
Advance Unedited Version

Distr.: General
10 March 2020

Original: English

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda items 2 and 5

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights bodies and mechanisms

**Report on the twenty-sixth annual meeting of special
rapporteurs/representatives, independent experts and chairs
of working groups of the special procedures of the Human
Rights Council (Geneva, 17 to 21 June 2019), including
updated information on special procedures***

Report of the Secretariat

* The present report was submitted after the deadline in order to reflect the latest developments.

Contents

	<i>Page</i>
I. Introduction.....	3
II. Facts and figures.....	3
A. New mandates	3
B. Mandate holders	3
C. Country visits	3
D. Communications.....	3
E. Media outreach and public awareness.....	4
F. Thematic reports and studies.....	4
G. Contributions to standard-setting, and human rights protection and promotion	6
H. Forums, consultations, workshops and other meetings.....	6
I. Engagement with other parts of the United Nations system and regional mechanisms	7
J. Follow-up activities	8
K. Cooperation with special procedures	9
III. Coordination Committee of Special Procedures.....	10
IV. Acts of intimidation and reprisal	11
V. Twenty-fifth annual meeting of special procedures.....	12
A. Coordination Committee.....	12
B. Thematic issues and working methods	12
C. Consultations with stakeholders	15

I. Introduction

1. The present report contains an overview of the special procedures system, highlighting activities undertaken by mandate holders in 2019. It also provides information on the work of the Coordination Committee of Special Procedures, and elaborates on the main points discussed and the conclusions reached during the twenty-sixth annual meeting of special procedures.

II. Facts and figures

A. New mandates

2. The Human Rights Council has not established any new mandate since June 2017. The total number of mandates stands at 56, of which 44 are thematic and 12 country-specific (see A/HRC/43/64/Add.1, chap. XV).

B. Mandate holders

3. The special procedures system currently includes 80 mandate holder positions. The Human Rights Council appointed 1 new mandate holder in 2019. The gender balance has remained stable: 44 per cent of current mandate holders are female, and 56 per cent male.

4. As of 31 December 2019, 23.75 per cent of mandate holders came from Member States of the United Nations belonging to the African Group, 13.75 per cent from the Asia-Pacific Group, 10 per cent from the Eastern European Group, 21.25 per cent from the Latin American and Caribbean Group and 31.25 per cent from the Group of Western European and Other States (see A/HRC/43/64/Add.1, chap. II).

C. Country visits

5. Mandate holders conducted 84 in situ visits to 57 States and territories (see A/HRC/43/64/Add.1, chap. V). In 2019, two Member State extended a standing invitation to the special procedures and an additional five standing invitations were recorded, resulting in 126 Member States having extended a standing invitation (see A/HRC/43/64/Add.1, chap. III and IV).

6. As of 31 December 2019, the large majority of Member States, namely 171, have received at least one visit from a mandate holder. However, 22 Member States have not yet been visited by any mandate holder, of which 6 have not yet received a request for a visit, 13 have not yet accepted any request, 1 State has extended an invitation and 2 have accepted visits that have not yet taken place (see A/HRC/43/64/Add.1, chap. VII).¹

7. Mandate holders also conducted several academic and working visits in order to, inter alia, gather information for their reports and studies or to provide Governments or other stakeholders with advice.

D. Communications

8. In 2019, mandate holders transmitted 669 communications, 529 of which were sent jointly, to 151 countries and 54 non-State actors. The communications covered 1,249 individuals, 268 of whom were identified as female. 425 replies were received in 2019, of which 390 were substantive replies (this includes replies to communications sent before 2019). 336 replies to communications sent in 2019 were received, of which 302 (45.14%

¹ Information on the status of all country visits requested by mandate holders and forthcoming visits is available at <https://spinternet.ohchr.org/Home.aspx?lang=en>.

reply rate²) are substantive replies. Some communications received more than one reply (see A/HRC/43/64/Add.1, chap. IX and X).

9. Three communications reports were issued in 2019 (A/HRC/40/79, A/HRC/41/56 and A/HRC/42/65). Communications sent and replies received are being made available through a dedicated website on communications. The website provides access to all communications sent and replies received since the nineteenth session of the Human Rights Council. The website allows communications and associated replies from Governments and others to be searched by mandate, country, geographic region, period and by the communications reports submitted to different sessions of the Council since 2011. All communications are made public after 60 days and other letters (related to draft or existing legislation, policy or practice not deemed in compliance with international human rights norms and standards) after 48 hours through the communications website. Any government and other responses received within the 60 days are also released at the same time.

10. In 2019, the Working Group on Enforced or Involuntary Disappearances transmitted 797 new alleged cases of enforced disappearance to States, of which 142 under its urgent action procedure. The Working Group was able to clarify 389 cases.

11. The Working Group on Arbitrary Detention issued 85 opinions under its regular communications procedure in 2019, and it has thus continued the trend of the increased number of opinions issued since 2017. This has been one of the measures taken by the Working Group to address the existing backlog of cases. During 2019, the Working Group received information that at least 66 subjects of its previously adopted opinions had been released.

E. Media outreach and public awareness

12. Mandate holders issued 419 media products, either individually or jointly, of which 309 were press releases, 81 media advisories and 29 media statements, raising awareness and voicing concerns regarding a range of human rights issues, including individual cases.

F. Thematic reports and studies

13. In 2019, mandate holders issued 182 reports: 136 were submitted to the Human Rights Council, including 62 country visit reports, and 46 to the General Assembly (see A/HRC/43/64/Add.1, chap. XI for the list of reports and the themes addressed). Two mandates, while not submitting reports to the General Assembly, engaged in an interactive dialogue with it.

14. The Special Rapporteur in the field of cultural rights presented a report to mark the tenth anniversary of the mandate and took the opportunity to suggest strategies for advancing cultural rights during the next decade. The Special Rapporteur on violence against women, its causes and consequences presented a report on the 25 years of the mandate: an analysis of its evolution, current challenges and the way forward.

15. Thematic reports published in 2019 addressed a range of human rights issues, for example the importance of public spaces for the exercise of cultural rights, and public participation and decision-making in global governance spaces and its impact on a democratic and equitable international order.

16. Several reports related to the implementation of the Sustainable Development Goals. They included the report of the Special Rapporteur on the right to education, which focused on the implementation of the right to education and of Goal 4 in the context of the growth of private actors in education (A/HRC/41/37); the report of the Special Rapporteur on the right to food, which addressed the right to food in the context of the Goals (A/74/164); and the reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which focused on civil society participation in the implementation of the Goals (A/74/349) and on practical recommendations for the participation of civil society in the

² As of 2018, the response rate only includes substantive replies.

implementation of the 2030 Agenda for Sustainable Development (A/HRC/41/41/Add.2). The Special Rapporteur on the situation of human rights in Cambodia focused on the implementation of the Goals in Cambodia and specifically assessed those at risk of being left behind (A/HRC/42/60 and A/HRC/42/60/Add.1).

17. Access to justice was repeatedly addressed by different mandate holders. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context looked into access to justice for the right to housing (A/HRC/40/61), while the Independent Expert on the enjoyment of human rights by persons with albinism addressed the right to access to justice for persons with albinism (A/HRC/40/62). The Special Rapporteur on the rights of indigenous peoples looked more generally at the question of indigenous peoples and justice (A/HRC/42/37), while the Special Rapporteur on the situation of human rights defenders addressed, *inter alia*, access to justice, in his report on impunity (A/74/159).

18. The gender perspective and women's human rights featured prominently, with, for example, a report on the gender dimensions of the Guiding Principles on Business and Human Rights by the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/HRC/41/43). Moreover, the Special Rapporteur on the situation of human rights defenders addressed the situation of women human rights defenders (A/HRC/40/60), while the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination focused on the gendered human rights impacts of private military and security companies (A/74/244). The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment addressed the relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence (A/74/148).

19. Furthermore, the Special Rapporteur on violence against women, its causes and consequences focused on a human rights-based approach to mistreatment and violence against women in reproductive health services, with a focus on childbirth and obstetric violence (A/74/137). The Working Group on discrimination against women and girls addressed women's deprivation of liberty (A/HRC/41/33). Lastly, the Special Rapporteur on the human rights of migrants produced two studies, one on the impact of migration on migrant women and girls (A/HRC/41/38) and another on good practices and initiatives on gender-responsive migration legislation and policies (A/74/191).

20. There was also a focus on prevention, with the report of the Special Rapporteur on the right to education who focused on the right to education and the prevention of atrocity crimes and mass or grave human rights violations (A/74/243). In this context, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence examined practical experiences of domestic reparation programmes (A/HRC/42/45) and addressed the question of apologies for gross human rights violations and serious violations of international humanitarian law (A/74/147).

21. Several reports related to migration issues. The Independent Expert on human rights and international solidarity looked at the criminalization or suppression of the rendering of humanitarian assistance to migrants and refugees who enter a State in an irregular manner (A/HRC/41/44). The focus of the reports of the Special Rapporteur on the human rights of migrants was on the impact of migration on migrant women and girls (A/HRC/41/38) and on good practices and initiatives on gender-responsive migration legislation and policies (A/74/191).

22. The environment also featured prominently, with a report on climate change and poverty by the Special Rapporteur on extreme poverty and human rights (A/HRC/41/39 and Corr.1) as well as a report on the right to development and disaster risk reduction by the Special Rapporteur on the right to development (A/74/163). The reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focused on the right to breathe clean air (A/HRC/40/55) and on climate change (A/74/161).

23. Emerging issues such as the impact of new technologies on human rights were addressed in the reports of the Special Rapporteur on the promotion and protection of the

right to freedom of opinion and expression, which looked into surveillance and human rights (A/HRC/41/35) and hate speech online (A/74/486); in the report of the Special Rapporteur on the right to privacy, which focused on surveillance and health data (A/74/277); in the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which looked at opportunities and challenges facing the rights to freedom of peaceful assembly and of association in the digital age (A/HRC/41/41); and in the report of the Special Rapporteur on extreme poverty and human rights, which addressed the impact of the use of digital technologies in social protection systems on the enjoyment of human rights (A/74/493).

G. Contributions to standard-setting, and human rights protection and promotion

24. The following mandate holders have, among other things, contributed to clarifying human rights norms and standards in relation to their mandates. 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 guiding principles on human rights impact assessments of economic reforms. The Special Rapporteur on the independence of judges and lawyers presented basic principles on the independence of the judiciary.

25. The Special Rapporteur on the right to development presented guidelines and recommendations on the practical implementation of the right to development. The Special Rapporteur on minority issues presented the concept of a minority in the United Nations system.

26. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes presented principles on human rights and the protection of workers from exposure to toxic substances.

27. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights presented elements for a draft General Assembly declaration on unilateral coercive measures and the rule of law.

28. The Special Rapporteur on the human rights of internally displaced persons presented a report on the global and national activities under the twentieth anniversary of the Guiding Principles on Internal Displacement.

29. Special Procedures mandate holders regularly address thematic issues of common interest through individual or joint actions. These issues include, for example, new technologies, the Sustainable Development Goals, migration, and climate change. A new webpage reflecting the cross-cutting thematic engagement of special procedures has been created. It reflects all the reports authored by mandate holders on climate change, migration, new technologies and the Sustainable Development Goals (disaggregated per goal). The objective would be to continue to populate this page with other cross-cutting thematic issues³.

H. Forums, consultations, workshops and other meetings

30. In 2019, mandate holders organized or attended more than 100 forums, consultations, expert meetings, workshops and events in all regions, in collaboration and/or engaging with Governments, the United Nations system, civil society and the private sector (see A/HRC/43/64/Add.1, chap. XIX).

31. The Forum on Minority Issues held its twelfth session on 28 and 29 November 2019 in Geneva, under the guidance of the Special Rapporteur on minority issues, with a particular focus on “Education, Language and the Human Rights of Minorities”. The Forum attracted more than 500 participants. The report of the Forum will be presented to the Council at its forty-third session.

³ <https://www.ohchr.org/EN/HRBodies/SP/Pages/CrosscuttingThematicIssues.aspx>.

32. The eighth annual Forum on Business and Human Rights took place from 25 to 27 November 2019 in Geneva under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises. The Forum attracted over 2,400 participants and allowed for a discussion on trends, challenges and progress in advancing implementation of the UN Guiding Principles on Business and Human Rights in all regions of the world between Governments, the business sector, civil society, affected individuals and communities and international organizations. Under the theme “Time to act: Governments as catalysts for business respect for human rights”, the 2019 Forum focused on urging Governments to move from paper to practice in implementing fully the Guiding Principles on Business and Human Rights. The report of the Forum will be presented to the Human Rights Council at its forty-fourth session.

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

33. Throughout the year, mandate holders sought closer cooperation with the wider United Nations system and agencies, programmes and funds, and with regional mechanisms (see A/HRC/43/64/Add.1, chap. XX), including by raising awareness of their mandates and conducting joint activities.

34. Special procedures have continued to engage with various stakeholders, in particular within the United Nations, to ensure that human rights have the place they deserve within the system and to enhance the impact of the work of special procedures, in particular in the context of the recent reforms of the UN system. The Coordination Committee in particular engaged with various UN interlocutors at the highest level on these issues stressing the prevention and early warning capacity of special procedures. The Committee participated in various discussions on these issues, including with delegations in Geneva and New-York. Channels of communications with various parts of the United Nations system have been consolidated in that context. Special procedures continued to take early action in relation to several country situations, including through communications, reports to States, statements and press releases. The visits of mandate holders to countries in post-conflict, conflict or crisis situations, such as the Central African Republic, Mali or Ukraine are good examples in that context. Special procedures also raised the alarm regarding worrying developments concerning thematic issues such as climate change, or migration or the use of the fight against terrorism to curtail human rights unduly.

35. Engagement with New-York based entities has been strengthened, including the General Assembly, the Security Council or the Peace Building architecture of the United Nations, the SDGs architecture or more generally UN country teams. In relation to the Security Council, some informal interactions between mandate holders and members of this Council have happened. For the second time, the Chair of the Coordination Committee sent a letter to all members of the Security Council in April sharing information about the work of special procedures in 2018 deemed pertinent to the work of the Security Council in terms of country and thematic issues. The letter draws attention to the 2018 annual report of special procedures highlighting their role in the area of prevention and peace and security, including in the context of the ongoing Secretary General’s reforms. The Chair stressed that special procedures are interested in improving its engagement with United Nations bodies such as the Security Council, with a view to enhancing the promotion and protection of human rights as a key element for the maintenance of international peace and security. This letter has been circulated as an official document (S/2019/357).

36. In October, the Special Rapporteur on trafficking in persons, especially women and children participated in an Arria formula meeting of the Security Council on “Trafficking in persons for sexual exploitation in (post-) conflict situations: integrating a comprehensive approach to trafficking in persons into the Women, Peace and Security agenda of the Security Council.

37. The Special Rapporteur on the rights of persons with disabilities pursued her engagement with the Secretary-General and the Deputy Secretary-General and collaborated with the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities in the process of adoption of the United Nations disability inclusion strategy. It

was endorsed by the Chief Executives Board for Coordination in May 2019 and launched by the Secretary-General in June 2019. Following its adoption, the Special Rapporteur continued to advocate with the Secretary-General's Senior Adviser on Policy, the President of the General Assembly, United Nations entities and Member States on the need to secure the long-term sustainability of the strategy and maintain it as a top-level priority across all pillars of the United Nations system.

38. Special procedures have been assessing and giving concrete recommendations to States on how to integrate human rights in the implementation of the Sustainable Development Goals by addressing the issue in their thematic reports, issuing open letters, participating in meetings, and raising matters related to the Goals during country visits. The Special Rapporteur on the right to education and the Special Rapporteur on the right to development were panellists at the 2019 high-level political forum on sustainable development.

39. In relation to cooperation with regional organizations, special procedures have consolidated their joint activities with such bodies. The table in the Facts and figures (see A/HRC/43/64/Add.1, chap. XX) contains the list of regional bodies and organisations with which special procedures have engaged. This engagement has taken various forms, including participation in respective meetings, issuance of joint statements or joint activities such as joint reports, seminars or visits.

40. The roadmap between special procedures of the UN Human Rights Council and the Inter-American Commission on Human Rights and the Addis Abeba Roadmap between the special procedures of the Human Rights Council and the African Commission on Human and Peoples' rights continued to be implemented.

41. Special procedures decided to provide a short document in advance of the presentation of their report to the Human Rights Council highlighting the main issues raised and the elements on which they would welcome the views of States and other stakeholders. The objective of this initiative, which has been welcomed by the Council in the President's Statement adopted on 6 December 2019 (A/HRC/PRST/OS/13/1) is to contribute further to the interactivity of the dialogues of special procedures mandate holders with the Council.

J. Follow-up activities

42. Recommendations from the special procedures system, especially following country visits, continued to be used by OHCHR field presences and United Nations country teams. The Universal Human Rights Index contains all recommendations issued by human rights mechanisms in relation to countries and are also linked to the Sustainable Development Goals.

43. Mandate holders continued to prioritize follow-up and implementation of their assessment, conclusions and recommendations. They issued 188 follow-up communications to cases previously transmitted to States and non-State actors, observations on communications reports and follow-up press releases. They also undertook follow-up visits, sent questionnaires and presented reports to follow up on the implementation of recommendations made after country visits, and convened expert meetings and consultations. A non-exhaustive list of follow-up activities is detailed in the Facts and figures (see A/HRC/43/64/Add.1, chap. XIII).

44. The Coordination Committee of Special Procedures stressed the importance of follow-up with various high level interlocutors of the UN system; in particular in the context of the new system of resident coordinators and the role they can play in ensuring that United Nations Country Teams support the implementation of recommendations by special procedures. Engagement with the UN Development Coordination Office continued to ensure concerted efforts on the implementation of recommendations.

K. Cooperation with special procedures

45. The issue of cooperation from States and its assessment is a longstanding priority for special procedures. The present report contains enhanced information on the status of States' cooperation (number of standing invitations, number of visits in 2019, number of visits in the last five years⁴, States never visited, number of communications by country and responses received, etc.) (See A/HRC/43/64/Add.1, chap. X and XV). Information related to the status of country visits and related requests is regularly updated on the OHCHR website⁵.

46. Positive developments are reflected such as the fact that 7 standing invitations were recorded (Comoros, Malaysia, Saint Lucia, South Sudan, Timor-Leste, Turkmenistan and Uzbekistan), a State accepted several visits for the first time (Vanuatu) and two States that had never been visited before held country visits (Lesotho and Zimbabwe) (see A/HRC/43/64/Add.1, chap. VII). States that have not accepted visits for a long time opened their doors to mandate holders. The number of States that have never received a visit by a mandate holder has been reduced to 22, 16 of which having received requests for visit. Each year, on average, special procedures conduct around 80 visits to different States. The geographical coverage of visits undertaken last year also shows that mandate holders visit all regions in a balanced manner. Some States receive more than one visit of thematic mandates per year and 19 States have received five or more visits in the last five years (Argentina, Australia, Brazil, Canada, Ecuador, El Salvador, Fiji, Georgia, Greece, Honduras, Malaysia, Mexico, Nigeria, the Republic of Korea, Sri Lanka, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America).

47. In relation to country mandates, some countries like Cambodia, Central African Republic, Mali, Somalia and Sudan give access to the country mandate while Belarus, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Myanmar or Israel do not accept their visits. Even in these situations, there are some differences with some States refusing all sort of engagement while others engaging with mandate holders outside country visits.

48. While some States have devoted considerable efforts in developing constructive cooperation with mandate holders, others continue to refuse their visits or accept only a selected few. Sixty countries have not received any visit by special procedures in the last five years, from which 39 have received a request for visit by at least one mandate holder. Twelve countries have not accepted any visit by special procedures mandates though having five or more pending visit requests in the same period. Cooperation can also be partial or selective. For example, some States only cooperate with a selected few, or they respond to communications but do not accept visits, even if they have extended standing invitations.

49. Accepting a visit is only the beginning of a process of cooperation encompassing constructive engagement before during and after the visit, respect for the Terms of Reference for such visits and the implementation of the recommendations issued by mandate holders. In some cases, mandate holders have faced challenges with regard to the respect of the Terms of Reference, in particular the necessary freedom of movement during the visit and private access to victims and independent civil society, which in some cases led to the suspension or postponement of the visit. The assessment of cooperation by States also takes into account other aspects of the work of special procedures such as responding to communications.

50. At their 26th Annual Meeting, special procedures mandates holders agreed on the need to detail further the different status of a country visit request to allow for a more accurate assessment of the related cooperation between mandate holders and States. With the assistance of the Office of the High Commissioner for Human Rights a new website providing more detailed information on the various status of preparation and completion of country visits has been developed. The website also reflects what the actions taken by the mandate holder and by the State concerned are. In addition, mandate holders will review once a year the list of country visits requests pending in relation to their mandates, sent to States

⁴ The information related to the last five years in this report covers the period from 1 January 2015 to 31 December 2019.

⁵ <https://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx>.

either by themselves or by their predecessors, and send reminders to those States where visits actually remain a priority for the mandate holder.

51. The fact that a number of mandate holders have again been subjected to public and *ad hominem* attacks for carrying out their work is of serious concern. Inciting to hatred and violence against a mandate holder is unacceptable.

52. The Council should provide a space to discuss issues related to cooperation, including challenges and good stories and examples of cooperation. In this context, special procedures have started documenting good stories and examples of impact of their work to illustrate the various ways in which they contribute to the promotion and protection of human rights at all levels. The non-exhaustive examples collected so far show that this impact can take many forms. It could for example be a revision of a law, the adoption of a new policy decision, the change in the attitude of a country toward a specific issue, a positive outcome for specific individuals, the documentation and the end of a specific human rights violation, a successful contribution to UN processes such as migration or climate change, the development of new standards or, more generally, raising awareness about a human rights issues and facilitating dialogue and advocacy on these issues. These good stories are available in a dedicated webpage⁶, which will be updated regularly.

III. Coordination Committee of Special Procedures

53. In 2019, the Coordination Committee of Special Procedures continued to facilitate coordination among mandate holders, and interaction with a range of stakeholders. It pursued efforts to respond to requests from mandate holders and other stakeholders, and to act as the main body representing special procedures, including by strengthening the visibility of the special procedures system. The Committee had face-to-face meetings three times a year.

54. The Committee held consultations with a wide range of stakeholders, including the Secretary-General, the Senior Adviser on Policy of the Secretary-General, the High Commissioner, various senior representatives of the Department of Peacekeeping Operations, the Department of Political and Peacebuilding Affairs, the Peace-building Support Office, the United Nations Development Programme, the Department for General Assembly and Conference Management, Resident Coordinators, members of the Security Council, members of the Peace Building Commission, States Members of the United Nations and civil society.

55. Meetings took place with the President of the General Assembly, the President of the Human Rights Council and the Chair of the Third Committee to raise awareness about issues related to special procedures and their inputs to intergovernmental processes. In addition, it engaged with the Consultative Group regarding the selection procedure for mandate holders.

56. The Committee also participated in various meetings related to the Human Rights Council and the place of human rights within the United Nations. The Committee and its Chair also held a series of meetings with delegations and groups of delegations to maintain dialogue and provide a space where issues related to special procedures could be discussed. Informal conversations with States, civil society and other stakeholders took place on 24 May and 16 December. In cooperation with States, civil society and national human rights institutions, the Committee also held an event on “Continuous improvement of the system and impact of the work of special procedures – sharing of examples” on 2 September. Constant efforts are made to address concerns raised by stakeholders, which has led to adjustments and improvements of the system.

57. In May and December 2019, the Committee met in Geneva to discuss issues relating to the special procedures system as a whole. The Committee focused on the functioning of the special procedures system and related issues, particularly conflicts of interest, the independence of the special procedures, communications, acts of intimidation and reprisal, *ad hominem* attacks against mandate holders, cooperation with Member States and the status and visibility of the special procedures system within the United Nations. The Committee also discussed ways to strengthen its own impact and visibility. In addition, it continued to

⁶ <https://www.ohchr.org/EN/HRBodies/SP/Pages/SPGoodStories.aspx>.

provide guidance on issues relating to the independence of special procedures and the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, in accordance with the Internal Advisory Procedure.

58. There is a complete set of rules and guidelines governing the work of special procedures contained in the Code of Conduct, the Manual of Operations and additional guidelines developed over the years. Mandate holders are committed to respect them. The Committee has a facilitation role in this context and has engaged with all stakeholders individually or in group. The Internal Advisory Procedure offers a more formal channel for complaints. All the details on how to use this procedure are public and available on the OHCHR website⁷. In the course of last year, the Committee examined twelve requests in the context of this procedure coming from States, civil society or mandate holders themselves. These questions or requests for clarification fall within three categories: a) mandate holders seeking advice on contemplated activities; b) specific cases referred by States; and c) cases highlighting policy or systemic issues that need to be addressed by the system. More specifically, issues raised related to potential conflicts of interest, confidentiality, clarification related to the communication procedure, in particular Other Letters, attacks against mandate holders, the issuance of press releases, editing of reports, cooperation with regional mechanisms, credibility of sources and the participation in academic conferences. The fact that a number of stakeholders have approached the Committee to make proposals or raise questions or concerns, formally or informally has helped refining working methods and clarifying issues.

59. In November 2019, the Committee met in New York to strengthen its outreach to United Nations counterparts. The meeting focused on ways to increase the impact of the work of special procedures within the system, the strengthening of its engagement with inter-governmental bodies and other parts of the UN, as well as mandate holders contribution to advancing the protection of human rights through the current UN reforms. Special procedures have engaged with the peacebuilding architecture over the years, for instance through exchange of information for country visits, and provision of advice on country situations or thematic areas. As such engagement has been ad-hoc or on a case-by-case basis, the Office of the High Commissioner for Human Rights and the Peace Building Support Office organized a working session with the Coordination Committee of the special procedures in 2019 to map thematic and country entry points for further engagement and collaboration going forward.

60. The Chair of the Committee presented the annual report of special procedures to the Human Rights Council (A/HRC/40/38), which included facts and figures with regard to the special procedures and information on the achievements of the special procedures system (A/HRC/40/38/Add.1).

61. The Committee also implemented the modalities for disclosure of external support received through and outside OHCHR. The Committee requested mandate holders once again to provide information on external support received in 2019. Of the 61 mandate holders who responded, 31 indicated that they had received external support, while 30 had not received any. Support has mostly been in-kind in nature, including research assistance and the granting of the use of facilities by their home institutions, and/or financial support, for instance, for specific events or research, and administrative assistance. Financial support was, in most cases, provided by Governments, foundations or the home institutions of mandate holders (see A/HRC/43/64/Add.1, chap. XIV).

IV. Acts of intimidation and reprisal

62. Special procedures continued to take up cases concerning acts of intimidation and reprisal, not only in relation to their work, but also to the wider United Nations system in the field of human rights. In 2019, Mandate holders continued to use communications (30),

⁷ <https://www.ohchr.org/EN/HRBodies/SP/CoordinationCommittee/Pages/InternalAdvisoryProcedure.aspx>.

public statements, press releases, reports and meetings with various stakeholders to express their serious concern at all such acts.

63. The most recent report of the Secretary-General on acts of intimidation and reprisal, presented to the Human Rights Council at its forty-second session (A/HRC/42/30), included 23 new cases involving 28 States taken up by special procedures, and follow-up on 17 cases included in his previous reports based on the continued work of special procedures. Special procedures also addressed issues related to ensuring access to the United Nations, and raised concerns about the role played by the Committee on Non-Governmental Organizations in that context.

V. Twenty-sixth annual meeting of special procedures

64. The twenty-sixth annual meeting of the special procedures was held in Geneva from 17 to 21 June 2019. The meeting focused on strategic and policy issues in light of the challenges faced by the human rights system in general and the system of special procedures in particular. Mandate holders decided to update the Manual of Operations and in this context held discussions on cooperation by States, including in relation to country visits, reprisals for cooperation with the United Nations on human rights, issues related to public expression of mandate holders and specifically the use of social media. Furthermore, they addressed issues related to attacks against mandate holders and attempts to undermine the system of special procedures, digital security, artificial intelligence, big data and cyberspace, as well as engagement with United Nation agencies and Resident Coordinators with a specific focus on the Sustainable Development Goals. The issue of prevention and the role of special procedures was also discussed. In addition, mandate holders held consultations with the United Nations Deputy 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 for 2019–2020

65. The Member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Anita Ramasastry, was elected Chair of the Coordination Committee. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, was elected Rapporteur of the annual meeting and member of the Coordination Committee. The other members elected were: Javaid Rehman, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Leigh Toomey, and Member of the Working Group on Arbitrary Detention. The outgoing Chair of the Coordination Committee, Dainius Puras, Special Rapporteur on the right of everyone to the enjoyment of highest attainable standard of physical and mental health remained as *ex officio* member for the following year.

B. Thematic issues and working methods

1. Prevention role of the United Nations and Special Procedures

66. Mandate holders held a discussion with Pablo de Greiff, member of the Group of Rapporteurs on prevention established by the Human Rights Council, and Ana María Menéndez Pérez, Senior Advisor of the Secretary-General on Policy, on the prevention role of the United Nations and special procedures. They referred to the importance of better using the synergies between the three pillars of the United Nations in order to strengthen conflict prevention and support. The strengthening of collaboration between Geneva and New York was equally essential. Under the reformed Resident Coordinators system, Resident Coordinators now had a reoriented legal and moral role regarding crisis prevention at the national level that had the potential of making a significant difference. Furthermore,

prevention was still often understood only in the context of conflict and this had to be addressed.

67. A summary was provided of how special procedures have contributed to prevention and how the mechanism can move from early warning to early action including by assisting in the development of a prevention strategy. During the ensuing discussions, mandate holders referred to country specific challenges in preventing human rights abuses, early warning signs that were shared but no timely action was taken. Hence, they reiterated their call for more effective actions to prevent serious human rights violations. They also called for access to United Nations decision-making bodies and to agencies such as the Department of Political and Peacebuilding Affairs and the Department of Peacekeeping Operations. They reminded that in order to assure prevention, a bottom-up approach that involved not only the duty bearers but also private sector remained important.

2. Issues related to digital security

68. The meeting looked at the different dedicated data security safeguards provided by OHCHR ensuring digital security in the daily work of mandate holders. They were made aware of the different security protocols that are necessary to be followed as well as guidance on reliable software applications approved by United Nations. Options for a better and more secured communications with stakeholders were explored. Mandate holders also agreed on the need for greater awareness on digital security as well as dedicated training on this issue for themselves and the staff supporting the mandates.

3. Opportunities and challenges involving artificial intelligence, big data and cyberspace

69. Recognizing the potential of new technologies in the promotion of human rights and prevention, mandate holders discussed the opportunities as well as challenges. New technologies as a tool could assist in monitoring, investigations and reporting. Nonetheless, they could also cause attacks on civic spaces, spread hate speech, incite to violence as well as spread disinformation. New technologies involving artificial intelligence posed risk to privacy, through enhanced surveillance, use of biometrics and digital identification. They could also lead to discriminatory policies on access to health, employment and justice, perpetuating marginalization based on gender and racial profiling. The special procedures mandate holders, with the support of OHCHR, had to work with academic institutions to assist technology companies through partnerships in order to implement the latter's responsibilities in upholding human rights, as well as in developing products and services that do not adversely impact human rights.

70. Mandate holders agreed on their critical role in documenting where big data analytics and artificial intelligence were being used in decisions and services that affect human rights. They also needed to analyse existing laws (within and across sectors), develop the ability of individuals and groups to access remedies, and integrate into their analysis how technology is being used in decisions and services that affect human rights directly.

4. Engagement with United Nation agencies and Resident Coordinators – focus on the Sustainable Development Goals

71. Several Geneva-based United Nations Agencies, like WHO, UNHCR, UNICEF, UNDP and UNAIDS as well as UNDOCO from New York participated in the discussion. Following the implementation of the reforms of the United Nations Resident Coordinator system, strategic opportunities opened up for United Nations wide collaboration with special procedures. However, statistics for 2017 and 2018 showed that this is yet to materialise fully. United Nations Country Teams have drawn on recommendations from special procedures to inform United Nations analysis on programme implementation and activities. Participants however agreed that more efforts should be done to ensure a systematic follow-up to recommendations, including and at times on crucial support for country visits by mandate holders.

72. Reference was made to the Secretary-General who initiated a process to develop a United Nations system policy, action plan and accountability framework to strengthen system-wide accessibility and mainstreaming of the rights of persons with disabilities under active guidance of the Special Rapporteur on the rights of persons with disabilities.

73. Furthermore, both United Nations Country Teams as well as agencies from Geneva were working to strengthen stakeholders understanding of structural transformations necessary to implement the Sustainable Development Goals through a human rights framework. They sought enhanced collaboration with special procedures mandate holders in this regard. It was decided that mandate holders would consider ways to strengthen engagement with the high-level political forum on Sustainable Development Goals.

5. Cooperation by States, including in relation to country visits

74. Mandate holders addressed issues related to cooperation with States and other stakeholders and instances of personal attacks against mandate holders. In this context, the importance of a coherent and coordinated approach was highlighted. In light of the incidents that occurred in the last years, mandate holders agreed to enhance the exchange of information about the cooperation, or lack of cooperation, extended by States during visits.

6. Reprisals for cooperation with the United Nations on human rights

75. Statistics and trends about cases of intimidation and reprisals against those cooperating with the UN on human rights addressed by mandate holders were shared with mandate holders. Mandate holders discussed ways to consolidate their response to reprisals in light with their internal guideline adopted in 2014. It was recalled that information on cases and special procedures related actions should be recorded for appropriate action. Reference was also made to the letter that the Coordination Committee had sent a letter to the NGO Committee on the accreditation process on 20 June 2019⁸.

7. Issues related to public expression of mandate holders

76. Mandate holders discussed issues related to the public expression of mandate holders, for example end of mission statements, issuance of press releases, and the use of social media during country visits. They discussed existing rules and guidance in this context. They agreed to review their Manual of Operations to address best practices related to social media, end-of-mission statements, media releases, and other issues that had been raised by States. They recognize that there are new forms of communication including social media that pose challenges for everybody, and will examine and encourage best practices around the use of such mechanisms.

77. More specifically, they agreed that social media must be used in a manner consistent with the Code of Conduct and the applicable regulations in the Manual and the country visit terms of reference. Furthermore, outside of urgent situations, mandate holders will not send communications or press releases to missions after business hours keeping also in mind the need to ensure sufficient time for capitals to be informed of the intention of the mandate holder when it comes to press releases. In relation to end-of-mission statements, they renewed their commitment to sharing the end of mission statements and related press releases with visited States in advance of their release to the public. In relation to the length of these statements mandate holders decided to examine this topic further as part of their internal review of the Manual, keeping in mind that given their preliminary nature and the fact that States have limited time to react, these statements should not be too long or too detailed.

8. Use of social media

78. Representatives of the Office of the High Commissioner from the communications team informed mandate holders about the existing means and tools available in terms of social media. They clarified that since the twitter account of special procedures was released, there had been an increase of 500 followers per month. The idea of the platform was to share the work of special procedures and its contribution to human rights. Mandate holders shared their experience with the social media team and they concluded that there is a need to have an overall guidance and a strategy on social media use.

⁸ https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf.

C. Consultations with stakeholders

1. United Nations Deputy High Commissioner for Human Rights

79. The Deputy High Commissioner addressed the challenges facing the human rights system as a whole and specially the mechanisms including reprisals, cuts on financial support from regular budget, ad hominem attacks on independent experts and political processes that seek to control or make the special procedures system ineffective. She cautioned the mandate holders against giving opportunities to such efforts and advised them to uphold the system. She also called for the system of special procedures to be open to improvements wherever possible to serve their stakeholders in the most effective and efficient manner.

2. President of the Human Rights Council

80. The President of the Human Rights Council referred to challenges faced by the system that were due not only to the budgetary crisis but to also a general sense of backtracking on human rights globally. He stressed the valuable contribution of special procedures to the Council and the international human rights system as a whole. He stressed the importance for special procedures to maintain the highest standards expected of them as the best way to maintain trust in the system. He mentioned that mandate holders needed to submit their reports on time for their proper understanding through appropriate translations.

81. Mandate holders referred to their desire to make their contributions to human rights more accessible to the public. Indeed, they noted that many actors on the international scene were not always fully aware of the support they could provide. As the President had pointed out, they had observed a lack of synchronisation between the various organs of the United Nations, in particular with the General Assembly. In addition, they reminded the President that beyond their thematic work, they also had a role to play in the institutional development of the Council.

3. Exchange of view with Member States

82. The exchange with Member States was opened by the newly elected Chair of the Coordination Committee, Ms. Anita Ramasastry. In her introductory remarks⁹, she highlighted the role and responsibilities of special procedures featuring a series of improvements and positive developments related to the system of special procedures, the challenges faced by the system and attempts to undermine it, as well as several decisions adopted by consensus during the Annual Meeting in relation to working methods as well as a declaration adopted by mandate holders. She urged States to redouble their support for the independent mandates of the Human Rights Council. She stressed that special procedures constantly engage in self-improvement and welcome feedback in the spirit of improving our shared mission of protecting human rights.

83. She informed States about the decision to initiate an update of our Manual of Operations in order to address best practices related to social media, end-of-mission statements, media releases, and other issues that have been brought to the attention of mandate holders. In the dialogue that followed, participants expressed their support to the work of special procedures and the importance of cooperating with them. Some States shared concerns regarding impartiality and the need for a strict adherence to the Code of conduct. Concomitantly, the need to use reliable and varied sources of information was emphasized. Several procedural issues were also raised such as the timing between communications and press releases as well as the opportunity for States to provide a response.

84. Mandate holders also shared certain challenges, including lack of cooperation manifested by non-responses to communications and to requests for country visits, direct attacks against mandate holders, and limited resources. Several States encouraged enhanced technical cooperation and others highlighted the limited resources of special procedures. In addition, reprisals and intimidation against those who collaborate with mandate holders were repeatedly condemned.

⁹ https://www.ohchr.org/Documents/HRBodies/SP/AMeetings/26thMeeting/26thAnnualMeeting_Chair_remarks21June2019.pdf.

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

85. Civil society organizations expressed appreciation for the work of the special procedures, particularly their role as a bridge between the Human Rights Council and the work of human rights defenders on the ground. A number of organizations raised concerns about the current financial situation and reduced resources for mandate holders. Civil society members reiterated their support for special procedures and were concerned about threats to the independence of the system. Furthermore, a number of substantive human rights issues were raised.

86. Civil society organizations welcomed the 2018 decision to publish communications after the confidentiality period and the correlated increased advocacy opportunities. They nonetheless called for greater feedback to those who submit information to special procedures. The increased steps taken by mandate holders to address reprisals were also welcomed.

87. Mandate holders thanked civil society for the continued support received in discharging their mandates and for their shared concern regarding diminishing resources. They reiterated their concerns regarding reprisals and their commitment to support civil society in this regard. Mandate holders also commented on the general pushback against human rights. Lastly, they underlined the key role played by national human rights institutions.
