

Discussion Paper regarding the Engagement of National Human Rights Institutions in the Treaty Body Process

Background

National Human Rights Institutions (NHRIs) is the term used to refer to bodies which are established by a State in its constitution and or by legislation, the functions of which are specifically defined in terms of the protection and promotion of human rights. United Nations Member States through their unanimous adoption of General Assembly resolution 48/134 of 20 December 1993, agreed to the Principles in relation to the status of National Human Rights Institutions -The Paris Principles (attached in annex II). These standards provide guidance for the establishment, competence, responsibilities, composition and guarantees for independence, pluralism, methods of operation, and quasi-judicial activities of NHRIs.

One of the objectives of the Office of the High Commissioner for Human Rights (OHCHR) is to assist in reinforcing NHRIs as independent institutions which comply with the Paris Principles and ensure that such institutions engage in international human rights fora including the human rights treaty body systems. In his report of 9 September 2002, *“Strengthening of the United Nations: an agenda for further change”* (UN Doc. A/57/150), the Secretary-General identified the development of the capacity of NHRIs as a priority of the UN. The affording by the treaty bodies of a status to NHRIs, separate from that of Government delegations and of NGOs, would be consistent with this approach.

The following paper provides information on the current interface among treaty bodies and national human rights institutions and is a background to the request of the *Fourth Inter Committee Meeting of Chairpersons of Human Rights Treaty Bodies, (2005)*, for the preparation of draft guidelines for NHRIs participation in the treaty body process.

Current practice

1. Currently, the status accorded to NHRIs and, accordingly, the nature of their participation in the work of the treaty bodies is not formally defined. However, the Committee on the Rights of the Child (CRC), the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on Elimination of Racial Discrimination (CERD), have issued General Comments emphasizing the important role of NHRIs in the protection of human rights.

The CRC General Comment No 2 of 2002, encourages consultation with NHRIs with committee members in formal and informal meetings and pre-sessional working groups; requires that State parties also furnish information on any “independent body established to promote and protect the rights of the child.” In addition to this the CRC General comment also states, “it is not appropriate to delegate to NHRIs the drafting of reports or to include them in government delegations when reports are examined by the committee.”

2. The CESCR in its General Comment 10 calls upon State parties to include details of both the mandates and the principal relevant activities of such institutions in their reports submitted to the Committee.

3. The CERD General Recommendation No 17 recommends the possibility of including NHRIs in government delegations in order to intensify the dialogue between committee and the concerned State party.
4. The CERD allowed NHRIs to participate in the dialogue on Government reports. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) only recently allowed NHRIs to brief the committee. In this way NHRIs are able to provide the treaty body with helpful information in the course of its examination of the State report. Although it is important to note that it is the State party's discretion to have its NHRI requested to participate as part of the state delegation. It is also, however, the NHRIs prerogative to decline such participation in order to maintain its independence.
5. The Committee against Torture (CAT) encourages NHRIs to consult with committee members in formal and informal meetings and pre-sessional working groups ahead of the treaty bodies' consideration of State party reports. The Human Rights Committee (HRC) has invited NHRIs to submit assessment reports to the Committee and to hold informal meetings with members ahead of consideration of State party reports.
6. In their consideration of reports, the treaty bodies have often requested information from the State party on its NHRI and the support provided to it (financial and otherwise), its independence, ability to carry out its mandate, and capacity to address specific issues of relevance to the committee.
7. Concluding comments and observations frequently promote the establishment of NHRIs based on the Paris Principles in appropriate cases. Where such institutions are not in conformity with the Paris Principles such conformity is often encouraged.

Other areas of NHRIs engagement regarding treaty bodies

8. **(a) Drafting new conventions:** NHRIs sometimes contribute to the processes of preparing new conventions. Notably, NHRIs were invited to participate in the preparation of a new comprehensive and integral International Convention to Protect the Rights and Dignity of Persons with Disabilities. NHRIs also participated in the drafting of the Convention on the Rights of the Child.

(b) Ratification: NHRIs may be instrumental in encouraging ratification by States of international human rights treaties. NHRIs can act as a bridge between civil society and government in this context sensitizing the public in the need for such ratification. The Paris Principles reiterate the role of NHRIs in the ratification of international human rights instruments or accession to those instruments.

(c) Report preparation: State parties may consult with NHRIs during the process of preparation of reports. Where there is a lack of institutional capacity, NHRIs may consider contributing to the preparation of reports to the relevant treaty bodies. However, the reporting obligations lie with the State party and not the NHRI, and NHRIs should not prepare reports on behalf of the State party.

As reports are prepared, NHRIs may:

1. Create a forum for stakeholder consultations and input into a State party report;
2. Provide their views on the State party report;
3. Independently prepare a parallel report for the relevant treaty body;
4. Contribute to consultations with NGOs on the NGO parallel report.

(d) Follow-up: NHRIs may follow up on concluding observations and recommendations of treaty bodies, encouraging implementation at the national level. Follow up by NHRIs may include national expert meetings and targeted dissemination of concluding observations to actors concerned with the implementation of human rights legislation and human rights practice. NHRIs may also sensitize the government, public agencies and general public on the treaty body recommendations and monitor the way in which the state is meeting its obligations.

NHRIs and the Optional Protocol to CAT

9. The Optional Protocol to CAT (OP CAT), potentially creates a new role for NHRIs. The Protocol provides for proactive international and national mechanisms mandated to visit places of detention both on a regular and follow-up basis. This role is already played by many NHRIs.

Of particular relevance to NHRIs are the provisions relating to national preventive mechanisms (articles 17 to 23). Article 17 requires State parties to maintain, designate or establish, at least one year after the entry into force of the Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. This includes ensuring that national legislation complies with international standards and conducting visits to places of detention.

10. Article 18 provides for a guarantee of the functional independence of the national preventive mechanism as well as the independence of its personnel, indicating that “when establishing national preventive mechanisms, State parties shall give due consideration to the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights” – (The Paris Principles).

DRAFT GUIDELINES ON ENGAGEMENT OF NHRIs IN TREATY BODY PROCESSES

Enhancing engagement with the treaty bodies - a common approach:

NHRIs have increasingly been recognized by the international community as mechanisms which are integral to ensuring respect for, and effective implementation of, international human rights standards at the national level. They play an important role in encouraging States to ratify treaties, submit reports to treaty bodies as well as monitor the implementation of concluding observations. The establishment of well-functioning and independent NHRIs has been encouraged by treaty bodies.

NHRIs impact would further be strengthened with increased engagement in the treaty body processes. The following guidelines seek to harmonise the approach of treaty body engagement with NHRIs. Treaty bodies may consider the following provisions with regard to the process:

NHRIs accorded independent status:¹

- 1) Treaty bodies may consider affording independent status to NHRIs in their examination of State party reports in recognition of their independence as public bodies, distinct both from the Government and from civil society.

Reporting:

- 2) Treaty bodies may consider providing NHRIs a separate time-slot, prior to the formal examination of a State party report, with NHRIs having consultations with treaty bodies similar to that of NGOs following a State party presentation.² The purpose of this time-slot would be to provide the committee with additional information that the NHRI or the committee thinks would be useful to the committee in its formal examination of the State party report.³
- 3) Treaty bodies may consider inviting NHRIs to provide information used in the drafting of the list of issues or provide input to the country analyses prepared by the Secretariat.
- 4) Treaty bodies may consider encouraging State parties to consult NHRIs in the preparation of the State party reports to the relevant treaty body or consider accepting alternative reports prepared by NHRIs, independent from the State party report.

¹ The CRC in its general comment 2 formalised its relationship with NHRIs. The committee agreed NHRIs would contribute independently to the reporting process under the CRC. The CESCR and CERD have also developed general comments on NHRIs.

² This could remain the discretion of the treaty body taking into account the time factor.

³ At its 66th session, CEDAW provided the Irish Human Rights Commission an opportunity to make an oral presentation in the plenary on the second day of the consideration of Ireland's combined initial and second periodic report. This was the first that the committee provided such an opportunity and even offered to provide separate seating arrangements for representatives from NHRIs separately from non-governmental organizations, with a sign clearly identifying them.

- 5) Treaty bodies may consider inviting NHRIs to participate in treaty body meetings such as the pre-sessional working groups, to raise particular issues of concern; participate in the informal briefings with members during the session; and observe and participate in the Inter-Committee Meetings of treaty bodies.
- 6) Treaty bodies may consider inviting NHRIs to make interventions or answer specific questions raised by the treaty bodies, in order to clarify a matter or check whether information provided to the committee is accurate. The State party, however, may take the initiative of involving the NHRI in contributing to answering questions raised by the treaty bodies. It remains the discretion of the NHRI as to how to engage in this regard.

Petitions:

- 7) Treaty bodies may consider inviting NHRIs to participate in the inquiry procedure of treaty bodies, where such procedures exist such as is done by CAT and CEDAW.
- 8) Treaty bodies may consider receiving petitions from and NHRIs and also consider NHRIs facilitating or assisting victims' petitions to treaty bodies where all domestic remedies have been exhausted.

Follow up:

- 9) Treaty bodies may consider inviting NHRIs to submit information on the implementation of the relevant issues, in the interaction between the treaty body and the State party.
- 10) Treaty bodies may consider encouraging State parties to invite NHRIs to contribute and facilitate the effective implementation of the treaty body recommendations, as part of their role, as stipulated in the Paris Principles.
- 11) Treaty bodies may consider inviting NHRIs to participate in coordination of country visits of treaty body experts to specific countries; consider encouraging NHRIs to submit information on the implementation of adjudicated cases; and consider their joint participation in visits to places of common interest or relevance.
- 12) Treaty bodies may consider involving NHRIs in follow up meetings to treaty recommendations and encouraging NHRIs to submit documentation on the same.

International Human Rights Instruments:

- 13) In accordance with the Paris Principles, NHRIs may encourage ratification of international human rights instruments or accession of these instruments.
- 14) Treaty bodies may consider consulting with NHRIs on the general comments and consulting NHRIs in the interpretation of treaty articles by the treaty bodies and the State party.

Capacity Building:

- 15) Treaty bodies may consider inviting NHRIs to participate in capacity building initiatives provided by members of treaty body committees.

Early Warning:

- 16) Treaty bodies may consider and encourage the use of the Early Warning Guidelines, as developed by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in relation to threats against NHRIs (attached in annex III).

UNITED
NATIONS

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General Assembly

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A/RES/48/134
4 March 1994

Forty-eighth session
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/134. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolutions 41/129 of 4 December 1986 and 46/124 of 17 December 1991 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1/ 1988/72 of 10 March 1988, 2/ 1989/52 of 7 March 1989, 3/ 1990/73 of 7 March 1990, 4/ 1991/27 of 5 March 1991 5/ and 1992/54 of 3 March 1992, 6/ and taking note of Commission resolution 1993/55 of 9 March 1993, 7/

1/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

2/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

3/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

5/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

7/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Emphasizing the importance of the Universal Declaration of Human Rights, 8/ the International Covenants on Human Rights 9/ and other international instruments for promoting respect for and observance of human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean, held at San José from 18 to 22 January 1993, the Regional Meeting for Asia, held at Bangkok from 29 March to 2 April 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Bearing in mind the Vienna Declaration and Programme of Action, 10/ in which the World Conference on Human Rights reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and in education in human rights,

8/ Resolution 217 A (III).

9/ Resolution 2200 A (XXI), annex.

10/ A/CONF.157/24 (Part I), chap. III.

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches to promoting universal respect for and observance of human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General, 11/ prepared in accordance with General Assembly resolution 46/124 of 17 December 1991;
2. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;
3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and to incorporate those elements in national development plans;
4. Encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;
5. Requests the Centre for Human Rights of the Secretariat to continue its efforts to enhance cooperation between the United Nations and national institutions, particularly in the field of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;
6. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;
7. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;
8. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;
9. Affirms the role of national institutions as agencies for the dissemination of human rights materials and for other public information activities, prepared or organized under the auspices of the United Nations;

11/ A/48/340.

10. Welcomes the organization under the auspices of the Centre for Human Rights of a follow-up meeting at Tunis in December 1993 with a view, in particular, to examining ways and means of promoting technical assistance for the cooperation and strengthening of national institutions and to

continuing to examine all issues relating to the question of national institutions;

11. Welcomes also the Principles relating to the status of national institutions, annexed to the present resolution;

12. Encourages the establishment and strengthening of national institutions having regard to those principles and recognizing that it is the right of each State to choose the framework that is best suited to its particular needs at the national level;

13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

85th plenary meeting
20 December 1993

ANNEX

Principles relating to the status of national institutions

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on

more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers

of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

National Institutions in need: Guidelines for Early Warning⁴

Purpose: The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) at its 14th session in April 2004 decided to consider a paper relating to Early Warning mechanisms for national human rights institutions (NIs). It requested the Secretariat to prepare a draft paper for discussion at its 15th session to be held in Seoul, Republic of Korea in September 2004. The purpose of this note is therefore to meet with that request and provide general guidelines for NIs to follow when they or their members or staffs are under threat.

Background: A number of NIs and/or their members and staff have recently been the subjects of threats. These threats, which may be more or less direct in nature, can for instance take the following forms

- Calls for abolition of the institution;
- Impediments placed on the institution concerning required support to ensure their very existence and the effective functioning of their mandates including:
 - ❖ Financial
 - ❖ Restriction of mandate
 - ❖ Creation of additional/competing institutions which are more government oriented
- Intimidation and/or threats of death or violence against members or staff of the institution.

The reasons behind such threats may relate to certain actions which the NI has undertaken, e.g. criticizing Governmental authorities or civil servants; issuing reports and or statements (in annual or extraordinary reports, to international human rights treaty bodies, special mechanisms of the United Nations, the media, etc.); or disgruntled complainants who feel that their requests for remedies have not been satisfied.

The ICC, while not explicitly noted within its mandate as being empowered to take action in support of its members when under threat, is implicitly empowered to do so by virtue of its mandate to strengthen NIs and to ensure that they conform to the Paris Principles; to co-ordinate joint activities and co-operation among NIs; and to liaise with the United Nations and other international organizations. It is therefore appropriate that the ICC provide some general guidelines for NIs to refer to in a Call for Action in support of their institution.

Questions which the ICC will need to consider when such action is requested include:

- ❖ Is there sufficient evidence to justify a particular course of action?;
- ❖ Is the institution in question actually an NI?;
- ❖ What is the most appropriate course of action?;
- ❖ Through which medium is the action going to be most effective?

⁴ Adopted by the members of the International Coordinating Committee of National Human Rights Institutions at its 16th session, held on 14 April 2005, Geneva, Switzerland.

Guidelines

The following are the proposed steps which a NI and the ICC may wish to take when a NI is under threat. Such action should be undertaken in consultation with the NI whether the threat is against the institution or a member or staff:

- ❖ Contact the Chair of the ICC, the Regional Coordinator and/or Secretariat, and the Office of the High Commissioner for Human Rights (OHCHR) explaining the facts and necessary details behind a particular initiative;
- ❖ In consultation with these bodies identify an appropriate course of action, depending on the nature of the threat and the context of the NI at the national level etc., aimed at achieving the most effective remedy.

This could include such steps as:

- ❖ Posting on the NI website (www.nhri.net) information concerning facts regarding the threat and the proposed action;
- ❖ Requesting the ICC Chair and OHCHR to write or make contact with the requisite authority concerning the alleged threat;
 - ICC Chair can request the intervention of other NIs and in particular ICC Members
 - OHCHR, can if appropriate, make contact with the Governmental authorities

Depending on the nature of the threat the process can be incremental. If resolved through direct contact with the authorities then the process can stop. If not then additional pressure may be required, i.e.:

- ❖ Engaging with the national and international media;
- ❖ Requesting the intervention of the relevant United Nations or regional special mechanisms, in particular for example the United Nations Special Rapporteur on Human Rights Defenders, the African Rapporteur on Human Rights Defenders, the European Human Rights Commissioner, etc;
- ❖ Drawing the issue to the attention of the United Nations treaty bodies;
- ❖ Drawing the attention to the key International and Regional NGOs;
- ❖ Drawing attention to the issue of concern in the Commission on Human Rights under agenda item 18(b).