

## What are UN Special Procedures?

“Special Procedures” are independent experts who are appointed by the UN Human Rights Council to examine specific human rights issues or human rights situations in certain countries. The request from the Human Rights Council is called the “mandate” and the expert is called the “mandate holder.” Special Procedures mandate holders may have other specific names such as “working group,” “special rapporteur” or “independent expert.” Mandate holders come from many different countries but work independently and entirely in their personal capacity. They come from diverse backgrounds such as law and academia. They are appointed by the Human Rights Council for three-year terms, which can be extended for three additional years.

The UN Human Rights Office (OHCHR) supports the work of mandate holders. The mandate holders are not paid by the UN and are not UN staff members. Currently, there are 45 mandate holders working on thematic human rights issues, and 14 mandate holders working on specific countries.

### How do Special Procedures work?

Special Procedures mandate holders work by visiting countries to learn about human rights issues and engage with national stakeholders, acting on individual cases of reported violations and other concerns by sending communications to States and others, submitting reports to the Human Rights Council and the General Assembly, contributing to the development of international human rights standards including by conducting thematic researches, and engaging in advocacy, raising public awareness, and providing advice.

### How can Special Procedures help with the human rights situation in the DPRK?

The current Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea<sup>1</sup>, Dr. Elizabeth Salmón of Peru, was appointed in 2022. She is a professor of international law. The Special Rapporteur is supported by the UN Human Rights Office in Seoul and every year submits reports to the Human Rights Council and the General Assembly about human rights in the DPRK. Other Special Procedures that have regularly engaged on the DPRK include the Working Group on Enforced or Involuntary Disappearances (WGEID) and the Working Group on Arbitrary Detention (WGAD).<sup>2</sup> Special procedures mandate holders can receive and examine complaints (also called “petitions”) from victims of human rights violations, or from other people on behalf of the victims. It is also possible to petition the Special Procedures about laws or policies that do not comply with international human rights law and standards. Petitions can be about violations in the past, ongoing violations, or urgent new situations.

Mandate holders can request an official visit to the DPRK based on information provided by civil society and other actors. In 2017, for instance, the Special Rapporteur on the rights of persons with disabilities made an

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<sup>1</sup> Previous Special Rapporteurs are Mr. Vitit MUNTARBHORN, Mr. Marzuki DARUSMAN, and Mr. Tomás OJEA QUINTANA. See [Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea | OHCHR](#).

<sup>2</sup> The WGEID and WGAD have other procedures that apply to their work. For the methods of work of the WGEID, see: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/023/17/PDF/G1402317.pdf?OpenElement>, and for the methods of work of the WGAD, see <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/80/PDF/G1719080.pdf?OpenElement>.

official country visit. However, the decision whether to allow mandate holders to visit is up to the DPRK. The DPRK does not engage with the mandate of the Special Rapporteur on the situation of human rights in the DPRK and has not invited the Special Rapporteur to visit the country. The Special Rapporteur on DPRK, therefore, regularly visits the Republic of Korea and other countries to engage with victims, escapees and other stakeholders. **If a mandate holder has credible information about a human rights violation, the mandate holder can send a letter called a “communication”<sup>3</sup> to Governments and other actors.**<sup>4</sup> The communication can bring the alleged violation to the attention of the Government or other actors, ask that the violations be stopped, prevented, or punished, and ask the Government or other actors to provide information or report back on what has been done. The Special Procedures are not legal bodies, so they have no power to enforce their views or recommendations. However, they can help to establish the truth and bring attention to an issue.

### How to submit information to the Special Procedures

Any individual, group, or civil-society organization can submit a petition to the Special Procedures. The process starts with an online submission on <http://spsubmission.ohchr.org> that gathers information (some required, some desirable) for mandate holders to examine a case and take action as needed. Submissions can be made in English, Spanish, or French.

The UN Human Rights Office in Seoul is available to provide practical advice on petitions and working with Special Procedures. The Office can also connect victims with civil society organizations who can assist with petitions. Information relevant to the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea can be sent to [hrc-sr-dprk@un.org](mailto:hrc-sr-dprk@un.org). Kindly note that neither mandate holders nor the UN will be able to provide physical protection to victims submitting cases of alleged violations through this procedure.

#### *What information is needed?*

*Submissions should be 1-2 pages, provide an accurate account of the alleged violation, and include the following information:*

- *DATE, TIME and LOCATION of the incident(s)*
- *VICTIMS, including their names*
- *Types of VIOLATIONS*
- *The CIRCUMSTANCES of the alleged violations (in chronological order)*
- *ALLEGED PERPETRATORS of the violations*
- *Any ACTIONS TAKEN BY THE VICTIMS and/or their legal representatives and possible outcomes*
- *Any ACTIONS TAKEN BY RELEVANT AUTHORITIES to remedy the situation and possible outcomes*
- *ANY OTHER INFORMATION that may further clarify the context in which the violations have occurred including POSSIBLE PATTERNS AND TRENDS*
- *CONSENT of the victim or the victim’s representative (family member or legal counsel) is REQUIRED*

<sup>3</sup> For more information, see [https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/SPP\\_PresentationFlyer.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/SPP_PresentationFlyer.pdf), and <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>.

<sup>4</sup> Other actors can include intergovernmental organizations, businesses, and military or security companies.

Every petition must indicate **whether the victims CONSENT to have their names disclosed 1) in communications to Governments and other actors, and 2) in public reports to the Human Rights Council.**

***CONSENT of the victim \*Important\****

*Usually, the name of the alleged victim must be included in a communication, to allow the Government or other actor to take action. Special Procedures also usually list the names of alleged victims in public reports about their work. However, in some cases the Special Procedures can decide to keep the alleged victim's name confidential if using the victim's name might put the victim in danger. For this reason, it is very important that the victims or their representatives are aware and agree that their names can be sent to Governments or other actors and included in the Special Procedures public reports, unless protection concerns are brought to the attention of mandate holders.*

### How can we get help from Special Procedures?

Mandate holders try to act as quickly as possible on petitions, focusing on the most serious and urgent cases. Emergencies may be examined within 24 hours of their submission, but non-urgent cases can take weeks or months. The best way to ensure the fastest response possible is to provide sufficient information in the initial submission and only include the most important information.

Before acting on a petition, the Special Procedures must make sure that 1) the petition is not politically motivated; 2) that it contains a factual description of the alleged violations of human rights; 3) that its language is not abusive, 4) that it is based on credible and detailed information; and 5) that it is not exclusively based on reports from the media.

Initial submissions are usually short (1-2 pages), but the mandate holders may request additional information. Because the Special Procedures receive many petitions, it is not possible to receive updates on a specific case, but the mandate holders report regularly on communications that they have sent. It is important to remember that even if the mandate holders send a communication, the State concerned may not always respond as the petitioners hoped.

### Where can I find the communications sent by mandate holders?

You can find communications sent by mandate holders and replies from Governments and other actors at <https://spcommreports.ohchr.org/TmSearch/Results>. The website contains the text of the communication as well as links to any replies from Governments or other actors.

#### Example 01

On 10 January 2022, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent a joint communication<sup>5</sup> to the government of China expressing concerns that seven nationals of the DPRK might be forcibly sent back to the DPRK. This would put them at risk of further human rights violations. On 04 April 2022, the government of China responded<sup>6</sup> that "China has no knowledge of the case in question. Once again, it needs to be emphasized that people from the Democratic People's

<sup>5</sup> See joint communication, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26896>

<sup>6</sup> See full reply received, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36929>

Republic of Korea who illegally enter the country are not refugees and that their actions violate Chinese laws and undermine the country's order for the management of entry and exit.”

#### Example 02

On 11 February 2020, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent a joint communication<sup>7</sup> to the government of the Democratic People's Republic of Korea concerning the alleged continued disappearance of 11 individuals after the hijacking of Korean Air Lines flight YS-11 in 1969. On 24 February 2020, the Democratic People's Republic of Korea responded<sup>8</sup> that “the allegations of ‘abduction’... contained in a joint communication are the extension of the stereotyped despicable political plots fabricated by the hostile forces aimed at overthrowing the DPRK system using human rights as a pretext.”

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<sup>7</sup> See joint communication, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25066>

<sup>8</sup> See full reply received, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35185>