

BEING A SPECIAL RAPPORTEUR

Experiences from the mandate of the
Special Rapporteur on the human rights
to water and sanitation, 2014-2020

Léo Heller



THE ROLE

General information

Being a Special Rapporteur requires commitment in terms of both time and energy. The Special Rapporteur's mandate of monitoring, promoting and raising awareness on a particular human right all around the world, as well as facilitating a global discussion - and ultimately, action - is a demanding duty for one individual or even a group of experts.

Pursuant to Human Rights Council resolution 33/10 of 2016, Léo Heller, was mandated to work on identifying challenges and obstacles to the full realization of the human rights to water and sanitation, as well as protection gaps, good practices and enabling factors. He carries out this task in several ways, including producing thematic reports to address challenges and obstacles at the global level and conducting official country visits to identify protection gaps and good practices at the national level.

The primary activities of a Special Rapporteur are:

Thematic Reports

Producing two thematic reports every year on the human rights to water and sanitation in order to interpret and provide guidelines to Member States, international organizations and other actors for the realization of those rights. This includes conducting research, convening expert consultations, gathering input from various stakeholders, and drafting the reports.

Country Visits

Conducting two official country visits per year. The visits include meeting with government officials, civil society and international organizations and travelling to various parts of the country, particularly rural and peri-urban areas to meet the population and observe their water and sanitation needs, as well as initiatives that could serve as examples for other countries.

Interactive Dialogues

To present thematic reports and findings of the official country visits to the Human Rights Council and General Assembly, and engage with States.

Letters of allegation and urgent appeals

Issuing communications to States and other entities (e.g. multinational corporations) to address alleged human rights violations and other situations of concern to human rights.

How do you see the role of the Special Rapporteur?

When I started in 2014, I thought about the Special Rapporteur's role in terms of the activities that the Human Rights Council asked me to accomplish: the thematic reports, the country visits, the communication letters and participating in events to raise awareness about the human rights to water and sanitation. But soon, I realized that my role as the Special Rapporteur is broader than that.

The voice of the Special Rapporteur has great value. It is an authoritative voice. Especially in my mandate which interacts with the water and sanitation sector. Often, I am the only person in a meeting or at an event who raises the issue of human rights. That is a great responsibility, but it shows how important a role the Special Rapporteur plays in pushing for the realization of the human rights to water and sanitation. The voice of a Special Rapporteur of course has basis on the mandated activities but to be able to exert meaningful influence, there is a great amount of work that goes behind the scenes.

What advice do you have for the applicants of the next Special Rapporteur on the human rights to water and sanitation?

Firstly, I encourage all people with the relevant experience and profile to apply. The human rights to water and sanitation is a wonderful mandate. It touches on so many issues, and being Special Rapporteur gives you privileged access to key conversations and issues in the field.

"You need to be prepared to devote time to it. But it is worth it – it is a privilege to be a Special Rapporteur."

However, I want to emphasize that it is not an easy job. It is very hard work. At first, you can be very overwhelmed. It takes the duration of one term (three years) to build up the experience. There is a lot of pressure, and many deadlines to take into account. It is not easy to draft two thematic reports and conduct two country missions, and reports, in a year, and you need to be prepared to devote time to it. But it is worth it – it is a privilege to be a Special Rapporteur.

Are you UN staff?

Many people think that I am a staff at the Office of the High Commissioner for Human Rights. Actually, I am not paid by the UN - I am a human rights expert, independent from the Office of the High Commissioner for Human Rights or any other organizations or governments.

The team that supports me in Geneva is staff of the Office of the High Commissioner for Human Rights. They facilitate my engagement with States and other stakeholders and ensure that I can do my job as a Special Rapporteur. During these two terms, I have been fortunate to have support from a team of very well trained, committed to the mandate and human rights and impressively creative in raising the profile of the mandate.

Can I meet you in Geneva?

Another common confusion is that everyone thinks that they can meet me in Geneva. I am based in Brazil where I work as a researcher and a professor. I travel to Geneva at least twice a year for the Human Rights Council session in September and the Annual Meeting of the Special Procedures. I travel to New York for the General Assembly session and in between I travel twice a year for a country visit. I also travel for consultations and other meetings like the World Water Week.

How do you handle your Special Rapporteur job and your "day job"?

I wear two hats : one has the UN Special Rapporteur and another as a researcher and a professor. My daytime job as a researcher and a professor fit in well with the work that I do as the Special Rapporteur. My research interests have moved more and more towards the field of human rights, and now that is my main focus. The time flexibility of teaching means that my career and role as Special Rapporteur complement each other very well.

How much time do you spend on being a Special Rapporteur?

I would say that a quarter of the time, I am not in my home country but travelling to engage as many stakeholders and people as possible. At times, I was travelling every month of the year outside of the two months that I have set aside for teaching. Alongside with research, drafting, consultations, and monitoring, being a Special Rapporteur requires a large time commitment .

2019 - A YEAR IN THE LIFE OF A SPECIAL RAPPORTEUR

January

Preparation for the official country visit to Lesotho

14 Launch of 2nd Human Rights Youth Challenge

February

6 Communication to Indonesia

4-15 Official country visit to Lesotho

13 Communication to Australia, OceanaGold Corporation, and the Philippines

24 Communication to Brazil

28 2nd Human Rights Youth Challenge close

March

13 Expert consultation on Megaprojects, thematic report for GA, Mexico

14 Civil society consultation on follow-up analysis of country visit to Mexico

19 World Water Day press release

19 World Water Day panel, Geneva

22 2nd Human Rights Youth Challenge Winner Announcement

April

1 Communication to Zimbabwe

1-3 Latinosan conference

3 Communications to Ecuador, Japan and Furkawa Plantaciones C.A.

16 Communication to Haiti

25 Communication to Colombia

May

27 Communications to India and Italy

28 Menstrual hygiene day social media campaign

June

Background research - Report on privatization

Submission - Thematic report on Public Space

Submission HRC- Lesotho Country Visit Report

Submission HRC- Malaysia Country Visit Report

July

Submission GA - Thematic report on megaprojects

22 Communication to Guatemala

29 Launch of 3rd Human Rights Youth Challenge

August

Submission HRC - Follow-up reports on country visits: Portugal, El Salvador, Tajikistan, Botswana

22 Bergen Exchanges on Law and Social Transformation, Bergen

24 Meeting with UN-Water, Stockholm

22-29 World Water Week, Stockholm

Background research - Report on Privatization

September

Online consultations: Privatization and Progressive Realization

9 42nd Human Rights Council - Report on public space, country visit to Lesotho and Malaysia

11 HRC side-event: Public space

12 HRC side-event: Follow-ups to country visits

13 HRC side-event: Megaprojects

17 Jornada Internacional DHAS, Seville

October

4 Communication to Saudi Arabia

17 Consultation with private operators

18 74th United Nations General Assembly - Report on megaprojects

21 GA side-event on megaprojects

21 Public consultation: Privatization

22 Public consultation: Progressive realization

Online consultations: Privatization and Progressive Realization

November

Online consultations: Privatization and Progressive Realization

29 Communication to Turkmenistan

29 Meeting with Wateraid, London

December

2-9 COP25, Madrid

10 Conference, Berlin

COUNTRY VISITS



Visit to Lesotho, February 2019

General information

During country visits, Special Rapporteurs meet with government officials, civil society organizations, academics, affected population, victims of human rights violations, human rights defenders, communities, companies, journalists, and visit a variety of locations across the country, in order to gather a complete and balanced view of the reality of a specific human right in the area.

Country visits end with a press-conference, during which the Special Rapporteur presents his or her preliminary findings.

An official report about the country visit, including recommendations on how to move forward in the realization of human rights to water and sanitation, are compiled and presented at the Human Rights Council. Each Special Rapporteur reports to a different session of the Human Rights Council (March, June or September). The Special Rapporteur on the rights to water and sanitation reports to the September session.

2019 visit to Lesotho: example timeline



What goes into preparing for an official country visit?

Planning is very important in organising country visits, in order to be sure that the visit is as productive as possible and has impact. In advance, ideally some three to four months before the visit, we prepare a lengthy research (that we call “country assessment”) in which we compile secondary sources of information and previous research, and compile previous recommendations by the UN system.

The lead-up to a country visit is also useful in identifying local stakeholders and organising meetings. We also try to determine which regions of a country will be most interesting to visit with the aim of sampling a variety of locations. This helps me gather the most complete view of the situation of the human rights to water and sanitation in the country. Preparation really is key.

How do you ensure that you get a full, accurate picture of the human rights to water and sanitation during a country visit?

Relationships during country visits are based on trust, and because of this I am careful to protect everyone that I meet with. I always meet with civil society without government presence, for example, and never disclose publicly who I have met with. Similarly, the specifics of my meetings with government officials are not disclosed to other stakeholders. Some groups can be affected by my visit.

In some visits, for example, I have met with groups that were resettled after megaprojects. These groups can be targeted and sidelined by governments when they speak out, so I handle this information with care. It is a privilege, and very important, however, to still gather these stories as they are a key part of drawing the picture of human rights to water and sanitation in a country.

THEMATIC REPORTS



General information

Special Rapporteurs present two thematic reports a year. The topics of thematic reports are chosen by the Special Rapporteur.

Research is conducted through a combination of expert consultations with Governments, academics, civil society organizations and other stakeholders, desk research, and compiling data from previous reports and country visits.

These reports are presented at the Human Rights Council (March/June/September) and the General Assembly (September/October), and are typically accompanied by side-events organized jointly with Governments and civil society.

Report on megaprojects: example timeline



How do you choose a topic for thematic reports?

It is not a straightforward process. It depends on the report. Some reports are based on issues that country missions have raised. The report on the human rights to water and sanitation in spaces beyond the household, for example, was influenced by my country mission to India. I saw a need for service provision in schools, hospitals, and on the streets, and realised that I needed to elaborate how a human rights framework can help to expand services to public spaces.

The report on development cooperation, however, was inspired by attending international conferences. I saw that funders were having entire conversations without any reference to human rights. By participating in these events as Special Rapporteur I was able to notice this gap, and decided to focus my research on this issue in order to address this gap.

How do you conduct research for a thematic report?

How I conduct the research also depends on the report, and on the timeline. For my first two reports that I prepared few months after my appointment, the rapid deadlines and being new on the job posed a real challenge.

For the mandate on the human rights to water and sanitation, presenting to the September Human Rights Council session and to the General Assembly in October, means that I need to devote the first six months of the year to drafting the reports. So it is important to start planning for reports far in advance. Altogether, it takes time to get a balanced view of the issue and to digest all elements of the reports.

"Altogether, it takes time to get a balanced view of the issue and to digest all elements of the reports."

For my subsequent reports, I developed a timeline to prepare in advance, usually I announce the topic of the next thematic report at the Human Rights Council, so one year before it is presented. This allows me to consult as many stakeholders as possible through kick-off consultations where I brainstorm with stakeholders, expert consultations where I engage those who are experts in the theme, regional consultations to be able to understand the regional context, as well as online consultations to take into account remote participation. To make the report useful, I think that consultation is the key to identifying the challenges and to assess the needs of actors so that I can do my job and provide guidelines and tools for them.

INTERACTIVE DIALOGUES



General information

Country reports and thematic reports are presented at the Human Rights Council in Geneva and the General Assembly in New York, as part of an Interactive Dialogue. During the dialogues, the Special Rapporteur engages in a dialogue with States and other entities.

What is your experience of presenting reports at the Human Rights Council and General Assembly?

Presenting reports is a part of the work. These are important moments for the mandate. They are opportunities to get feedback on the relevance of the reports that I present and to understand the impact of my work.

These events include many formalities, and can be busy and tense. But I enjoy them.

At the Human Rights Council the discussions are usually more productive, as human rights are already on the agenda, but it is important to push this agenda at the General Assembly and in more political spheres too. I learn a lot in the interactive dialogues, about how the work is being received across different countries.

LETTERS OF ALLEGATION AND URGENT APPEALS



General information

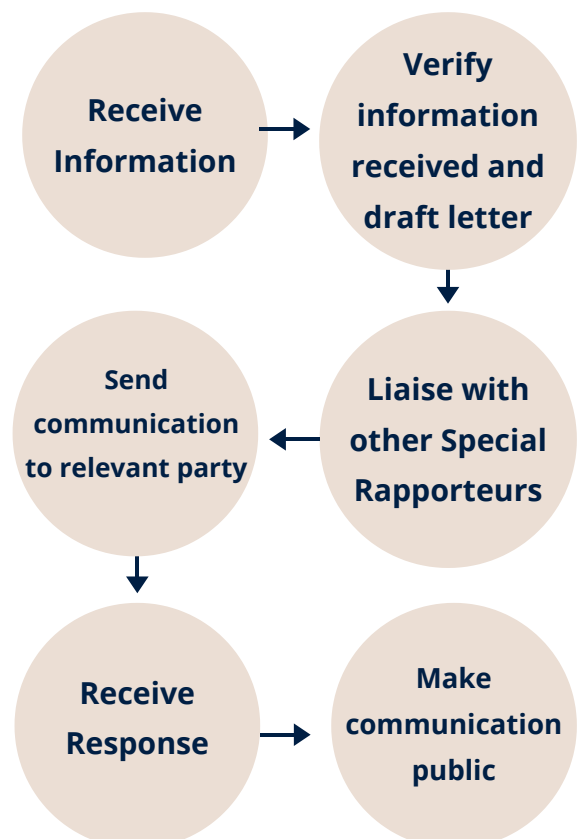
Special Rapporteurs can choose to intervene directly with Governments on allegations of violations of human rights that fall under their mandate. Allegations are received from victims or their representatives by the Special Rapporteur's team at OHCHR in Geneva. They are written up as letters outlining the details of the allegation, and reminding states of the specific applicable human rights norms and standards, and requesting further information or action.

They are submitted to States through their permanent representations to the United Nations in Geneva, and become public only 60 days after their submission. Letters can also be sent to non-state actors in cases of allegations of human rights abuses. In particularly urgent cases, the Special Rapporteur can also issue a press statement on the case.

What challenges do you face specifically for this activity?

Letters of allegation and urgent appeals allow me to address issues that are relevant to the human rights to water and sanitation in a timely manner, and to intervene directly with Governments, or other responsible parties, on human rights-related issues.

Many human rights abuses and violations occur around the world, so I am only able to take action in a limited number of allegations and issues.



MEDIA AND AWARENESS-RAISING

General information

Part of the responsibilities of a Special Rapporteur is engaging in advocacy and raising public awareness. This can be achieved through engaging with traditional media, for example through press releases written either alone or with other Special Rapporteurs to raise awareness of particular issues, or on specific dates. They can also organize side-events as part of the Human Rights Council and the General Assembly.

Special Rapporteurs may also organise their own communication campaigns. At its 42nd session in September, the Human Rights Council passed a resolution requesting the Special Rapporteur to conduct a campaign celebrating the 10-year anniversary of the UNGA and HRC resolutions on the human right to water and sanitation. In addition, the Human Rights Youth Challenge aims to raise awareness amongst younger populations.



HUMAN RIGHTS TO WATER AND SANITATION



What is your relationship to traditional media?

Working with the media is a key way to disseminate what I am doing. When the media approaches me, I am able to bring my voice to support civil society and actors working directly on the issues I am speaking about.

However, as a Special Rapporteur, I must do my due diligence before interacting with the media to make sure that the information I have is credible and cross-check the information to the extent I can. Before I work with traditional and

social media, particularly when I speak of a specific case or a situation in a country, I make sure that I have engaged with the concerned country before, and that my sources are verified.

How do you use social media?

I mostly interact with diplomats, government officials and civil society. Sometimes, during country visits mostly, I have the chance to meet rights-holders.

I think it is important to directly engage with rights-holders and have put my effort in outreach through social media.

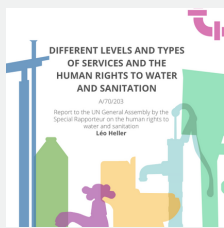
ABOUT LÉO HELLER

Mr. Léo Heller is the second Special Rapporteur on the human rights to safe drinking water and sanitation. He was appointed by the Human Rights Council in November 2014, having started his mandate on 1 December that year. Heller is currently a researcher in the Oswaldo Cruz Foundation in Brazil. Previously, Heller was Professor of the Department of Sanitary and Environmental Engineering at the Federal University of Minas Gerais, Brazil from 1990 to 2014. During his career in the Federal University of Minas Gerais, Heller held several positions including the Head of the Department of Sanitary and Environmental Engineering, Associate Provost of Graduate Studies, Dean of the School of Engineering and coordinator of the Graduate Program in Basic Sanitation, the Environment and Water Resources.

Thematic reports



Affordability and the human rights to water and sanitation



Different levels and types of services and the human rights to water and sanitation



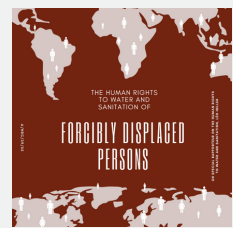
Gender equality in the realization of the human rights to water and sanitation



Development cooperation and the realization of the human rights to water and sanitation



Service regulation and the human rights to water and sanitation



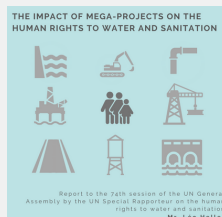
The human rights to water and sanitation of forcibly displaced persons



The principle of accountability in the human rights to water and sanitation



Human rights to water and sanitation in spheres of life beyond the household with an emphasis on public spaces



The impact of mega-projects on the human rights to water and sanitation



Privatization and the human rights to water and sanitation



Progressive realization in the context of the human rights to water and sanitation

Country Visits



Botswana
9-17 November 2015



Tajikistan
4-12 August 2015



El Salvador
11-18 May 2016



Portugal
5-13 December 2016



Mexico
2-12 May 2017



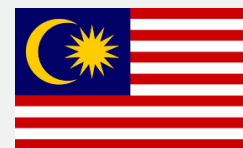
India
27 October - 10 November 2017



Mongolia
9-20 April 2018



Lesotho
4-15 February 2019



Malaysia
14-27 November 2018



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