**Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard**

**Briefing note on the status of the visit request to the Philippines and the working methods for the mandate’s fact-finding visits**

1. **Joint visit request to the Philippines**

On 13 October 2016, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Dr. Agnes Callamard, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Dainius Pūras, wrote to the Government of the Philippines to request the conduct of a joint fact-finding visit to the country in the first quarter of 2017[[1]](#footnote-1). The objective of the joint visit would be to examine issues related to the Special Rapporteur’s mandates and to identify good practices and challenges, as well as the most effective ways to assist the Philippines in guaranteeing the protection of the right to life and the right to health, particularly in the context of the anti-drug campaign.

The request for a joint country visit followed a previous communication in September from the two Special Rapporteurs, proposing the organisation of an expert consultation on drug control strategies and policies. The main objective of the proposed expert meeting is to provide a platform to identify the challenges in addressing drug-related issues, discuss relevant experiences and lessons learnt, and explore comprehensive and sustainable policy responses in the areas of public health, judicial and legislative reform, and law enforcement, which comply with human rights standards.

On 24 October 2016, the Special Rapporteur on extrajudicial, summary or arbitrary executions, received an official invitation letter from the Government of the Philippines, dated 26 September 2016.

On 11 November 2016, the Special Rapporteur sent a reply to the Government of the Philippines welcoming the invitation and expressing her commitment in undertaking such a visit in 2017 in full accordance with the Terms of Reference for Fact-Finding Missions by Special Rapporteurs. She reminded the Government of her previous communications and reiterated her interest in a joint visit with the Special Rapporteur on the right to health, along with the organisation of a joint expert consultation on drug control strategies and policies.

1. **Mandate of the Special Rapporteur[[2]](#footnote-2)**

The Special Rapporteur on extrajudicial, summary or arbitrary executions conducts county visits, examines situations of extrajudicial, summary or arbitrary executions worldwide, monitors implementation of international standards on the right to life in all countries, and engages with Government and other stakeholders. She draws attention to serious situations of extrajudicial, summary or arbitrary executions, including through Urgent Appeals, and reports to the Human Rights Council and the General Assembly.

The Special Rapporteur undertakes two country visits per year and reports to the United Nations Human Rights Council on her findings and recommendations. In her country visits, the Special Rapporteur examines the situation of extrajudicial, summary or arbitrary executions and formulates recommendations to the Government and other actors on upholding the right to life. The visits of the Special Rapporteur, as those of all United Nations Human Rights Special Procedures, are governed by the Terms of Reference for Fact-Finding Missions by Special Rapporteurs, which governments are requested to fully accept for any visit to take place.

**Background to the mandate**

The mandate of the Special Rapporteur operates under the United Nations Human Rights Council, together with the other UN Special Procedures Mechanisms. Special Procedures’ experts are appointed by the Human Rights Council and serve in their personal capacities for a term of three years which can be extended to a maximum of six years. They work on a voluntary basis and are independent from any government or organization.

The mandate of the Special Rapporteur on summary or arbitrary executions was established by resolution 1982/35 of the Economic and Social Council and recently renewed by resolution [26/12](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/12) .

1. **Conduct of fact-finding visits**

**Purpose of visits**

The general purpose of the visits of the Special Rapporteur on extrajudicial, summary or arbitrary executions is to examine the level of protection of the right to life in law and in practice in the concerned country. The Special Rapporteur’s inquiries into cases of unlawful killings or summary executions are of a fact-finding nature only (monitoring and reporting). They are not of a criminal, judicial or quasi-judicial nature.

**Meetings and places to visit**

During her visits, the Special Rapporteur meets with government and other public officials at the national and local level. The Special Rapporteur also holds meetings with various non-governmental organizations, representatives of international or regional organizations, the diplomatic community, victims, witnesses, detainees, and the Media. The Special Rapporteur conducts visits to places of detention. Visits are conducted in the capital and relevant regions of the concerned country.

**Terms of Reference for Fact-Finding Missions by Special Rapporteurs**

By inviting the Special Rapporteur, the concerned Government commits to ensuring free, confidential and unsupervised interviews with victims, families of victims, legal representatives, detainees, and civil society representatives as a whole, in accordance with the Terms of Reference for Fact-Finding Missions by Special Procedures (see annex below). They also commit to ensuring free and unrestricted access to all regions as well as to all places of detention and facilities where detainees might be kept.

It is crucial for the effective implementation of the country visit that these Terms of References are fully accepted by Governments. These are essential guarantees which ensure that the mission delivers on its outcomes, to the benefit of all those involved.

**Timetable**

Country visits often take place for a period of one to two weeks.

**Debriefing**

The Special Rapporteur holds a high level debriefing with the Government to discuss her preliminary findings and present her end of mission statement. The Special Rapporteur also holds a press conference to share her initial observations with the media.

**Outcome**

The Special Rapporteur submits a report on her country visit to the following session of the Human Rights Council. The report sets out and analyses the impressions of the Special Rapporteur during the visit and makes recommendations to the Government and other actors on upholding the right to life. The concerned Government is given a draft of the report for comments before its final submission.

**Annex: Terms of Reference for Fact-Finding Missions**

1. All information related to country visits of Special Procedures (visit requested, accepted, refused, invitations received) is public and available in the following link: http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx [↑](#footnote-ref-1)
2. For more information on the mandate go to: <http://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx> [↑](#footnote-ref-2)