## The Special Procedures: Developments in Institutional Strengthening and Working Methods

A joint civil society submission to the 24<sup>th</sup> annual meeting of Special Procedures of the UN Human Rights Council

June 2017



## **Table of Contents**

| 3  |
|----|
| 5  |
| 5  |
| 5  |
| 6  |
| 8  |
| 10 |
| 11 |
| 11 |
| 12 |
| 14 |
| 15 |
|    |

## Introduction

This submission<sup>1</sup> to the 2017 Annual Meeting of Special Procedures looks back at those made in prior years both individually, and as part of a coalition of NGOs.<sup>2</sup> In particular, the document revisits recommendations from the joint civil society submission to the 23<sup>rd</sup> Annual Meeting,<sup>3</sup> which examined institutional strengthening and working methods of the Special Procedures.

Specifically, this submission welcomes progress, including in relation to the role of the Coordination Committee, steps taken to combat reprisals, the creation of the communications database, and engagement of Special Procedures with international and regional forums. The document notes where there have been few developments or where information is unavailable, for example regarding the selection and appointment of mandate holders, State non-cooperation, country visits and follow-up procedures. Finally, the submission makes a number of fresh recommendations, in particular concerning reprisals, individual communications, and engagement with other UN human rights mechanisms.

The recommendations are directly related to the three areas identified by the Coordination Committee: a) issues related to cooperation between Member States and Special Procedures and how to assess it including in relation to the implementation of recommendations; b) the place of Special Procedures at the Human Rights Council; and, c) the creation and termination of mandates by the Human Rights Council.

The organisations making this submission consider the Annual Meeting of Special Procedures to be an important commitment to reflect on its internal workings and its capacity to improve coordination. It is a critical opportunity for interaction between mandate holders and various stakeholders on a range of procedural and substantive issues.

We thank the Special Procedures for their acknowledgement of previous submissions, as well as the commitment shown at their 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> annual meetings to consult with civil society on the effective work of mandate holders. We would note particular appreciation for the Coordination Committee in its continued efforts to seek out and take into consideration civil society inputs in the interim period, for example at its annual meeting in December 2016.

It is our aim that the following submission contribute towards enhancing the work of the Special Procedures system to promote and protect all human rights for all persons. We hope that it will be considered by the Coordination Committee and individual mandate holders

<sup>&</sup>lt;sup>1</sup> Made by The International Service for Human Rights (ISHR), Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Cairo Institute for Human Rights Studies (CIHRS), Civicus, Conectas, The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Human Rights House Foundation (HRHF), and The International Commission of Jurists (ICJ).

<sup>&</sup>lt;sup>2</sup> See Special Procedures: Recommendations to strengthen State cooperation and combat reprisals, June 2015, at <u>http://www.ishr.ch/news/special-procedures-recommendations-strengthen-state-</u> <u>cooperation-and-combat-reprisals-0</u>; Strengthening cooperation with the Special Procedures: Submission to the 21st annual meeting of Special Procedures of the UN Human Rights Council,

September 2014 at <a href="http://www.ishr.ch/sites/default/files/article/files/ishr\_submission">http://www.ishr.ch/sites/default/files/article/files/ishr\_submission</a> to 21st meeting of specialprocedures.pdf; and Annual meeting of Special Procedures – June 2013. Joint submission by nongovernmental organisations, at <a href="http://www.ishr.ch/sites/default/files/article/files/130620-doc-annualmeeting-sps-joint-ngo-submission.pdf">http://www.ishr.ch/sites/default/files/article/files/ishr\_submission</a> to 21st meeting of specialprocedures.pdf; and Annual meeting of Special Procedures – June 2013. Joint submission by nongovernmental organisations, at <a href="http://www.ishr.ch/sites/default/files/article/files/130620-doc-annual-meeting-sps-joint-ngo-submission.pdf">http://www.ishr.ch/sites/default/files/article/files/130620-doc-annualmeeting-sps-joint-ngo-submission.pdf</a>.

<sup>&</sup>lt;sup>3</sup> The Special Procedures: Strengthening the Mechanism and Working Methods, May 2016, at <u>http://www.ishr.ch/news/special-procedures-enhance-access-transparency-and-security-human-rights-defenders</u>.

during the 2017 annual meeting, as well as throughout the next year, in their efforts to ensure human rights and fundamental freedoms are a global reality.

| Last year's recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Current status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Institutio                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | nal Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Selection and appointm                                                                                                                                                                                                                                                                                                                                                                                                                                                             | nent of mandate holders                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Establish criteria for minimum<br>qualifications for mandates. (pg 4,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                            | We reiterate this recommendation and<br>emphasise that Human Rights Council<br>resolution 5/1 (June 2007) is still the<br>reference document for the appointment of<br>mandate holders.<br>We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information as to whether the<br>Coordination Committee has engaged<br>with the Consultative Group in this<br>regard, and draw the Coordination<br>Committee and mandate holders'<br>attention to recent civil society letters to<br>the Consultative Group regarding<br>objective criteria and the importance of<br>independence, expertise and diversity –<br>including within the Consultative<br>Group's own composition – for example<br>here and here. |
| Establish formal mechanisms to integrate<br>and induct new mandate holders, with the<br>participation of outgoing mandate holders,<br>as well as members of civil society with<br>relevant procedural and substantive<br>expertise. (pg 4, submission to 23 <sup>rd</sup> Annual<br>Meeting)                                                                                                                                                                                       | We reiterate this recommendation, and<br>encourage the mandate holders to task<br>the Coordination Committee to publish<br>information on the current procedures in<br>place. We encourage the mandate<br>holders to consider adopting a<br>procedure similar to the established<br>practice of the Treaty Bodies in this<br>regard (for more information, see<br>OHCHR's 2015 <u>Handbook for Human</u><br><u>Rights Treaty Body Members</u> ).                                                                                                                                                                                                                                                                                             |
| The role of the Coordination Committee                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| We welcome the leading role they played in<br>engaging directly on crises such as the<br>challenge of Boko Haram and the<br>deterioration of human rights in Burundi.<br>[] We urge the Committee to work with<br>the Council president and bureau to<br>continue this practice going forward, firmly<br>establishing the Special Procedures'<br>participation in urgent debates and<br>special sessions and their contributions to<br>the outcomes of such discussions. (pgs 4-5, | We reiterate this recommendation, and<br>welcome the contributions made by the<br>Coordination Committee to the Special<br>Sessions on Syria and South Sudan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <b>Coordination of public statements on</b><br><b>key issues</b> , whether attacks against<br>mandate holders or cross-cutting human<br>rights challenges such as the migration<br>crisis in Europe, helps to consolidate the<br>role of the Special Procedures against the<br>broader backdrop of the UN and further<br>underlines the indivisibility and<br>interdependence of human rights. (pg 5,<br>submission to 23 <sup>rd</sup> Annual Meeting) | We reiterate this recommendation. We<br>warmly welcome the important public<br>statements issued by the Coordination<br>Committee on issues including: efforts to<br>'block' the mandate of the Independent<br>Expert on sexual orientation and gender<br>identity; and the need to respond to the<br>global attack on human rights and human<br>rights defenders.                                                                  |  |
| We urge the Coordination Committee to<br>firmly establish its leadership role in<br>developing and expanding internal<br>processes and procedures that<br>contribute to both the effectiveness and<br>the efficiency of the Special Procedures,<br>without discrimination to either. (pg 5,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                           | We reiterate this recommendation, and<br>welcome the continued practice of<br>attempting to strengthen its outreach to<br>United Nations counterparts and to address<br>issues relating to follow-up, early warning,<br>human rights mainstreaming and the role of<br>special procedures, with a focus on the<br>implementation of the Sustainable<br>Development Goals and the Human Rights<br>Up Front initiative.                |  |
| Engagement by States and Increasing the Costs of Non-Cooperation                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <b>New Council members would undertake</b><br><b>pledges</b> which would include responding to<br>Special Procedures communications<br>substantively and on time, and issuing<br>standing invitations and acting promptly and<br>positively to facilitate visit requests. (pg 6,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                      | We reiterate this recommendation. Out of<br>47 Human Rights Council member states,<br>16 have not responded to a country visit<br>request in the last year, and 14 have not<br>issued a Standing Invitation. However it<br>should be noted that, as in the case of<br>Burundi, issuing a Standing Invitation does<br>not guarantee cooperation with the Special<br>Procedures in practice.                                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         | We warmly welcome the joint statement<br>delivered by the Netherlands at the close of<br>the 35 <sup>th</sup> session of the Human Rights<br>Council in which signatories pledged to<br>'Cooperate fully, substantively and in good<br>faith with the OHCHR, the Council and its<br>mechanisms, including responding in a<br>timely manner to Special Procedures'<br>communications, urgent appeals and<br>country visit requests'. |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         | We encourage the mandate holders to<br>task the Coordination Committee to<br>review the list of countries with Standing<br>Invitations at each Annual Meeting and<br>to communicate with States where these<br>invitations have been ineffective in<br>facilitating country visits, and to<br>consider removing the country from the                                                                                                |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | list of States with Standing Invitations on<br>the OHCHR website where there is no<br>increase in cooperation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| We reiterate our recommendation that<br>countries who were the subject of<br>communications from a particular mandate<br>holder be invited, upon the occasion of the<br>relevant interactive dialogue, to provide<br>updates or responses to allegations. This<br>could be done by giving them priority<br>speaking slots as 'concerned countries'<br>during these dialogues. (pg 6, submission to<br>23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                       | We reiterate this recommendation, and<br>encourage the mandate holders and the<br>Coordination Committee to publish<br>information on options the Coordination<br>Committee and mandate holders are<br>considering in this regard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| The Special Procedures [] should raise<br>cases of persistent non-cooperation<br>during interactive dialogues and directly to<br>the President of the Council and the<br>Bureau. This could be defined as, for<br>example, failure to respond to<br>communication in several consecutive<br>communications reports. (pg 6, submission<br>to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                 | We reiterate this recommendation. The<br>current Manual of Operations for the<br>Special Procedures, published in August<br>2008, states that while it is common<br>practice for mandate holders to provide a<br>response, or an evaluation, of exchanges of<br>communications with Governments, the<br>procedure for doing so remains at the<br>discretion of the individual mandate holders<br>through their reports to the Council, and is<br>therefore not standard practice across the<br>Special Procedures.                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | We encourage the mandate holders and<br>the Coordination Committee to publish<br>information on methods that the<br>Coordination Committee and mandate<br>holders are considering to ensure<br>standardised and systematic responses<br>to cases of persistent non-cooperation.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| We urge the Coordination Committee to<br>consider its contribution to responding to<br>deteriorating human rights situations,<br>particularly where Council action could have<br>an important preventive or accountability<br>role. The joint submission envisages, for<br>example, a process by which a request by a<br>group of four or more Special Procedures<br>mandate holders for Council action would<br>act as a ' <b>trigger' for a special session or</b><br><b>other dedicated discussion of a situation</b><br><b>by the Council</b> . (pg 7, submission to 23 <sup>rd</sup><br>Annual Meeting) | We welcome the joint statement delivered<br>by Ireland at the close of the 32 <sup>nd</sup> session of<br>the Human Rights Council in which the 32<br>signatory States committed to apply<br>objective criteria in determining whether and<br>how the Council should respond to a<br>situation of concern. Among the elaborated<br>criteria is 'whether a group of Special<br>Procedures have recommended that the<br>Council consider action'. To assist in<br>operationalising this commitment, we<br>urge the Coordination Committee and<br>mandate holders, both individually and<br>collectively, to include calls for action by<br>the Council, where appropriate, in their<br>reports and statements. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | We also encourage the mandate holders<br>and the Coordination Committee to<br>publish information on the steps being<br>taken by the Coordination Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                | and mandate holders to formulate their                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                | such Council action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| New recommendation regarding scrutiny of particularly restrictive environments | reports and statements so as to trigger<br>such Council action.<br>We encourage the mandate holders to<br>task the Coordination Committee to<br>discuss methods for increasing<br>proactive identification, scrutiny and<br>engagement with particularly closed<br>States, from which victims and civil<br>society may be too restricted and fearful<br>to send any significant number of<br>communications, in which governments<br>may not cooperate with Special<br>Procedures, and which may not be<br>geopolitically positioned or of a size to<br>attract global attention otherwise.<br>Mandates could consider proactively<br>requesting relevant information from the<br>government concerned, without<br>necessarily seeking an invitation to carry<br>out a country visit, and report on the<br>response or lack thereof in annual |
|                                                                                | reporting. Such States could be                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                | identified in consultation with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                | international civil society organisations,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                | other UN human rights mechanisms and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                | regional bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Intimidation and reprisals

The recommendations in this section have also been included in ISHR's submission 'Ending reprisals against those who cooperate with the United Nations in the field of human rights' (May 2017), made to the UN Secretary-General on recent developments, cases and recommendations in relation to combatting reprisals.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | induing reprisais.                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| We emphasise that, when intimidation or<br>reprisals are reported in conjunction with<br>the work of the Special Procedures, there<br>should be in place a procedure to ensure <b>a</b><br><b>full and prompt investigation</b> of the claim<br>that takes into account the victim's<br>protection needs and the respective roles of<br>different parts of the UN. This should<br>include private and/or public discussion with<br>the State concerned to ensure they uphold<br>their obligations to protect against<br>violations. (pg 8, submission to 23 <sup>rd</sup> Annual<br>Meeting) | We reiterate this recommendation, and<br>encourage the mandate holders to task<br>the Coordination Committee to publish<br>information on steps taken in this<br>regard.               |
| [M]andate holders should also undertake<br>specific efforts to work with all involved<br>stakeholders, including the State<br>concerned, to <b>ensure non-recurrence and</b><br><b>remedy</b> for reprisals. In some cases this<br>might require extensive engagement and<br>follow-up in order for meaningful action to                                                                                                                                                                                                                                                                     | We reiterate this recommendation and<br>encourage the mandate holders to task<br>the Coordination Committee to publish<br>information on examples of good<br>practice in such efforts. |

| occur. (pg 8, submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| We note that the standard operating<br>procedure outlines a range of actions<br>including raising cases in public statements,<br>press releases, reports to the Human Rights<br>Council and the General Assembly, or<br>during their interactive dialogues with these<br>two bodies. We welcome in particular the<br>use of <b>public communications tools</b> to<br>publicly express concern at acts of<br>intimidation and reprisal. (pg 8, submission<br>to 23 <sup>rd</sup> Annual Meeting) | We welcome the use of public<br>communication tools, and welcome, for<br>example, the use of the Interactive Dialogue<br>during the 35 <sup>th</sup> Session of the Human Rights<br>Council by the Special Rapporteur on<br>extreme poverty to call for the release of<br>Jian Tianyong, a Chinese human rights<br>lawyer who was the subject of reprisals<br>after the country visit of the Special<br>Rapporteur, as well as his openness to<br>media outlets for discussions both after the<br>conclusion of the visit and upon the release<br>of his report. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information on the number of<br>public statements, press releases, and<br>communications with the Human Rights<br>Council and the General Assembly<br>undertaken by the Special Procedures.                                                                                                                                                                                                                                                                                 |
| We welcome the commitment by the<br>Special Procedures to continue to call for<br>the designation by the Secretary General<br>of a United Nations senior focal point on<br>reprisals and, once established, to<br>cooperate closely with him or her to ensure<br>a unified United Nations wide response to                                                                                                                                                                                      | We join the Special Procedures in<br>welcoming the designation of the Assistant<br>Secretary-General on human rights (ASG)<br>as the person to lead a system-wide and<br>coordinated response to reprisals, and note<br>the commitment stated in Annual Report<br>A/HRC/34/34 to work with the ASG.                                                                                                                                                                                                                                                              |
| acts of intimidation and reprisal. (pg 8,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                                                     | We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information on what steps have<br>been taken by the Coordination<br>Committee and mandate holders to date<br>to ensure close cooperation and<br>coordination with the ASG. We urge the<br>Coordination Committee and mandate<br>holders to join civil society in sharing<br>with the ASG their insights into the key<br>role that public statements can play in<br>deterrence, denunciation, prevention<br>and protection.                                                  |
| We welcome the commitment in the<br>standard operating procedure to create and<br>maintain a <b>comprehensive record of all</b><br><b>cases of intimidation and reprisals</b><br>against individuals and groups cooperating<br>with special procedures. We urge the<br>Special Procedures to update the record                                                                                                                                                                                  | We reiterate this recommendation, and<br>welcome the fact that the Annual Report<br>A/HRC/34/34 includes the number of<br>reprisals cases that were the subject of<br>communication, and the creation of a web<br>page with relevant resources.                                                                                                                                                                                                                                                                                                                  |
| regularly and to ensure that relevant cases<br>are publically accessible. (pgs 8-9,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                           | However, we reiterate the importance of creating a comprehensive record to ensure that the relevant cases (both                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | within the relevant Annual report and<br>overall) are publicly accessible, while<br>taking into account the security of the<br>relevant stakeholders at risk. One<br>possible step towards this is to create a<br>specific search for 'reprisals' within the<br>database of communications (similar to<br>the way that the information in each joint<br>communications report is presented), in<br>which context security concerns will<br>already have been taken into account by<br>OHCHR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| We welcome the inclusion in the standard<br>operating procedure of the possibility of<br>referring cases to the United Nations High<br>Commissioner for Human Rights and/or the<br>President of the Human Rights Council. In<br>particular, we urge Special Procedures to<br><b>communicate cases to the President of<br/>the Council under Item 5</b> , so that<br>unresolved or outstanding cases can be<br>discussed in the context of the interactive<br>dialogue. (pg 9, submission to 23 <sup>rd</sup> Annual<br>Meeting) | We reiterate this recommendation, and<br>welcome the fact that 14 cases of reprisals<br>taken up by Special Procedures were<br>included in the Secretary-General's report<br>on acts of intimidations and reprisals<br>(A/HRC/33/19), in addition to follow-up on<br>five previously cited cases.<br>We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information on the number of<br>cases communicated to the Secretary<br>General (report A/HRC/34/34 refers to 61<br>cases of reprisals referred to in<br>communications in 2016), as well as to<br>the High Commissioner and the<br>President of the Human Rights Council.<br>We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information on the number of<br>such cases where the Coordination<br>Committee was subsequently informed<br>of action by the High Commissioner or<br>the President of the Human Rights<br>Council, and any follow-up undertaken<br>by mandate holders or the Coordination<br>Committee in that regard. |
| We invite the Coordination Committee and<br>relevant mandate holders to address the<br><b>roles of private companies and other</b><br><b>organisations</b> in effectively responding to<br>and seeking accountability for [reprisals].<br>(pg 9, submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                 | We reiterate this recommendation. We<br>welcome the fact that at least one<br>communication was addressed to a non-<br>State actor regarding reprisals in 2016<br>(A/HRC/34/34, para 51), and strongly<br>encourage the Coordination Committee<br>and mandate holders to take similar<br>action where relevant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Resources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| We see it as critically important that the<br>OHCHR expand the <b>human and financial</b><br><b>resources</b> available to the Special<br>Procedures, while keeping in mind the need                                                                                                                                                                                                                                                                                                                                            | We reiterate this recommendation, and<br>encourage the mandate holders to task<br>the Coordination Committee to continue<br>its welcomed practice of seeking and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| to respect mandate holders' independence.<br>(pg 9, submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                                                                             | publishing information regarding<br>external resources provided to specific<br>mandates.<br>In addition, we encourage the mandate<br>holders to task the Coordination<br>Committee to publish information on<br>what steps have been taken by OHCHR<br>to ensure that Special Procedures have<br>sufficient resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Working                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Methods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Individual cases ar                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | nd Communications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Recommendations concerning the <b>online</b><br><b>questionnaire</b> : diversity and reach; tone,<br>sensitivity and plain language; instructions,<br>process and user confidence; enhanced<br>device functionality; safety and security;<br>submitting supporting information; progress,<br>updates and transparency. (pgs 10-11,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                           | We welcome steps taken to improve the<br>online questionnaire system in a number of<br>these areas, but reiterate these<br>recommendations and <b>urge that further</b><br><b>steps be taken to increase accessibility,</b><br><b>security and transparency.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| The Communications system continues to<br>also fall short in terms of accountability, in<br>large part due to the <b>lack of a publicly</b><br><b>accessible and disaggregated database</b> .<br>Information should be available organised<br>by countries concerned and by mandate<br>holders, instead of by date, and outstanding<br>cases that have not received a response<br>since the previous joint Communications<br>report(s) should be clearly identified. (pg 11,<br>submission to 23 <sup>rd</sup> Annual Meeting) | We welcome the creation of the database<br>on Communications, which has greatly<br>increased the accessibility of individual<br>cases and information on state<br>responsiveness.<br>We urge OHCHR and the mandate<br>holders to continue to consult with civil<br>society in order to strengthen the<br>database. In particular, we urge the<br>mandate holders to use the database to<br>publish Communications once the<br>period given for a state response has<br>expired, and as soon as a state reply is<br>received (rather than waiting until an<br>official translation where replies are not<br>in English, French or Spanish). We see<br>these as opportunities to improve the<br>responsiveness of States, and also to<br>encourage substantive replies. Such<br>steps would increase the timeliness and<br>transparency of the Communications<br>procedure, thereby facilitating civil<br>society follow-up to specific cases and<br>situations.<br>We also encourage the mandate holders<br>to task the Coordination Committee<br>andOHCHR to ensure that the database<br>facilitates searches within the 'other |

| We also urge the Coordination Committee<br>to initiate a conversation with mandate<br>holders about <b>how to better analyse the</b><br><b>data from Communications</b> , and the<br>responses, in a more meaningful way,<br>including the non-responses from states.<br>[]<br>The Special Procedures should consider<br>how to conduct outreach that recognises<br>and seeks to overcome barriers to<br>individuals and organisations submitting<br>cases which address violations against<br>women, children, LGBTI individuals, and<br>other groups and how to make their own<br>communication with them accessible and<br>understandable.<br>They furthermore should be attentive to<br>specific gendered elements of the<br>Communications, and to ensuring that their<br>responses take into account a range of<br>factors informing the questions posed to the<br>State concerned. (pgs 11-12, submission to | actor' entity. This could be done, for<br>example, by placing 'other actor' at the<br>top of the list of states and entities<br>(rather than within the alphabetical list of<br>states and entities), and by ensuring that<br>a search using the name of an 'other<br>actor' (e.g. a company name) will find all<br>communications sent to that entity.<br>We reiterate these recommendations, and<br>highlight the importance of ensuring<br>communications and recommendations<br>contained therein fully respond to the<br>specific challenges and protection needs<br>of groups that face marginalisation and<br>are in situations of vulnerability,<br>including women, children, LGBTI<br>individuals, and other groups.<br>Further, we encourage the mandate<br>holders to task the Coordination<br>Committee to publish information on<br>what steps have been taken to respond<br>to the concerns raised in the<br>recommendations made for the<br>23 <sup>rd</sup> Annual Meeting. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23rd Annual Meeting)<br>Countr                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | y visits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| With regard to the country visit database,<br>we urge more comprehensive and<br>systematic inclusion of supporting<br>documents (e.g., from the initial invitation,<br>exchange with the country concerned, and<br>the final trip report as well as any follow up).<br>(pg 12, submission to 23 <sup>rd</sup> Annual Meeting)<br>We also urge improving the<br>announcement of visits to civil society,<br>globally but in particular in the country<br>concerned, to enable them to know as<br>soon as possible as a visit is scheduled to<br>ensure full participation in the planning and<br>preparation. (pg 12, submission to 23 <sup>rd</sup><br>Annual Meeting)                                                                                                                                                                                                                                              | We reiterate this recommendation. While it<br>is possible to see what documents were<br>sent and received, and generally on what<br>date, inclusion of supporting documents in<br>pdf form, including Visit Requests, Visit<br>Acceptance letters and Standing Invitation<br>letters, remains rare.<br>We reiterate this recommendation, and<br>encourage the mandate holders to task<br>the Coordination Committee to publish<br>information on steps taken in this<br>regard.<br>While the document on upcoming visits<br>contained in the Civil Society Section<br>weekly newsletter is more up-to-date than in<br>the past, the notice period often remains<br>short. In addition, efforts to notify civil<br>society, in particular in the country<br>concerned, are inconsistent and rarely                                                                                                                                                                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | sufficiently wide-reaching.                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | , ,                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Standardising and improving the quality<br>of reporting on country visits in the<br>annual reports of mandate holders. (pg 12,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                | We reiterate this recommendation, and<br>welcome the example of the factsheet<br>published by the former Special Rapporteur<br>on freedom of assembly and association<br>Maina Kiai on his country visit to the United<br>States.                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | We encourage the mandate holders to<br>task the Coordination Committee to<br>publish information on steps taken in<br>this regard.                                                                                                                                                                                                                                                                                          |
| Ensure that <b>no excessive delays</b> occur<br>between a country mission and its<br>discussion at the Council (pgs 12-13,<br>submission to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                    | We reiterate this recommendation, as little<br>progress has been made with regards to<br>reports at the Human Rights Council. For<br>example, the report of the Special<br>Rapporteur on summary executions with<br>regards to her mission to Honduras was<br>presented at the 35 <sup>th</sup> Council session in<br>June 2017, more than a year after the visit<br>had taken place (May 2016).                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | We recommend that country visits<br>reports be made public as soon as they<br>have been prepared, even if this is<br>before the Council session at which they<br>are scheduled to be presented. As an<br>interim measure, we encourage mandate<br>holders to always provide detailed end<br>of mission statements and include<br>relevant recommendations therein – a<br>welcome practice already adopted in<br>some cases. |
| <ul> <li>include obliging mandate holders to include in their annual reports, at a minimum, the following categories of information:</li> <li>The total number of invitations for country visit requests made.</li> <li>The identification of all countries who were extended invitations for country visits.</li> <li>Outcomes of each response received to country visit requests including, where possible, the intended broad timeframes of when the visit is set down to be conducted.</li> <li>Which countries did not respond</li> </ul> | We reiterate these recommendations, as<br>annual reports by Special Rapporteurs tend<br>not to include comprehensive lists of<br>country visit requests made, nor do they<br>specify which states have or have not<br>replied.                                                                                                                                                                                              |
| <ul><li>to country visit requests made in the reporting cycle</li><li>Which countries have continued</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |

| to not respond to a request made                                                              |                                                                                            |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| during the previous reporting period                                                          |                                                                                            |
| that remains outstanding. (pg 13,                                                             |                                                                                            |
| submission to 23 <sup>rd</sup> Annual Meeting)                                                |                                                                                            |
| These improvements could be buttressed                                                        | We reiterate this recommendation, and                                                      |
| through the Coordination Committee                                                            | welcome the fact that at the 23 <sup>rd</sup> Annual                                       |
| providing a fresh working-method best                                                         | Meeting of the Special Procedures the                                                      |
| <b>practices note</b> to all mandate holders on this, to facilitate the standardisation of an | Terms of Reference for country visits were<br>updated and adopted for the first time since |
| improved reporting framework on country                                                       | 1998. The emphasis on full access and                                                      |
| visit requests. (pg 13, submission to 23 <sup>rd</sup>                                        | unsupervised contacts with victims of                                                      |
| Annual Meeting)                                                                               | human rights abuses and civil society actors                                               |
| , and weengy                                                                                  | are particularly commendable.                                                              |
| Follow-up to Communications                                                                   | , Decisions and Country Visits                                                             |
|                                                                                               |                                                                                            |
| While we acknowledge the need for                                                             | We reiterate this recommendation. We                                                       |
| flexibility and the centrality of these                                                       | welcome the range of follow-up activities                                                  |
| decisions to the independence of the mandates, we urge the Special Procedures                 | that have been carried out by Special                                                      |
| to consider identifying a set of <b>baseline</b>                                              | Procedures mandate holders, including communications, country visits, reports,             |
| indicators that, if met, would initiate a                                                     | consultations and public declarations. A                                                   |
| mandatory follow-up process. (pg 14,                                                          | good example, which could be considered                                                    |
| submission to 23 <sup>rd</sup> Annual Meeting)                                                | as a possible model by other mandates, is                                                  |
|                                                                                               | the follow up process and report of the                                                    |
|                                                                                               | Working Group on Enforced or Involuntary                                                   |
|                                                                                               | Disappearances, on Congo and Pakistan                                                      |
|                                                                                               | (A/HRC/33/51/Add.7).                                                                       |
|                                                                                               | Another example is ongoing work by the                                                     |
|                                                                                               | Special Rapporteur on Myanmar to set up                                                    |
|                                                                                               | benchmarks for progress in Myanmar                                                         |
|                                                                                               | following the mandate given to her during                                                  |
|                                                                                               | the 31 <sup>st</sup> session of the Council.                                               |
|                                                                                               | We also highlight the example of the follow-                                               |
|                                                                                               | up procedure of the Working Group on                                                       |
|                                                                                               | arbitrary detention, which includes a specific                                             |
|                                                                                               | section on follow-up and requests the State                                                |
|                                                                                               | to inform the Working Group on steps taken                                                 |
|                                                                                               | and difficulties encountered to comply with                                                |
|                                                                                               | an opinion.                                                                                |
|                                                                                               | However, there is still no standardised                                                    |
|                                                                                               | mechanism to ensure a mandatory follow-                                                    |
|                                                                                               | up process, with the aforementioned                                                        |
|                                                                                               | activities remaining at the discretion of the                                              |
|                                                                                               | mandate holders or states.                                                                 |
| In these egregious cases of 'non-                                                             | We reiterate this recommendation, and                                                      |
| <b>cooperation'</b> , we urge the Special Procedures to standardise a practice of             | encourage the mandate holders to task the Coordination Committee to publish                |
| response, either through follow-up letters (to                                                | information on the steps being taken in                                                    |
| be made public in the next joint                                                              | this regard.                                                                               |
| Communications report) or through                                                             | · · · · · · · · · · · · · · · · · · ·                                                      |
|                                                                                               | 1                                                                                          |

| immediate public action. (pg 14, submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| to 23 <sup>rd</sup> Annual Meeting)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Engagement of Special Procedures with international and regional forums                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| We encourage learning and knowledge<br>sharing between the regional and<br>international levels, in both directions, to<br>ensure that policies and procedures are<br>coherent and effectively generate a 'race to<br>the top' in key areas such as consultation<br>with civil society and responses to reprisals.<br>In joint activities, we reiterate our<br>recommendation from last year that civil<br>society be effectively engaged early in the<br>process, in order to maximise the impact of<br>the activity on the ground.                                                                                     | We reiterate this recommendation, as the<br>current Manual of Operations remains<br>vague in this regard, and any existing<br>activities are infrequent and performed by<br>only some mandate holders.<br>We welcome the Inter-Mechanism meeting<br>of the Special Rapporteurs on Human<br>Rights Defenders of the UN, African<br>Commission, Inter-American Commission<br>and Council of Europe convened in<br>Brussels in November 2016.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| the activity on the ground.<br>The practice of some mandates – such as<br>the Special Rapporteur on human rights<br>defenders – of regular exchange with<br>'sister-mandates' from regional systems is<br>welcome, and should be strengthened and<br>encouraged for other mandate holders too.<br>The biennial resolution on 'regional<br>arrangements on human rights' adopted by<br>the Human Rights Council is a further<br>avenue that the Special Procedures should<br>use actively to enhance cooperation among<br>them and their regional counterparts. (pg<br>15, submission to 23 <sup>rd</sup> Annual Meeting) | Brussels in November 2016.<br>We welcome cooperation between Special<br>Procedures and Treaty Bodies, for example<br>the joint statement on European Union<br>migration policies made by the Special<br>Rapporteur on migrants, the Working Group<br>on arbitrary detention and various Treaty<br>Bodies in March 2017, and we urge<br>Special Procedures to seek further<br>avenues to strengthen their cooperation<br>with Treaty Bodies focusing on similar<br>or related issues (such as the Working<br>Group on arbitrary detention and the<br>Committee against Torture, or the<br>Working group on discrimination against<br>women and the Committee for the<br>Elimination of Discrimination against<br>Women. Potential avenues for increased<br>cooperation include, regular meetings<br>(e.g. annually), joint general comments,<br>cross-referencing, joint statements, and<br>adoption of common strategies on<br>common thematic issues or on specific<br>countries. |