

SCHEME AND GUIDELINES FOR ENGAGEMENT OF SPECIAL
RAPORTEURS

Introduction

The National Human Rights Commission has been set up under the Protection of Human Rights Act, 1993 for the better protection of human rights and for matters connected therewith or incidental thereto. The functions of the Commission are detailed in Section 12 of the Act and apart from enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant, includes visits to jails and other institutions, spreading of human rights awareness, encouraging the efforts of Non-Governmental Organizations and institutions working in the field of human rights etc. As the Commission is based in Delhi, it is not possible for the Commission to be present in the different parts of the country to ascertain the position of human rights in these areas. In order to ensure the reach of the Commission to all regions of the country, the Commission has decided to engage Special Rapporteurs who function as the eyes and ears of the Commission.

Special Rapporteur is a title given to an individual who is working on behalf of NHRC within the scope of laid down Guidelines on either a region specific mandate or on thematic issues pertaining to the human rights. "Rapporteur" is a French-derived word for an investigator, who reports to an organized body or to an institution, in this case NHRC.

Objective:

The primary responsibility of the Special Rapporteur is to "examine, monitor, evaluate, advise and report" on human rights problems through "activities undertaken by special procedures, conducting visits and providing advice on emerging issues from the perspective of human rights. The Special Rapporteurs are also engaged in general promotional activities towards promotion and protection of human rights or any other duty as assigned by the Commission. Services of eminent persons who have knowledge or practical experience in dealing with the Human Rights issues and are domain experts may be utilized to assist the Commission in discharging its statutory responsibilities. Accordingly, this scheme for engagement of such persons as Special Rapporteurs has been formulated. The engagement of Special Rapporteur will be governed by the following general conditions:-

1. **Nature of engagement**

The engagement of Special Rapporteurs is not a regular appointment. It is a temporary contractual arrangement under which an honorarium on 'per diem' basis will be paid for the services rendered by the Special Rapporteurs.

2. **Eligibility Criteria for Special Rapporteurs**

A person who has held high posts in Government of India or State Government or is an academician of repute or an eminent person who has knowledge of, or practical experience in, matters relating to Human Rights or a domain expert, shall be eligible for appointment as Special Rapporteur.

3. **Number of Special Rapporteurs**

Special Rapporteurs are engaged either to cover a specified geographical area (Zonal Special Rapporteurs) or to deal with themes relating to emerging human rights dimensions, i.e. Thematic Special Rapporteurs.

3.1 **Special Rapporteurs on Zonal Basis**

3.1 (a) The engagement of Special Rapporteur on area basis will normally be one for each of the following 6 zones on the basis of geographical layout of the Country:-

S.No.	Zones	States covered
1.	North Zone	Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Uttar Pradesh.
2.	West Zone	Maharashtra, Goa, Gujarat, Dadra & Nagar Haveli and Daman & Diu.
3.	Central Zone	Madhya Pradesh, Chattisgarh, Rajasthan, Bihar & Jharkhand.
4.	East Zone	West Bengal, Odisha and Andaman & Nicobar Islands.
5.	South Zone	Tamil Nadu, Puducherry, Kerala, Lakshadweep, Andhra Pradesh, Telengana & Karnataka.
6.	North East Zone	Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim and Arunachal Pradesh.

3.2 Special Rapporteurs on Thematic Basis

3.2 (a) Engagement of Special Rapporteur for specific subjects will be on need basis on the basis of emerging issues listed below. An illustrative list of thematic emerging human rights issues are given under:-

S.No.	Theme	Subjects covered
1.	Criminal Justice System	(i) Jails (ii) Juvenile Justice (iii) Correctional Homes
2.	Police and Police Reforms	All matters relates of police and police reforms.
3.	Terrorism	(i) Urban Terrorism (ii) Counter Insurgency (iii) Cross Border Terrorism (iv) Left Wing Extremism (Anti Naxalite Operation)
4.	Communal Riots	All matters relates to communal riots.
5.	SC, ST, OBC, Minorities	All matters relates to atrocities on SC, ST, OBC and Minorities
6.	Bonded Labour and Child Labour	All matters relates to bonded labour and child labour
7.	Food	(i) Nutrition (ii) Food Adulteration (iii) Mid day Means Schemes
8.	Elder/Senior Citizens Matters	All matters relates to Elder and Senior Citizens
9.	Spreading Human Rights Education and Gender Equality	All matter relates to Gender Equality and Human Rights Education
10.	Health	(i) Mental Health (ii) HIV/AIDS (iii) Spurious Drugs (iv) Sanitation (v) Silicosis (vi) Diagnosis and Diagnostics Labs
11.	Disabilities	All matters relating to disabilities
12.	Tribal Welfare	All matters relating welfare of Tribals
13.	Environment	All matters relating to Environment.
14.	Issues relating to Women and Child Rights	(i) Sexual Violence and Rape (ii) Domestic violence (iii) Sexual Harassment at work place
15.	Human Trafficking	All relating matters on Human Trafficking
16.	Transgender	All matter relating to Transgender, LGBT Rights

NOTE:- These topics are merely suggestive and indicative in nature and may change subject to the requirement from time to time.

3.2 (b) Notwithstanding the above assignment, a Special Rapporteur may be assigned additional work including work in a different region or related to any subject, by the Commission, if the need arises.

4. Mode of Selection

The selection of Special Rapporteurs would be on need basis and on functional requirements. The requirement of Special Rapporteurs would be advertised on the NHRC website. The application is to be furnished in a prescribed format. The selection of Special Rapporteurs will be made from among the applications received, by a Committee constituted by the Chairperson.

5. Age and Duration of Engagement

5.1 The upper age limit for engagement of Special Rapporteurs would be 65 years. However, in exceptional cases it can be extended for a further period of up to 3 years, at the discretion of the Chairperson.

5.2 The Special Rapporteur (Zonal) shall initially be engaged for a period of up to 3 years. Depending upon the performance, this can be further extended up to 5 years (subject to overall age criteria) on the basis of annual evaluation of their performance by a Committee appointed by the Chairperson.

5.3 Engagement of Special Rapporteurs on thematic basis will be on need basis only. They are assigned a research/investigation activity on a particular subject, which involves reporting to the Commission after carrying out State/District visits.

5.4 Extension/continuation of tenure will be granted on the basis of annual evaluation and review of satisfactory performance by a Committee constituted by the Chairperson.

6. Functions of Special Rapporteurs

The Commission may prioritize the institutions and work / issues which should be visited by the Special Rapporteurs on regular intervals. There will be an

annual action plan for the work/assignments to be undertaken by the Special Rapporteurs during the year. Based on this, the Special Rapporteurs shall submit the quarterly work programme to the Commission through the Secretary General of NHRC. The Commission has also formulated guidelines / broad parameters to be followed by the Special Rapportuers, including indicative check list of points to be considered while visiting various institutions. A Special Rapporteur may be entrusted with all or any of the functions listed below:-

- a) Investigation/inquiry into specific complaints as assigned by the Commission.
- b) Visit area of interests, jails, police lock ups and other place of detention, namely, juvenile homes, beggars homes, preventive homes, after-care homes, Nari Niketans, probation homes, or any other place as and when required in connection with discharge of his duties.
- c) Projects/programmes taken up in the States/UTs at the instance of the Commission or which have bearing upon human rights issue.
- d) Liaise with non-governmental organization(s) and other human rights institutions specifically identified by the Commission on such matters as the Commission may direct.
- e) Matters remitted to the NHRC by Supreme Court.
- f) Monitoring of Action Taken Reports by the concerned States/Organizations/etc., on the specific recommendations given by the Commission.
- g) Participation in Seminars/Conferences etc., organized by NHRC.
- h) The Special Rapporteur may be assigned additional work including work in different region or relating to any subject by the Commission/Chairperson/Member.

7. Headquarters of Special Rapporteur

The Special Rapporteur for a region/zone is preferably expected to have his/her headquarter at a place within the region/zone. Thematic Special Rapporteurs may be preferably headquartered in Delhi. No office accommodation will be provided by NHRC for the Special Rapporteurs.

8. Authority to whom Special Rapporteurs to report

Based on the Annual work plan, the Special Rapporteurs shall submit the quarterly work programme to the Commission through the Secretary General of NHRC. All the tour programmes shall be approved by the Chairperson.

9. Honorarium

9.1 The Special Rapporteurs (both Zonal & Thematic) shall be paid an honorarium on 'per diem' basis, which would be Rs.8,000/- (Rupees Eight thousands only) per day during mission visits. Every Special Rapporteur will be expected to undertake a minimum 5 days visits and up-to a maximum of 10 days in a month. Whenever a Special Rapporteur is allotted additional charge of a Zone, the Special Rapporteur can visit more than 10 days in a month subject to maximum of 20 days a month and the per diem allowance shall be suitably payable up-to maximum of 20 days a month.

9.2 For calculation of per diem rate for visit days, it will be calculated after taking into account the number of days/hours from the time of commencement of tour to completion of tour as done in Government TA/DA rules. The basis of calculation shall be absence from headquarters on calendar day basis, i.e. from midnight to midnight as detailed below:-

(i)	Absence not exceeding 6 hours	-	Nil
(ii)	Absence exceeding 6 hours but not Exceeding 12 hours	-	70%
(iii)	Absence exceeding 12 hours	-	100%

9.3 As regards secretarial/report writing is concerned, a consolidated amount of Rs.20,000/- (Rupees Twenty thousand only) per month shall be paid towards secretarial or other expenses pertaining to office and other logistic support for facilitation of submission of reports, over and above the visit days, subject to the Special Rapporteur completing a minimum of 5 days visit in a month. Wherever, number of visits are less than 5 days, reimbursement of secretarial assistance will be restricted to Rs.10,000/- per month.

9.4 In case a Special Rapporteur, either Zonal or Thematic, attends Core Group Meetings in the Commission as Member or Special Invitee, they shall be paid Rs. 3000/- (Rs.2000/- towards fees and Rs.1000/- towards conveyance) as being paid to the other Members/Special Invitees.

10. Tours

10.1 Special Rapporteurs (both Zonal and Thematic) shall undertake tours only after obtaining approval of Chairperson. While on tour by air, they shall travel by Economy Class by Air India only. Travel by other Airlines due to non-availability of Air India flights, wherever necessary, would be permitted only as per Government policy as per which prior approval of Ministry of Civil Aviation would be required. While on tour, a Special Rapporteur shall be entitled to road mileage, train fare and daily allowance as admissible to officers drawing HAG+ and above scale in the Government of India on production of receipt.

10.2 The Special Rapporteur should submit the visit report within 10 days from the completion of visit.

11. Organizational and Institutional Support

The State Governments shall provide organizational and institutional support to facilitate the Special Rapporteurs in their areas of responsibility as an extension of the Commission. The tour programme and curriculum of the Special Rapporteurs shall be informed by the Coordination section of NHRC to the respective States well in advance to enable them to make the necessary arrangements.

12. General Conditions

- a) *Special Rapporteurs will maintain confidentiality of the assigned work and communicate their views/report etc. only to the Commission.*
- b) *They may decline State Guest facilities in visits to State/Union Territories wherever they consider that it might be seen to affect their image of impartiality.*
- c) *The Special Rapporteurs may take up other assignments, but are expected to reveal conflict of interest, if any, at the time of entrusting any task to them. Such assignments should not have any implications on their function as Special Rapporteur.*
- e) *In case they accept any other full time employment or any part time employment which infringes upon their functioning as Special Rapporteur, they will not be considered or will be disqualified.*

13. Termination

The engagement of Special Rapporteur can be terminated by either party by giving one month's notice. Chairperson, NHRC will be the final authority in this matter.
