

Civil society statement on efforts to strengthen and increase effectiveness of
the United Nations Special Procedures

30 August 2019

As the Coordination Committee (CC) explores measures to strengthen and increase the effectiveness of the Special Procedures, we would like to highlight the importance and impact of this mechanism, and our support for the process that the CC has put in place.

We take this opportunity to share the perspective of organisations that engage directly with the Special Procedures, and that support human rights defenders, victims and survivors in engaging with the mandates as they seek to halt ongoing violations, claim justice for past violations and strive for the full enjoyment of human rights within their communities. As users of the Special Procedures system, we work continuously with the Coordination Committee and individual mandate holders to identify examples of good practice and to identify ways to improve the functioning of the Special Procedures. We similarly engage with the Human Rights Council and individual States, being particularly conscious of the fact that the greatest factors impacting on the effectiveness of the Special Procedures are the resources at their disposal and cooperation of human rights duty bearers, both of which are defined by State actions.

Amidst global challenges to human rights, the Special Procedures play a critical role in developing and refining human rights norms, and constitute a key mechanism for seeking accountability. Victims and human rights defenders often turn to Special Procedures before any other UN human rights mechanism when seeking support in preventing and addressing human rights violations, as well as in promoting the full enjoyment of human rights. This is because the mechanism is one of the most flexible, responsive and accessible within the UN system. Mandate holders have an immediate effect on lives, including by contributing to efforts to prevent summary executions, protect cultural traditions, free individuals from arbitrary detention, prevent forced evictions, repeal discriminatory laws, ensure the respect, protection and fulfilment of the right to the highest attainable standard of physical and mental health, prevent gender-based violence, and more.

States' meaningful cooperation and dialogue with Special Procedures has proven overwhelmingly positive and has in many instances contributed to better alignment of national laws and policies with human rights standards. Constructive dialogue between mandate holders and States has encouraged States to, for example: strengthen draft laws to ensure they comply with international human rights obligations; turn to Special Procedures for examples of good practice as part of technical assistance; task specific mandates to examine emerging issues to help guide States' own actions; serve as an early warning mechanism; uphold the universality of human rights and take action in the Human Rights Council as Special Procedures feed into Council debates.

The Special Procedures system can of course be strengthened, and we welcome the efforts by mandate holders to adopt working methods that ensure greater impact of their work and hold them accountable to rights holders. It must be highlighted, however, that the challenges the system of Special Procedures faces are largely due to the deterioration in human rights protection globally and States' challenges to both international human rights law and the mechanisms that promote and defend human rights.

If States do not take their human rights obligations seriously and are not willing to engage constructively with the Special Procedures, these experts are hampered in their ability to carry out their mandates effectively. Non-cooperation takes many forms: it includes silence and lack of responses to Special Procedure communications, visit requests or offers of technical assistance, as well as the more serious

forms of non-cooperation: acts of reprisal and intimidation against those who cooperate or seek to cooperate with Special Procedures, and reprisals, intimidation, defamation and personal attacks against mandate holders themselves. Moreover, States continue to task mandates with work without providing the necessary additional funds to OHCHR. In this context, States must support the mandates in the performance of their activities and ensure that the Special Procedures have adequate resources to undertake their regular work as well as any additional tasks they are assigned.

Consequently, we urge States to engage with the Coordination Committee and OHCHR through the process being defined by the CC and as set out in the concluding statement of the Annual Meeting in June 2019, which we understand will include full consultation with all relevant stakeholders, in particular States, National Human Rights Institutions, civil society and victims. This process presents the most appropriate way to ensure the effectiveness of the Special Procedures in protecting and promoting human rights, and to discuss ways to strengthen cooperation and address situations where there may be concerns regarding the actions of individual mandate holders. Likewise, it is of utmost importance to discuss during this process issues of chronic underfunding, non-cooperation of States with SPs, and acts of reprisal and intimidation against mandate holders and how to overcome them.

Our organisations greatly appreciate the work of the Coordination Committee in recent years to spearhead system-wide coordination for the Special Procedures that has led to concrete improvements. In particular, we appreciate the spaces created to regularly receive and respond to concerns by different stakeholders, including civil society and victims of human rights violations. This has led to better responses to acts of reprisals and intimidation, the creation of a searchable, public database of communications, wider adoption of good practices in working methods of mandate holders, improvements in information available on the OHCHR website regarding activities of Special Procedures, and stronger Annual Reports of Special Procedures (including references to State cooperation and reprisals).

We welcome commitments to further strengthen the system, set out in the concluding statement of the Chair of the Coordination Committee. These include improvements to be made regarding the website of pending visits, the need to examine and agree good practice around the use of social media, including its alignment with the Code of Conduct, the update of the Manual of Operation and Terms of Reference of country visits, and improvement in submission deadlines of reports. We also welcome the consideration of States' concerns regarding the necessary time for communications between diplomatic missions and capitals, and in relation to length and content of end of mission statements.

We encourage the Coordination Committee to communicate more openly (in particular on its webpage) about the work that it does, including in addressing specific cases of reprisals, informing victims, if even informally, of when mandate holders have taken action to respond to their situation, increasing accountability for a lack of or selective State cooperation, explaining the functioning of the Internal Advisory Procedure and steps taken to respond to concerns by States and other stakeholders regarding specific situations, communicating publicly decisions taken at the Annual Meeting of Special Procedures immediately following the session, sharing information on ways to communicate with the CC and the Secretariat, and ensuring that relevant OHCHR webpages are kept up-to-date and that calls for information are widely published and provide reasonable deadlines.

We believe that these actions and the measures proposed by the Coordination Committee have the possibility to address all concerns raised in good faith by different stakeholders and provides the only necessary platform for further discussions. As a result, we express deep concern at the possibility of an alternative, parallel, and State-driven process at the Human Rights Council, to review the functioning of the Special Procedures, which would challenge the independence of the mechanism and, by its divisive nature,

is likely to undermine the consensus-based approach that has always been considered a vital component of the Institution Building Package. We call on States to reject any such initiative, which would undermine the independence of the Special Procedures and the current initiatives already put in place by the CC, OHCHR and full collective of mandate holders.

We encourage the Coordination Committee to inform all States of the steps that they are taking to strengthen and increase the effectiveness of the Special Procedures.

We look forward to continuing to work with the Coordination Committee, all Special Procedure mandate holders and other stakeholders with a view to further strengthen the Special Procedures' contribution to the promotion and protection of human rights on the ground. While doing so we will do our utmost to defend their independence.

International Service for Human Rights (ISHR)

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

Center for Reproductive Rights

CIVICUS: World Alliance for Citizen Participation

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)

FIAN International

FIDH - International Federation for Human Rights

Forum Menschenrechte

Franciscans International

Geneva for Human Rights

Human Rights House Foundation (HRRHF)

ILGA World

International Commission of Jurists

International Movement Against All Forms of Discrimination and Racism (IMADR)

International Planned Parenthood Federation (IPPF)

Peace Brigades International

Red Internacional de Derechos Humanos

Sexual Rights Initiative

The Swedish Association for Sexuality Education - RFSU

Women's International League for Peace and Freedom (WILPF)