I. Introduction

1. The present report contains an overview in numbers of the system of special procedures and concrete examples of the activities undertaken by mandate holders in 2015. It also contains information on the work of the Coordination Committee of Special Procedures and on the main points of the discussions held and conclusions reached at the 22nd annual meeting of the special procedures. In particular, the report contains information on the steps taken to address the main issues of concern for mandate holders, namely, acts of intimidation and reprisal against those cooperating with the United Nations in the field of human rights, including the special procedures, and the issue of disclosure of external funds received by mandate holders. The examples provided in the report are indicative only and do not reflect the many activities carried out by all mandate holders in 2015.

II. Facts and figures

A. New mandates

2. The Human Rights Council established two new mandates in 2015; that of the Independent Expert on the enjoyment of human rights by persons with albinism (see Human Rights Council resolution 28/6) and of the Special Rapporteur on the right to privacy (see resolution 28/16). The special procedures system currently consists of 55 mandates, of which 41 have a thematic focus and 14 have a country-specific focus (see annex XI).

B. Mandate holders

3. The special procedures system currently includes 79 mandate holder positions, of which 12 were appointed in 2015. By its decision 30/115, the Council decided to adjust the terms of mandate holders on an exceptional one-time basis in order to better spread out the appointment process over time, extending the term of all Working Group members by two regular sessions of the Council.

4. As at 31 December 2015, 24 per cent of mandate holders came from States Members of the United Nations belonging to the African Group, 16 per cent from the Asia-Pacific Group, 13 per cent from the Eastern European Group, 19 per cent from the Latin American and Caribbean Group and 28 per cent from the Western European and Others Group (see annex II). Currently, a total of 37 per cent of mandate holders are female and 63 per cent are male.

C. Country visits and standing invitations

5. In 2015, mandate holders conducted 76 country visits to 53 States and territories (see annex IV). Six Member States extended a standing invitation to special procedures in 2015, resulting in a total of 115 Member States and one non-member observer State having extended a standing invitation to the thematic special procedures (see annex III):

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a) As at 31 December 2015, 167 Member States had been visited by at least one mandate holder. That means that 26 Member States have never been visited by any mandate holder, either because they have not yet received a request (14 Member States), they have not yet accepted any request (10 Member States) or they have accepted the request for a country visit but it has not yet taken place (2 Member States) (see annex V). Some country mandates continued to be refused access to the country on which they are mandated to report;

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b) An internal database on country visits, from which external web pages can be populated, was developed by the special procedures branch in 2015 to facilitate direct access to all information on country visits, including the requests sent, replies received, forthcoming visits and visits conducted. The current status of a country visit is displayed on the special procedures web pages in real time.[[1]](#footnote-3) Using the tool, the progress of a visit can be monitored at all stages, from the official request to the Member State to the presentation of the country visit report.

D. Communications

6. Mandate holders transmitted a total of 532 communications in 2015, to 123 States and 13 non-State actors. The overwhelming majority, 442 communications, were sent jointly by two or more mandate holders. Communications covered at least 846 individuals, 152 of whom were women. A total of 318 replies were received in 2015, of which 222 were related to communications sent in 2015 (representing a reply rate of 42 per cent), varying from acknowledgements of receipt to substantive replies. A total of 137 communications were followed up by mandate holders (see annex VI). Three communications reports were submitted to the Human Rights Council in 2015 (see A/HRC/28/85, A/HRC/29/50 and A/HRC/30/27).

7. In 2015, the Working Group on Enforced or Involuntary Disappearances transmitted 603 new cases of enforced disappearance to States, of which 244 were under its urgent action procedure. The Working Group was able to clarify 73 cases.

8. The Working Group on Arbitrary Detention issued 56 opinions in 2015. As a result of opinions qualifying the detention of a complainant as arbitrary, the Working Group received information on the release of nine individuals, of which two were women.

9. The special procedures branch has finalized the upgrading of the internal communications database, which is used to store and process communications. An online questionnaire for the submission of cases has also been finalized after undergoing a process of consultations by OHCHR, civil society organizations and mandate holders. By May 2016, all stakeholders will be able to submit information through this new tool and are encouraged to do so as this new secure and user-friendly system will allow communications to be tracked, thereby improving follow-up. Initially, it will operate alongside the usual means for submitting information to special procedures. Furthermore, work started in 2015 to set up a searchable database of communications reports.

E. Thematic reports and studies

10. In 2015, mandate holders submitted 134 reports to the Human Rights Council, including 53 country visit reports, and 38 reports to the General Assembly:

a) The Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, whose mandates were established in 2014, presented their first reports to the Council detailing their vision of their mandates (A/HRC/28/58 and A/HRC/30/45);

b) Several newly appointed mandate holders focused their first reports on their vision of the mandate. These were the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/28/72), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/29/33), the Special Rapporteur on human rights defenders (A/HRC/28/63), the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/29/38) and the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/30/39/Add.1):

i) In her final report to the General Assembly, the outgoing Special Rapporteur on the independence of judges and lawyers provided an overview of the issues addressed during her term (A/70/263);

ii) Thematic reports presented in 2015 concerned a variety of issues, including the World Bank and human rights (A/70/274), the protection of sources and whistle-blowers (A/70/361), the affordability of water and sanitation services (A/HRC/30/39), the rights to autonomy and care of older persons (A/HRC/30/43), the impact of intellectual property regimes on the enjoyment of the right to science and culture (A/HRC/28/57), human rights in the fight against the Islamic State in Iraq and the Levant (A/HRC/29/51), discrimination against women in cultural and family life (A/HRC/29/40), protecting children’s rights in the justice system (A/HRC/29/26), the exercise of the rights to freedom of peaceful assembly and of association in the context of natural resource exploitation (A/HRC/29/25), a study on foreign fighters (A/70/330) and the responsibilities of local and other subnational governments in relation to the right to adequate housing (A/HRC/28/62) (see list of themes in annex VII);

c) Mandate holders also continued to contribute to the debate on the post-2015 development agenda. The Special Rapporteur on the human rights of internally displaced persons presented a report focusing on internally displaced persons in the context of the post-2015 development agenda (A/HRC/29/34). The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights presented his interim study on illicit financial flows, human rights and the post-2015 development agenda (A/HRC/28/60).

F. Contributions to standard-setting and human rights protection and promotion

11. The Working Group on Arbitrary Detention presented the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37). These Principles and Guidelines are intended to provide States with guidance on fulfilling their obligation to avoid the arbitrary deprivation of liberty.

12. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment presented a compendium of best practices related to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the area of environmental protection (A/HRC/28/61).

G. Media outreach and public awareness

13. During 2015, mandate holders issued 451 media products, of which 323 press releases, 53 media statements and 75 media advisories, either individually or jointly, by which they raised awareness and expressed concerns over a wide array of issues related to their mandates. In addition, the Coordination Committee issued eight press releases and public statements in relation to, inter alia, public and ad hominem attacks against one mandate holder, terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram, the migrant crisis, the fiftieth anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on the occasion of Human Rights Day and the situation of human rights in Burundi (see annex VIII).

H. Engagement with other parts of the United Nations system and regional mechanisms

14. Mandate holders have been actively engaging and organizing joint actions with the wider United Nations system and its agencies. For example, on 5 May 2015, the United Nations Environment Programme Regional Office for Europe and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes organized an event entitled “Linkages between human rights and hazardous substances”, held in Geneva. On 12 June 2015, the Special Adviser of the Secretary-General on the Prevention of Genocide, the Special Adviser on the Responsibility to Protect and the Special Rapporteurs on minority issues and on freedom of religion or belief issued a joint press statement on the situation in the Syrian Arab Republic.[[2]](#footnote-4) In addition, the World Food Programme and African Union-United Nations Hybrid Operation in Darfur provided essential logistical and substantive support to the Special Rapporteur on violence against women, its causes and consequences, in relation to her visit to the Sudan in May 2015. Furthermore, the Special Rapporteur on the human right to safe drinking water and sanitation was appointed as a member of the Strategic Advisory Group for the World Health Organization (WHO)/United Nations Children’s Fund (UNICEF) Joint Monitoring Programme for Water Supply and Sanitation and the United Nations-Water/WHO Global Analysis and Assessment of Sanitation and Drinking-water. (for full list, see annex I)

15. Mandate holders also strengthened their engagement with regional mechanisms and undertook several joint activities. For example, in February 2015, the Special Rapporteur on the human rights of internally displaced persons undertook a joint working visit to the Central African Republic with the United Nations Deputy Emergency Relief Coordinator and the Director of Operations of the European Commission Humanitarian Aid and Civil Protection Department. On 6 May 2015, the Special Rapporteur in the field of cultural rights contributed to the discussions of the Committee on Legal Affairs and Human Rights of the European Parliament on the evaluation of its 2001 copyright directive, raising the cultural rights perspective developed in her report (A/HRC/28/57). From 15 to 28 April 2015, the Special Rapporteur on violence against women, its causes and consequences, undertook a joint working visit to the Caribbean with the Rapporteur on the rights of women of the Inter-American Commission on Human Rights. That visit concluded with the issuance of a joint press release.[[3]](#footnote-5) On 3 and 4 September 2015, the African Commission on Human and Peoples’ Rights Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa and the Special Rapporteur on extrajudicial, summary or arbitrary executions convened a meeting in Geneva regarding the draft general comment on article 4 of the African Charter on Human and Peoples’ Rights, on the right to life. Special procedures continued to focus on the implementation of the Addis Ababa road map; a stocktaking meeting took place in Banjul on 3 November 2015 with the participation of special procedures from the United Nations and the African human rights systems.

I. Other activities

16. Mandate holders conducted several activities in the pursuit of their mandates and engaged with several stakeholders, including Governments, civil society and the private sector.

17. The fourth annual Forum on Business and Human Rights took place from 16 to 18 November 2015 under the guidance of the Working Group on Business and Human Rights. The Forum was the largest so far, with more than 2,400 registered participants from 130 countries representing the private sector, Governments and civil society. The number of participants reflected the recognition of the Forum as the world’s foremost multi-stakeholder gathering for constructive dialogue and action on business and human rights. The report of the Forum will be presented to the Council at its thirty-second session.

18. The eighth session of the Forum on Minority Issues took place on 24 and 25 November 2015 under the guidance of the Special Rapporteur on minority issues. Over 500 participants from all regions participated to discuss key issues of global concern regarding the treatment of minorities by criminal justice systems and to make specific recommendations to protect and promote their rights. The Forum produced a number of recommendations, which was presented to the Council at its thirty-first session (A/HRC/31/72).

19. At least 17 mandate holders organized expert seminars and consultations in 2015. For example, on 2 April 2015, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, convened an expert meeting on the issue of eradicating contemporary forms of slavery from supply chains, contributing towards the Special Rapporteur’s annual report to the Council (A/HRC/30/35). On 5 May 2015, the Independent Expert on the promotion of a democratic and equitable international order convened an expert meeting on the adverse impact of free trade and investment agreements on the promotion of a democratic and equitable international order to inform his latest reports to the Council (A/HRC/30/44) and General Assembly (A/70/285). On 18 and 19 May 2015, the Special Rapporteur on trafficking in persons, especially women and children, convened an expert meeting on the due diligence standard and its application to trafficking in persons, the outcome of which fed into the Rapporteur’s latest thematic report to the General Assembly (A/70/260). In addition, the Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on extrajudicial, summary or arbitrary executions convened a series of expert meetings and consultations with Member States in preparation of their set of practical recommendations on the proper management of assemblies, submitted to the Council at its thirty-first session (A/HRC/31/66). Furthermore, the Independent Expert on human rights and international solidarity convened four regional consultations in 2015 aimed at obtaining inputs on the proposed draft declaration on the right to international (A/HRC/26/34).

20. Follow-up on previous actions continued to be a priority for mandate holders. They have developed different ways of following up on their communications, country visits, reports, consultations and other activities, including through the issuing of observations on communications reports, conducting follow-up visits to follow up on their recommendations, the convening of round-table discussions and the issuing of follow-up reports and press releases (see annex IX).

III. Activities of the Coordination Committee of Special Procedures

21. The Coordination Committee continued to assist coordination among mandate holders and to facilitate interaction with a range of bodies and stakeholders. The Committee and its Chair met regularly with stakeholders, including the Secretary-General, the High Commissioner, the President of the Council, Member States and civil society. The Committee also engaged with the consultative group to ensure that the voice of special procedures was heard in the selection process. It also worked on the coordination of joint activities and statements on country-specific and thematic issues; mainstreaming human rights; the facilitation of dialogue and cooperation with States; reprisals against those who cooperate with the United Nations in the field of human rights, and ad hominen attacks against mandate holders. In addition, it continued to provide guidance on issues relating to the independence of special procedures, conflict of interest, the code of conduct and working methods, in accordance with the internal advisory procedure.

22. In line with established practice, the Chairperson participated in the twenty-third and twenty-fourth Special Sessions of the Council, held in the light of the terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram and on preventing further deterioration of the human rights situation in Burundi.

23. In 2015, steps were taken to consolidate the role of the Committee as the main body representing and acting on behalf of special procedures. For the first time, the Chair presented the annual report of special procedures to the Council (A/HRC/28/41). The format of the report was revised to include facts and figures on special procedures and information on the impact of their work. It gives a comprehensive picture of what they have achieved in one year.

24. The Coordination Committee met in New York from 3 to 6 November 2015 to enhance its outreach with United Nations counterparts and to address issues related to human rights mainstreaming with a focus on the Human Rights up Front initiative. Meetings were organized with various high-level representatives of the United Nations, including the Secretary-General, the Deputy Secretary-General, the President of the General Assembly, the Chair of the Third Committee and various senior representatives of the Department of Peacekeeping Operations, the Department of Political Affairs, the Peace-building Support Unit, the United Nations Development Programme and Development Operations Coordination Office. Consultations with selected resident coordinators and a webinar gathering more than 60 United Nations participants from all regions were also organized. All interlocutors expressed a willingness to further deepen their cooperation and engagement with the special procedures. Concrete ways were explored to develop structural channels for the exchange of information and cooperation and a better integration of the work of special procedures into United Nations efforts to enhance human rights mainstreaming, including in the context of the initiative.

25. For the first time, the Committee met in person in Geneva from 7 to 11 December 2015 to discuss issues related to the special procedures system as a whole, such as questions related to conflict of interest, reprisals or the status and visibility of the special procedures system within the United Nations system. The Committee also discussed its role and methods of work, including cooperation with Member States, communications, disclosure of funds, etc.

26. The Committee coordinated special procedures’ contribution to OHCHR investigations on Sri Lanka and Libya (see Human Rights Council resolutions 25/1 and 28/30), thereby demonstrating further their ability to contribute to the work of other parts of the United Nations system in the field of human rights.

IV. Acts of intimidation and reprisal

27. The issue of acts of intimidation and reprisal against those cooperating with the United Nations in the field of human rights, in particular with special procedures, has been taken very seriously by mandate holders. They have experienced different forms of reprisals against individuals and groups cooperating with them, such as harassment, including inside United Nations premises, threats against the life of individuals and their family, arbitrary arrest, (incommunicado) detention and prosecution on the basis of false allegations, physical attacks and killings. Even though most reports indicate that alleged perpetrators are affiliated to States, other actors, including private companies and organizations, can also be involved in these types of violations and must not be disregarded. The majority of cases concerned alleged acts of intimidation and reprisal for cooperation with mandate holders in relation to their country visits and communications procedure. These cases are also reflected in the report of the Secretary General on cooperation with the United Nations its representatives and mechanisms in the field of human rights (A/HRC/30/29). Mandate holders have also addressed cases of policies or legislation that could result in deterring cooperation with special procedures or intimidating those willing to do so. They have also received information about cases of intimidation and reprisals for cooperation with other parts of the United Nations in the field of human rights.

28. Mandate holders have used communications, public statements, press releases, official reports or meeting with various stakeholders to express their grave concern at all acts of intimidation and reprisal, not only at the fact that these acts have continued without consequence for the perpetrator but also that they have become increasingly severe in nature. The Coordination Committee raised this issue in particular with the President of the Human Rights Council, the High Commissioner and the Secretary-General. The issue of reprisals has also been repeatedly discussed during the annual meetings, which has resulted in the appointment of a special procedures focal point on reprisals among the Coordination Committee members (see paras. 40 and 41 below).

V. Twenty-second annual meeting of special procedures

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28. The 22nd annual meeting of the special procedures was held in Geneva from 8 to 12 June 2015 (see annex X for a list of participants) and focused on working methods aiming at enhancing coordination and developing common approaches by the special procedures to mandate transcending and cross-cutting issues. The meeting discussed a number of key issues in this regard, including the communications procedure, follow-up to recommendations, participation in and organization of consultations, seminars and working visits, responding to public and ad hominem attacks against mandate holders, strategies for the use of media, mandate holders’ participation in legal proceedings and support to special procedures, including resources.

29. Mandate holders agreed on a course of action to coordinate further country specific action and on responding to acts of intimidation and reprisals against those cooperating with the United Nations in the field of human rights, in particular special procedures. The meeting further exchanged views on special procedures’ contribution to the Human Rights up Front initiative and held thematic discussion on the Sustainable Development Goals, case-based discrimination and special procedures’ response to crisis situations, prompted by the issue of migrants at sea. Mandate holders also held consultations with the United Nations High Commissioner for Human Rights, the President of the Human Rights Council, Member States and representatives of civil society, non-governmental organizations and national human rights institutions.

A. Coordination Committee

1. Election of the Coordination Committee 2015-2016

30. The meeting elected Michael K. Addo, Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as Chair of the Coordination Committee for the 2015-2016 cycle and Seong-Phil Hong, Chair of the Working Group on Arbitrary Detention, as Rapporteur of the annual meeting and member of the Coordination Committee. Rita Izsák, Special Rapporteur on minority issues, Virginia Dandan, Independent Expert on human rights and international solidarity, and, Marzuki Darusman, Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, were endorsed as members of the Committee. The former Chair of the Coordination Committee and Special Rapporteur on the human rights of migrants, François Crépeau, will remain as ex officio member for one year.

2. Reflection and strategies for the Coordination Committee 2015-2016

31. Mandate holders reflected on the work done by the Committee and made suggestions on the issues to be addressed in the coming year. They invited the Committee to continue to pay attention to the issue of reprisals against those cooperating with special procedures, public and ad hominem attacks against mandate holders, persistent cases of non-cooperation by States, the Human Rights up Front initiative, country-specific action coordination, disclosure of external funding and strengthening relationships with the Human Rights Council, the General Assembly and the Security Council. Mandate holders also identified as a priority the improvement of the knowledge of special procedures, in particular at the grass-roots level, and advised the Committee to engage more closely with OHCHR in this regard. Translation of special procedures’ work into relevant local languages was mentioned as an important way of improving this knowledge. Mandate holders further indicated that the transition phase between outgoing and incoming mandate holders should be better facilitated in order to avoid protection gaps.

B. Methods of work

1. Acts of intimidation and reprisals

32. Extreme concern was expressed by mandate holders for the safety and well-being of those individuals with whom they engage in the execution of their mandates in the light of the number of reports of such acts of intimidation and reprisals, which must not only be seen as aimed at preventing or stopping anyone from cooperating with mandate holders but also as aimed at attacking the special procedures mechanism as a whole. Even though initiatives have been developed in this regard, including the systematically raising of reported cases of reprisals by special procedures with the State concerned and by the President of the Human Rights Council with the bureau and State concerned, the public voicing of concerns by the High Commissioner and the increased attention to the report of the Secretary-General on this issue, mandate holders urged for the United Nations focal point on reprisals to be appointed as soon as possible in order to develop a much needed United Nations system-wide coordinated response.

33. Mandate holders also recognized their own responsibility in developing a coordinated response to any act of intimidation and reprisals. To this end, the meeting adopted standard operating procedures developed by the Coordination Committee outlining steps to be taken to enhance the special procedures’ response when faced with cases of intimidation and reprisals and established a focal point among the members of the Coordination Committee (François Crépeau for the 2015-2016 cycle). A section on reprisals will be systematically included in the annual report of special procedures. In addition, once established, special procedures will closely cooperate with the United Nations focal point on reprisals.

2. Public and ad hominem attacks against mandate holders

34. A number of mandate holders have become the subject of public and ad hominem attacks for carrying out their work. While mandate holders appreciate frank dialogue on their work and accept criticism, including in the media, a threshold is reached when criticism is no longer directed at the work of the mandate holder but rather at the person. Several mandate holders shared their experiences with such, either isolated or sequenced, attacks. The Coordination Committee had addressed such incidents in consultation with the mandate holder concerned by contacting relevant States, issuing press releases and approaching the President of the Human Rights Council, the High Commissioner and the Secretary-General.

35. The meeting discussed ways of further ensuring a coherent response of special procedures, in particular the Coordination Committee, in such cases. Mandate holders stressed that responses to such attacks should be calibrated on the basis of various factors, including the author of such attacks, its type and consequences. Mandate holders agreed to continue to work on this issue and keep it on the Coordination Committee’s agenda.

a) Disclosure of external funding received by mandate holders outside the Office of the United Nations High Commissioner for Human Rights

36. The issue of transparency and disclosure of funding received by mandate holders was discussed. It was recalled that all funding received through OHCHR, be it from the regular budget or from voluntary contributions, is publicly available on the OHCHR website and in OHCHR annual reports. Mandate holders discussed the continued lack of adequate resources provided to special procedures and the wider human rights pillar of the United Nations and reiterated their call on Member States to ensure that sufficient resources be allocated to the human rights pillar from the regular budget of the United Nations. Mandate holders stressed that such lack of adequate funding continued to trigger the need for extrabudgetary funding to support their work. The meeting agreed on the need for greater transparency of external funding received in support of their mandates, given that it might have an impact on the perception of their independence, and decided to rend disclosure of external funding received mandatory and make it publicly available through modalities to be specified further.

37. Following the decision taken by mandate holders during the 22nd annual meeting of special procedures to make the disclosure of external funding received obligatory and publicly available, the special procedures decided to include a table containing information on external funding received to each annual report of the special procedures (see annex X).

38. In total, 53 mandate holders provided information concerning external funding received in 2015, of which 20 indicated that they had received some type of external funding. Furthermore, 33 mandate holders did not receive any external funding. In seven of cases where mandate holders replied in the positive, the external funding consisted solely of in-kind support, usually received from their home institution in the form of administrative and research support and the use of facilities. Eight mandate holders received external funding solely in the form of cash support, either earmarked for a specific event or for research and administrative assistance to the mandate. The cash support was in almost all cases provided by the mandate holders’ home institution, a foundation or by a Government. Five mandate holders received a combination of in-kind and cash support in 2015.

b) Follow-up to special procedures recommendations

39. Mandate holders engaged with several senior staff from Headquarters and field presences on the issue of follow-up to special procedures actions, in particular recommendations emanating from country visits. Several practical examples of follow-up to recommendations were given, emphasizing that such follow-up constitutes an important part of the work of OHCHR field offices and human rights advisors.

40. Mandate holders indicated in general their willingness to create such synergies with the international human rights mechanisms, including the treaty bodies and the universal periodic review, whenever possible, while emphasizing at the same time the need for safeguarding the specificities of special procedures, the integrity of their recommendations and their independence, including vis-à-vis the United Nations. Mandate holders further requested that information on follow-up given to their reports, recommendations and other activities by other parts of OHCHR and the wider United Nations system be shared with them whenever available so that this could inform their subsequent actions.

41. In addition, mandate holders stressed that United Nations country teams, regional organizations, national human rights institutions and non-governmental organizations also constitute important partners and should be engaged and their capacities strengthened to follow-up to special procedures recommendations.

c) Country-specific action coordination

42. Even though mandate holders had been increasingly seeking mutual coordination and collaboration concerning country-specific action, in particular in cases where a country mandate exists, the need for a more strategic approach was expressed. Hence, the Coordination Committee developed guidelines on country-specific action coordination that was adopted by the meeting. In the guidelines, country visits were identified as a specific area of attention, especially in cases where Member States refuse to cooperate with the country mandate and instead express its willingness to engage with and invite some thematic mandates, or where a State extends invitations to a number of thematic mandates while not responding to the requests sent by other mandates.

43. Mandate holders provided examples of challenges and achievements in this regard, including recently conducted joint visits, and agreed that they should consult with one another prior to accepting any invitation for a country visit in any of the above-mentioned cases. It was, however, noted that the refusal of States to cooperate with a country mandate does not per se preclude thematic mandates from accepting invitations for country visits, if this has been coordinated beforehand with the country mandate. In those cases, thematic mandates could urge the country concerned to accept a joined visit and include as much as possible the work of the country mandate holder in the preparation, execution and follow-up to the visit.

3. Reflection on the communications procedure

44. The communications procedure is one of the key instruments at mandate holders’ disposal to intervene on a variety of issues, including on individual cases. The procedure has grown in an ad hoc manner over the years and mandate holders voiced the need for reflection on its effectiveness, efficiency, visibility and impact. Mandate holders decided to review the system with a focus on confidentiality and the criteria for prioritizing communications. The review should look at, inter alia, the issue of informed consent when direct contact with the victim is not possible or when the victim is underage and what confidentiality means vis-á-vis the sources that submit information, sometimes at great risk to them, as mandate holders feel that they owe the sources information on the status of their submission. In addition, mandate holders decided to look at the increased demands to consider issues related to compliance of legislation and policies with human rights standards, and at the low response rate of States and other, the role and responsibility of States and the Human Rights Council in improving reply rates and how to improve the visibility of the communications procedure.

4. Participation in and organization of consultations, expert meetings and working visits

45. Mandate holders discussed the issue of participating in or organizing consultations, expert meetings and working visits in their official capacity as mandate holder. In accordance with the Manual of Operations of the Special Procedures of the Human Rights Council, mandate holders confirmed that OHCHR should always be informed in advance of mandate holders’ travels in relation to their participation in or organization of consultations, expert meetings or working visits. In addition, a formal notification should be send to the relevant permanent mission for their information. In the event where the mandate holder is the one initiating the activity, he or she should provide the name, date and venue of the event to the State concerned.

C. Human Rights up Front

46. Mandate holders discussed ways in which they could contribute to the Human Right up Front initiative with the participation of senior officials of the United Nations. They voiced their support for the initiative, highlighting at the same time the need to ensure that the initiative is fully implemented within the United Nations and its agencies.

47. Mandate holders were informed of the ways their work was being taken up by OHCHR and other parts of the United Nations system, both at Headquarters and the field level, including in the context of the Human Rights up Front initiative. Special procedures’ reports, recommendations and actions inform country analysis on human rights risks and are an important source of information for United Nations country teams to keep abreast of human rights developments. Information and analysis from special procedures also contribute to the identification of early warning signs of serious human rights violations.

48. Moreover, engagement with special procedures is considered as a means to enhance visibility on a situation, engage in dialogue with authorities on sensitive issues or support country teams’ advocacy efforts at the country level. Similarly, information from special procedures has the potential to be reflected within broader analysis encompassing regional and international dynamics, and action by special procedures can be proposed as part of United Nations strategies to help prevent or respond to serious human rights violations. The Human Rights up Front initiative promotes more proactive and effective engagement with Member States so that early and preventive action by the United Nations is possible and, in this context, special procedures are key partners in fostering constructive relations and engaging on human rights issues with States, at the country, regional and global levels.

49. Mandate holders stressed the need to step up efforts to engage and coordinate with United Nations entities in the field, in particular Resident Coordinators, to ensure that they fully include human rights into their work. In this respect, the Human Rights up Front initiative needs to consistently be applied at the highest level of all United Nations entities.

D. Thematic discussions

50. With the participation of the OHCHR section working on the Sustainable Development Goals, mandate holders discussed recent developments in this area, focusing on ways of contributing to this process. Participants expressed concern over the lack of inclusion of particular human rights issues and groups, such as women’s rights, people of African descent and indigenous peoples. In addition, a brainstorming session was convened by the Special Rapporteur on minority issues to discuss discrimination related issues.

51. Mandate holders also discussed how to respond to crisis situations, focusing on the Andaman Sea migrant crisis. The situation of Rohingyas seeking refuge in neighbouring countries was highlighted in the discussion. Participants recognized that, while the country mandate holder should address the root causes of discrimination against this ethnic group and look at finding long-term solutions, other thematic mandate holders could join the effort in addressing relevant human rights issues related to those Rohingyas who are detained in countries where they intend to seek protection.

E. Consultations with stakeholders

1. United Nations High Commissioner for Human Rights

52. The High Commissioner reiterated his support to the special procedures, mentioning the critical role they play in promoting and protecting human rights. They had reinforced each other’s work and public messages on several occasions in the past year, and he was looking for more opportunities to engage with mandate holders during the coming years. The High Commissioner stressed that he was aware of the need to safeguard the independence of special procedures and the dedicated support provided to them by OHCHR, and stated that the reorganization would allow for OHCHR and special procedures to complement each other’s work and increase their impact.

53. Mandate holders extended their support to the High Commissioner regarding his efforts to position OHCHR as a dynamic office in the context of the change initiative and stressed that the independence and the visibility of the special procedures as a whole should be upheld in this context. They mentioned in particular the need for continued dedicated support and centralized coordination and expressed their wish to continue to engage with him on this matter and have the opportunity to provide their views, in particular in the light of the impact it may have on the special procedures system. Mandate holders also raised issues related to the continued lack of funding for the special procedures, which was having a significant impact on their work. Concerning allegations of sexual abuse and exploitation committed by international forces in countries in (post-)conflict situations, procedures in place to address and prevent future abuses were discussed, in particular the possible involvement of the special procedures on the basis of their monitoring functions and how to ensure that special procedures have access to relevant information.

2. President of the Human Rights Council

54. The President of the Human Rights Council stated that he had been engaging with the Coordination Committee on a regular basis, including on finding ways to increase the impact of the special procedures and their dialogue with the Council. This had resulted in March 2015 in the first ever presentation of the annual report of the special procedures to the Council by the Chair of the Coordination Committee. The President aimed to make the work of the Council more visible and audible and to contribute to drawing the attention of the wider public to the work of the special procedures, including by mentioning them in several public statements.

55. The President identified three interrelated topics to focus on, namely, the New York and Geneva relationship and the Council’s institutional position, effectiveness and efficiency. The President specifically expressed serious concern over reported cases of harassment and reprisals against anyone cooperating with the United Nations in the field of human rights, indicating that he had adopted a due diligence approach in these cases by assessing all information brought to his attention, following up on every reported case with the State concerned and the bureau, and providing all information to the Secretary-General for inclusion in his annual report on this issue.

56. Mandate holders mentioned that the possibility of participating in the universal periodic review and other meetings organized under the auspices of the Council could be further explored. In terms of effectiveness, mandate holders referred to the responsibility of States to cooperate with them, in particular by accepting country visits and by providing information on the implementation of recommendations urging the establishment of an annual progress reporting system.

3. Member States

57. Member States expressed appreciation for the work of the special procedures, describing them as an essential mechanism able to identify good practices and bring human rights violations to the attention of the international community. Appreciation was also expressed for the improved availability of information on the special procedures via the introduction of their enhanced annual report and for the announced publication of external funding received by mandate holders. Several Member States reiterated their concern over acts of intimidation and reprisals against those cooperating with mandate holders becoming more common.

58. Several States shared their experiences of receiving mandate holders in their country. One State stressed that the real success of a country visit depended on the openness of the State and its level of engagement. A number of States urged their peers to cooperate with the special procedures and issue a standing invitation. At the same time, several States supported the rationalization of country visits and increased coordination among mandate holders, taking into account the need for universal coverage and avoiding duplication, adding that some countries were overanalysed and others not at all. States agreed that follow-up was an essential element to ensuring implementation and mandate holders needed to maintain a constant dialogue with States, non-governmental organizations, national human rights institutions, lawyers, researchers and academics to ensure that balanced information is received.

59. Mandate holders expressed appreciation for the additional time allotted for the interactive dialogue during the presentations of their reports to the Human Rights Council. Concerning country visits, mandate holders urged States that had extended a standing invitation to abide by their commitment and respond positively to requests for visits, to raise more awareness in their countries about mandate holders’ visits, in particular outside of the capital, and to keep mandate holders abreast of any follow-up action taken to implement their recommendations. Mandate holders stressed that the purpose of their country visits was not only to search for human rights violations, but also to identify and report on good practices and positive examples.

4. Civil society, non-governmental organizations and national human rights institutions

60. The exchange of views with representatives of civil society, non-governmental organizations and national human rights institutions focused on the communications procedure. The representatives agreed that this procedure was essential in addressing human rights violations and allowing mandate holders not only to address broader violations but also to raise individual cases. It is therefore extremely important to raise awareness of this system, in particular at the grass-roots level.

61. The continued failure of a number of States to provide substantive responses to communications remained of great concern, and the representatives urged that data be made public as to the level of compliance of States with this procedure. Participants stressed the need for a publicly accessible database containing all communications. In addition, they requested easier access to the communications report of the special procedures by improving OHCHR webpages, including their translation into all official United Nations languages, and by organizing its contents by States.

1. See <http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Forthcomingcountryvisits.aspx>, <http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en> and http://spinternet.ohchr.org/\_Layouts/SpecialProceduresInternet/StandingInvitations.aspx. [↑](#footnote-ref-3)
2. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16075&LangID=E. [↑](#footnote-ref-4)
3. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E. [↑](#footnote-ref-5)