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NATIONAL HUMAN RIGHTS COMMISSION

SCHEME AND GUIDELINES FOR ENGAGEMENT OF SPECIAL RAPPORTEURS

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 contractual arrangement under which an honorarium is paid for the services rendered by the Special Rapporteurs.

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2. **Eligibility Criteria for Special Rapporteurs**

A person who has held high posts in Government of India or State Government or is an academicián 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. **No. of Special Rapporteurs**

The Commission may engage as many Special Rapporteurs as it may deemed fit. Special Rapporteurs may be engaged either to cover a specified geographical area or to deal with themes relating to emerging human rights dimensions.

3.1 **Special Rapporteurs on Zonal Basis**

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

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

3.2 This area distribution is, however, subject to change at the discretion of the Commission.

3.3 Special Rapporteurs on Thematic Basis

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.

3.4 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 format of application is attached as Annexure-I. The selection of Special Rapporteurs will be made from among the applications received, by a Committee constituted by the Chairperson.

5. Duration of Engagement

The Special Rapporteur (Zonal) shall initially be engaged for a period of two years extendable up to a maximum period of 10 years or up to the age of 70 years, whichever is earlier. However, the Commission will have the discretion depending upon the merits of the case and performance of the Special Rapporteur to increase the maximum tenure of engagement beyond 10 years, subject to the upper age limit of 70 years.

6. Functions of Special Rapporteurs (Zonal)

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.
- i) Broad Parameters for assignment to be undertaken by the Special Rapporteur are placed at Annexure-II

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

The Special Rapporteurs shall submit the quarterly work programme to the Commission through the Secretary General of NHRC.

9. Honorarium – Special Rapporteurs on Zonal Basis

9.1 The Special Rapporteurs will be entitled to a monthly honorarium of **Rs.50,000/- (Rupees Fifty Thousand only)**.

9.2 Honorarium – Special Rapporteurs on Thematic Basis

Engagement of Special Rapporteurs on thematic basis will be on need basis only. They can be assigned a research/investigation activity which involves reporting to the Commission after carrying out State/District visits. For this purpose, they will be paid a monthly honorarium of Rs. 50,000/- for the period of such engagement.

9.3 Whenever a Special Rapporteur would not be available to the Commission for at least 03 working weeks in a month due to personal reasons, he would be paid honorarium on pro rata basis for the days of his availability.

10. Reimbursement of other expenses pertaining to Office and other logistic support

10.1 An amount upto **Rs.20,000/- (Rupees Twenty Thousand only)** per month may be paid to Special Rapporteurs on Zonal Basis and those appointed for Thematic issues towards

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reimbursement for secretarial or other expenses for facilitation of his work. The items covered under such reimbursement will inter-alia include office expenses, office accommodation, staff, recurring expenses on running the office, transport, telephone and electricity bills, internet, etc. charges, expenditure on stationery, postal charges and other related expenditure. For the Special Rapporteur on Thematic Basis, reimbursement of secretarial expenses will depend on the length of engagement.

10.2. While visiting NHRC Headquarter, they may be provided some temporary space to work and if required some secretarial assistance, subject to availability.

11. Tours

A Special Rapporteur (both Zonal and Thematic) may 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 Executive/Business Class OR 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.

12. 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.

13. 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 Commission expects that the services of the Special Rapporteur of the Commission are available for at least 3 working weeks in a month.*



d) *The Special Rapporteurs may take up other assignments only if there is no conflict of interest and it does not have implication on their function as Special Rapporteur. The nature of assignments may be :*

- (i) Part-time consultancies or part-time teaching assignments.*
- (ii) Deliver lectures or participate in seminars/workshops;*
- (iii) Be member of social/charitable institutions including positions on board*
- (iv) Owner/Director of family owned companies.*

- 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.*
- f) *Thematic Rapporteurs are free to take up any assignment, but are expected to reveal conflict of interest, if any, at the time of entrustment of a task to them.*

14. Termination

The engagement of Special Rapporteur can be terminated by either party by giving one month's notice or paying one month's honorarium in lieu of notice.
