax and fiscal policies within Ireland and around the world. The conference brought together a range of speakers including tax justice activists, officials from Irish Aid, the Department of Finance, the OECD, journalists, universities and the private sector.

Professor Philip Alston, the current UN Special Rapporteur on Extreme Poverty and Human Rights, attended the event and delivered the keynote address. In his speech, “Tax policy is human rights policy”, Professor Alston challenged the Irish Government over some of its tax arrangements.

The event garnered a significant amount of media attention, particularly in the print media.

### Benefits of engaging with mandate holders

Engagement with mandate holders can be helpful to the aims of civil society actors in a number of ways. These include:

- Raising awareness, pressure and mobilisation around a human rights issue. Click [here](#) for examples;
- Preventing and stopping violations of human rights. Click [here](#) for examples;
- Opening channels of communication with public officials and governmental departments. Click [here](#) for examples;
- Legislative reform. Click [here](#) for examples;
- Policy Reform. Click [here](#) for examples;
- Human Rights mainstreaming. Click [here](#) for examples;
- Contribution to the process of the judiciary and government. Click [here](#) for examples;
- Compelling states to justify actions on certain issues by reference to international human rights law and to provide access to mechanisms to achieve redress. Click [here](#) for examples; and
- Providing an opportunity to contribute to discussions on the implementation of human rights standards. Click [here](#) for examples.



## Case Study: UN Special Procedures

FLAC's Engagement with the Universal Nations Periodic Review (UPR) of Ireland 2021

The Universal Periodic Review (UPR) constitutes a mechanism where the human rights record of each of the Member States of the United Nations is reviewed and recommendations are made for its improvement. FLAC (Free Legal Advice Centres), which makes policy recommendations to numerous international human rights bodies, engaged with the UPR process in two ways: (1) by making a 'Stakeholder Submission' to the Office of the UN High Commissioner for Human Rights, and (2) by making a submission to the Department of Children, Equality, Disability, Integration and Youth's consultation on Ireland's report to the UPR. FLAC focused on several issues with re-occur in its work viz.: Equality, Social Welfare, issues affecting Travellers and Roma, and Civil Legal Aid.

As a result, the State committed to a 'comprehensive and independent' review of Ireland's current Civil Legal Aid system, with specific reference to the ability of vulnerable groups to 'fully access justice', and also accepted over 200 other recommendations. The results of these recommendations are yet to be seen.

However, the government refused to engage with FLAC's suggestion regarding the prohibition of racial profiling. Ms Sinéad Lucey, FLAC's Managing Solicitor, commented that, 'The State's continued refusal to introduce legislation to prohibit racial profiling flies in the face of our human rights obligations, as well as the rights of Travellers, Roma and minority ethnic and migrant communities who are subject to this insidious form of discrimination. The State should urgently reverse its position on these recommendations and agree to introduce legislation to prohibit racial and discriminatory profiling by State bodies, including An Garda Síochána.'



## Case Study: CAJ – Multiple Special Rapporteurs - Legacy

The Good Friday Agreement did not include any transitional justice mechanism, such as a truth commission, to deal with the legacy of the Northern Ireland Conflict. It did incorporate the ECHR into NI law and following European Court of Human Rights rulings the UK put in place a 'package of measures' where existing justice mechanisms would have some role in investigating the past. The new UK policy was set out in a July 2021 command paper, and involved a blanket amnesty and shutting down all judicial and criminal investigations, and replacing them with a new legacy body with very limited powers.

The Belfast-based human rights NGO The Committee on the Administration of Justice (CAJ) and legal academics in the '[Model Bill Team](#)' engaged with the UN special procedures mechanisms to seek an authoritative view on the UK policy proposals.



In August 2021, [two UN Special Rapporteurs issued a public statement](#), saying the plan “conflates reconciliation with impunity.” Together, Fabián Salvioli (UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence) and Morris Tidball-Binz (UN Special Rapporteur on extrajudicial, summary or arbitrary executions) said that the UK government was effectively suggesting “... a *de-facto* amnesty and blanket impunity for the grave human rights violations committed during that period....”

The UK in the context of widespread opposition to its proposals engaged in a widespread media offensive to 'sell' its proposals, whilst maintaining they were human rights compliant. [The intervention of UN and other international experts](#) significantly challenged this narrative.

CAJ has since reflected on the process, saying: *The process of engagement with independent UN experts through the special procedures has been an invaluable source of expertise and assistance through the legacy process. It has had considerable impacts in highlighting concerns regarding the UK proposals are legitimate in human rights terms. We would urge other NGOs to engage with and make use of the UN special procedures mandate holders in relation to their remits.*





## Case Study: PPR Country Visit - Poverty

When United Nations Special Rapporteur on extreme poverty and Human Rights, Professor Philip Alston visited Northern Ireland on 10 November 2018, he met with families impacted by welfare reform, homelessness and enforced destitution to hear their proposals for change.

As part of his 12-day country visit to the UK in 2018, the [Special Rapporteur travelled to Belfast](#). There, he met residents of tower blocks set for demolition, homeless families involved in the Equality Can't Wait – Build Homes Now campaign, destitute refugees and asylum seekers from the Housing for All campaign, and sick, disabled and unemployed people campaigning as the Right to Work Right to Welfare group.

Elinor Mulligan, a campaigner with Equality Can't Wait and a mother of two who spent over 14 years in hostels and temporary accommodation waiting for a permanent home, said; *'We welcomed this opportunity to tell our story to the United Nations Special Rapporteur because it is being ignored by the government officials who are responsible for tackling the housing crisis.... It is clear that pressure from international bodies such as the United Nations is desperately needed.'*

Human rights organisation Participation and the Practice of Rights (PPR) worked to support the local campaign groups and coordinate the visits. PPR's Seán Brady commented that: *"it was welcome and timely that the United Nations Special Rapporteur on Extreme Poverty came to listen directly to those impacted. We look forward to receiving his preliminary findings on Friday 16 Nov, followed by his final report in summer 2019. We hope government decision makers follow suit."*



When his [final report](#) was eventually published in 2019, Professor Alston's assessment was damning: *"The bottom line is that much of the glue that has held British society together since the Second World War has been deliberately removed and replaced with a harsh and uncaring ethos."*

# Acknowledgements

---

Project partners include FLAC (Free Legal Advice Centres), PILA (Public Interest Law Alliance), The PILS Project and Arthur Cox Dublin and Belfast offices.



ARTHUR COX

We would like to thank the following project peer reviewers for their time and expertise:

## REPUBLIC OF IRELAND

Cathy Smith SC  
Cliona M Boland BL  
Conrad Bryan  
David Keane  
Leesha O' Driscoll BL  
Rithika Moore-Vadeara BL

## NORTHERN IRELAND

Bobbie-Leigh Herdman BL  
Iryna Kennedy BL  
Tara Maguire BL

The project partners also extend their thanks to our NGO colleagues, who contributed case studies to bring the processes in the guides to life, including:

The Committee on the Administration of Justice (CAJ), Belfast  
The Children's Law Centre (CLC), Belfast  
The Integrated Education Fund (IEF), Belfast  
Participation and the Practice of Rights (PPR), Belfast

# Sources

---

1. Working with the United Nations Human Rights Programme: A Handbook for Civil Society, Office of the UN High Commissioner for Human Rights, Geneva & New York, 2008.
2. Engaging UN Special Procedures to Advance Human Rights at Home: A Guide for U.S. Advocates, The Colombia Law School Human Rights Institute, Columbia, 2015.
3. Website of the Office of the UN High Commissioner for Human Rights [www.ohchr.org](http://www.ohchr.org)

Issued by FLAC (Free Legal Advice Centres), PILA (Public Interest Law Alliance), the PILS Project and Arthur Cox in September 2022. This document is for information purposes only; it is not to be construed as legal advice. FLAC, PILA, the PILS Project and Arthur Cox accept no responsibility for actions taken based on this document or for the content of external websites or information sources referred to within it.



**The PILS  
Project**  
Public Interest  
Litigation Support

**ARTHUR COX**