



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief

REFERENCE:  
OL OTH 5/2017

5 April 2017

Dear Mr. Chair,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 25/2, 32/32, 25/18, 25/5 and 31/16.

In this connection, we would like to bring to your attention information we have received concerning the decision of the Committee on Non-Governmental Organizations (NGOs) not to grant ECOSOC's consultative status to the non-governmental organization Christian Solidarity Worldwide (CSW), as well as the Committee's working methods.

Christian Solidarity Worldwide (CSW) is a well-respected NGO founded in 1979 to promote the right to freedom of religion or belief worldwide. One of the core activities of CSW is providing trainings to communities and human rights defenders on international human rights law regarding freedom of religion or belief, as well as the effective documentation of human rights violations. It works in more than 20 countries and regularly engages with the United Nations, in particular its human rights mechanisms, as part of its advocacy work.

ECOSOC resolution 1996/31 outlines the eligibility requirements for consultative status, the rights and obligations of NGOs in consultative status, the procedures for the withdrawal or suspension of consultative status, the role and functions of the ECOSOC Committee on NGOs, and the responsibilities of the United Nations Secretariat in supporting the consultative relationship. The consultative status is granted by the ECOSOC upon recommendation from the Committee on NGOs, which is composed of 19 Member States.

Part II para. 20 of ECOSOC resolution 1996/31 establishes that "consultative arrangements are to be made, on the one hand for the purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competences in the subjects for which consultative arrangements are made, and, on the other hand, to enable international, regional, subregional and national organizations that represent important elements of public opinion to express their views".

In accordance with resolution 1996/31, the Committee is mandated to grant consultative status to those organizations whose aims and purposes are in "conformity with the spirit, purposes and principles of the Charter of the United Nations," and which "undertake to support the work of the United Nations and to promote knowledge of its principles and activities."

In light of this framework, we would like to share our concerns about the implementation of ECOSOC resolution 1996/31 in relation to CSW's application for consultative status and more generally on the working methods of the NGO Committee raised already by special procedures mandate holders in communication OTH 16/2016, sent on 20 May 2016, see A/HRC/33/32.

In 2009, CSW applied for ECOSOC consultative status at the Committee on NGOs' ("The Committee"). The decision on the application was deferred for 14 sessions, during which the CSW received more than 80 questions. The questions, reportedly often repetitive, were posed mainly by four Committee members, namely China, Cuba, India and Sudan, and were responded by the organization in a timely and comprehensive manner. Some of the questions inquired about the identification of CSW human rights contacts including addresses or locations in specific countries, including China, Cuba and Sudan, to which CSW referred to the strict policy of non-disclosure of names of local partners. The organization has consistently cooperated with the Committee over the past years, and has participated in three Committee Q&A sessions, in order to provide the opportunity for members of the Committee to ask questions.

On 3 February 2017, at the ninth meeting of the Committee, the delegate of Greece recommended that consultative status be granted to CSW and requested a vote on the application, pursuant to Rule 59 of the ECOSOC Rules of Procedure. The representative of Uruguay supported the initiative and stated that CSW complies with all necessary requirements to be granted consultative status in accordance with resolution 1996/31. The delegates of Cuba, China and India stated that they did not consider that CSW application was in compliance with the requirements under resolution 1996/31 and expressed their intention to vote against the proposal of Greece. The Committee rejected the proposal by Greece to grant status to CSW with 11 votes against, 4 in favor and 3 absentions.

Following the vote, the delegate of Greece expressed concern about the growing trend in the Committee to defer granting ECOSOC status to important and credible organizations for several sessions despite the fact that they have diligently answered all the questions posed and engaged constructively with Members of the Committee in

accordance with resolution 1996/31. The intervention by the delegate of Greece was supported by the Observer Member State of the United Kingdom, who said that CSW fulfilled all the requirements in resolution 1996/31 and hoped that CSW would be granted consultative status.

We would like to express our deep concern at the current working methods of the Committee, in particular the arbitrary deferral by the Committee of applications for consultative status of NGOs. We express concern at the deferral of the CSW application for a total of eight years, and at its ultimate rejection. In 2016, the continued deferral of another non-governmental organization, the International Dalit Solidarity Network (IDSN)'s application for accreditation, pending since 2008, was the object of a previous communication to the Committee by the Special Rapporteur on the rights to freedom of peaceful assembly and association (OTH 16/2016).

We consider that the continuous and arbitrary deferral of applications for accreditation prevents civil society organizations from engaging with UN bodies and human rights mechanisms and contravenes the principles of non-discrimination, equality, participation, transparency and accountability enunciated in resolution 1996/31. We express concern that the implementation of ECOSOC resolution 1996/31 and the Committee's working methods in this regard represent undue interference in non-governmental organizations' access to and in the exercise of their freedom of expression in important international fora.

The Special Rapporteur on the rights to freedom of peaceful assembly and association also stressed - on various occasions - his concern regarding the lack of transparency of the Committee on NGOs, and that it has been acting in a manner contrary to its purpose, namely ensuring inclusion of civil society at the United Nations, as stated in his 2014 report to the General Assembly (A/69/365, in particular paragraphs 72-80).

Moreover, we recall the recommendation made by the Special Rapporteur to reform the Committee "to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally vetoing applications. The reform process should be guided by the principle that the United Nations functions best when it is accessible to greatest diversity of voices possible" (A/69/365, para.88 a).

We recall that the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to associate in article 22. We underline that membership in the NGO Committee does not discharge Member States from fulfilling their human rights obligations as individual parties to the ICCPR. Besides, the right to freedom of association is also enshrined in article 20 of the Universal Declaration of Human Rights (UDHR) recognized as international customary law.

Finally, the Secretary-General, in his 2016 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19), has called on the Committee "to apply the criteria for assessing organizations in a fair and transparent manner, as they provide an indispensable contribution to the work and very

purposes of the United Nations, in particular to the promotion and protection of human rights”.

We urge the Committee to reconsider its decision with respect to the application for ECOSOC status of CSW at the earliest opportunity and would like to kindly request you to bring this letter to the attention of all Committee members.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the concerns surrounding the work of this Committee. The press release will indicate that we have been in contact with your Organization to clarify the issues in question.

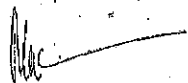
Finally, we would like to inform you that this communication will be made available to the public and posted on the website page for the mandate of the Special Rapporteur on the right to freedom of expression: (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>).

Your response will also be made available on the same website as well as in the regular periodic Communication Report to be presented to the Human Rights Council.

Please accept, Mr. Chair, the assurances of our highest consideration.



David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association



Michel Forst  
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