

**Remarks by Mrs. Anita Ramasastry, Chair of the Coordination Committee
26th Annual Meeting of Special Procedures
Exchange with Member States
21 June 2019**

Excellencies,
Members of the Council,
Ladies and Gentlemen, and Colleagues,

It is my honor to meet with you to today as the newly appointed Chair of the Coordination Committee.

As you know, this is an annual exchange which takes place during our annual meeting of Special Procedures. We very much value the chance for dialogue with States concerning our shared objectives of promoting human rights.

The United Nations Charter animates the UN with a founding purpose to promote and encourage *respect for human rights and fundamental freedoms for all*. The Human Rights Council, and the Commission on Human Rights before it, established independent mandates to assist its efforts to strengthen human rights and to interpret and monitor implementation of this core purpose. Kofi Annan once called this system of expertise, known widely as Special Procedures, the “crown jewel” of the international human rights system.

We urge States to redouble their support for the independent mandates of the Human Rights Council.

States have long supported the work the Council has mandated that we pursue. They have offered political support in debates and resolutions of the Council and the General Assembly. They have provided voluntary contributions to support specific mandates and projects. Many have issued standing invitations for experts to conduct human rights assessments about specific areas of policy, law, and practice. State support enables Special Procedures not merely to survive but to thrive.

Our work aims to identify, engage, clarify, and rectify. In public and private engagements, we offer recommendations to assist government efforts to align their laws and policies with international human rights norms. We are voices that help to amplify the shared mission of the Council and mandate holders.

My colleagues will provide more specific examples from their own perspectives of ways in which their work has had a positive impact within national and regional or even global contexts. We have welcomed feedback from States regarding situations where our country visits or thematic reports have led to positive developments.

I want to start with some overall observations and good news, I will also share with you several improvements we have made to our working methods and processes in response to constructive feedback from States as well as other stakeholders including civil society and

regional and international partners. Our key message is that as a group of experts, we constantly engage in self-improvement and welcome feedback in the spirit of improving our shared mission of protecting human rights.

Let me begin with the positive.

I should note that identifying challenges should not overshadow the achievements of the human rights system.

For example, the number of States accepting country visits has grown; the response rate to our communications has improved; our engagement with other UN entities has deepened, including with the new RC system; more concerted efforts are made to ensure follow-up to our recommendations.

The number of States that have never received a visit by a mandate holder had diminished to 24 by the end of 2018 and has now further diminished to 22. Just last year some States who never accepted a visit or did not do so for a long time have opened their doors to mandate holders. The number of States that have issued a standing invitation to special procedures has increased.

There is sometimes the perception that communications or country visits have increased. Actually looking at the figures over the last five years, the number of communications and visits remain stable, with an average of 80 visits to States. The geographical coverage of visits undertaken last year also shows that mandate holders visit all regions in a balanced manner. In the same vein, the number of communications remains around 550 to 650 per year.

In preparation for the Annual Meeting, we have invited colleagues to share one positive story or an example of impact of their work. And the inputs received show that special procedures have an impact and that this impact could take many forms. It could be a revision of a law, the adoption of a new policy, the change in the mind-set of a country toward a specific issue, or positive outcome for specific individuals. Mandate holders have also had some successes in bringing a human rights perspective in other important UN discussions, such as on climate change and the SDGs, for example.

We work to better demonstrate that the human rights system has an added value for other UN bodies. We have also started a process of compiling examples of good stories and impact of the work of special procedures that should be finalized this year. The Council could also provide a space for these stories to be shared including experience of engagement with Special Procedures.

Most recently, we have prepared a joint open letter to the High-Level Political Forum on the SDGs to be issued next week. It is an example of how Special Procedures can be an ally in bringing human rights issues in other UN processes.

Continuous Improvement

As I noted above, we, as a group of mandate holders, engage in continuous improvement and innovation, adapting to changes proactively and positively.

And we take all criticism addressed to us seriously. We want to examine them thoroughly in order to improve our working methods.

For example, we have heard several stakeholders complaining about the lack of interactivity in our dialogue with the Human Rights Council.

In response, mandate holders have decided to issue a short document in advance of the presentation of their report to the Council highlighting the main issues raised and the elements on which they would welcome the views of States and other stakeholders.

Some mandate holders presenting their reports to the upcoming session of the Human Rights Council have already done so. A dedicated section has been created on the HRC extranet where these documents can be found. You all received a note verbale on this issue yesterday.

We have also heard concerns or questions about the lack of knowledge about the work of Special Procedures. ***One tool that we have developed and strengthened in this context is our annual report presented to the Human Rights Council at every March session.*** Its addendum now contains a wealth of facts and figures about what mandate holders are doing. It has been progressively developed based on feedback received from States and other stakeholders.

The most recent information that has been added in this report this year is more information about cooperation between States and Special Procedures in terms of communications and country visits.

We have also given more visibility to those States who have an excellent record of cooperation with Special Procedures, for example those who have accepted 5 visits or more in the last 5 years.

We hope that this would address the concerns of those who have the feeling that sometimes those who cooperate with Special Procedures the most are penalized.

While this development has been welcomed by stakeholders, it also illustrates 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 Special Procedures mandate holders and States.

We have therefore decided with the assistance of OHCHR to provide more detailed information on the various status of preparation and completion of country visits on the website. The various status of preparation and completion of country visits will indicate what the actions taken by the mandate holder and by the State concerned are. Mandate-holders will also make sure to review once a year the list of country visits requests pending in relation to their mandates, sent to States either by themselves or by their predecessors, and send reminders only to those States where visits actually remain a priority for the mandate-holder.

We have also heard concerns about the lack of transparency about funding of Special Procedures.

In this context, I am happy to report that there is complete transparency on this issue. The information about resources received from the regular budget of the UN and from voluntary contributions received through OHCHR is public. In addition, to respond to concerns raised on this issue in the past, mandate holders have established a system of mandatory disclosure of all resources received directly by mandate holders outside OHCHR. This information is made public every year in the annual report of Special Procedures presented in March.

Special Procedures value the constant dialogue with States, the UN, civil society and other stakeholders. In the last years the Coordination Committee (CC) has invested in engaging with States and civil society in particular and will continue to do so. The Committee held a first informal conversation on 24 May in this context which was an occasion to hear positive experiences and good stories of impact of Special Procedures, and also to listen to the concerns and challenges faced by States in their engagement with Special Procedures.

This initiative by the Committee responds to requests heard from several stakeholders that an informal space to discuss issues related to special procedures was missing. We are of the view that this exchange was useful and we informed all mandate holders about the issues raised in this context. We are happy to hear States' appreciation for this new initiative aiming at enhancing dialogue.

The Committee has the intention to maintain this practice and engage with all States every six months during its meetings in Geneva.

While there may be specific suggestions from States, ***we also wanted to stress that with respect to specific concerns about the actions related to an individual mandate, we have 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, including in relation to confidentiality issues. These procedures also protect mandate holders and ensure both due process and proportionality in the process itself.

The Committee has a facilitation role and is always available to engage with all stakeholders individually or in group as it has done in the last years. ***In that context, I would like to recall that there is a channel to transmit more formal complaints. It is called the Internal Advisory Procedure. All the details on how to use this procedure are public and available on our website.*** This procedure can be used by Member States, civil society or mandate holders themselves. We will look at ways to communicate better on this procedure and its outcome.

I should also note that in addition to these steps we have already taken, we have also discussed and reached a consensus on a number of additional issues.

During our annual meeting, we engaged in a discussion of how to continue to improve our methods of work, and considered input from States and other stakeholders.

We 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. ***We agree 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.

We will also endeavour to submit our reports on time keeping in mind the resource constraints mandate holders face.

In addition to these core commitments, under the leadership of the Committee, we have initiated 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 our attention by States. We believe such a process will strengthen our engagement with States and improve our activities on the ground.

We have noted concerns expressed about end-of-mission statements. ***And we renew our commitment to sharing the end of mission statements and related press releases with visited States in advance of their release to the public.***

I should note that we did examine some data on this issue.

From 1 June 2018 to 23 May 2019, special procedures mandate-holders undertook a total of 74 country visits but issued only a total of 63 end of mission statements. Only 10 of the 63 end of mission statements exceeded 14 pages. During this period, end of mission statements was on average 9.9 pages (and contained on average 5,080 words). ***As I noted above, we will further examine this topic as part of our internal review of our manual of procedures, 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.***

We have also to ensure that preliminary observations issued and communicated to the State at the end of a country visit aim at creating opportunities to promote and encourage respect for human rights and fundamental freedoms by bringing the attention of the State authorities, in a timely manner, to the main findings and recommendations that will be included in the report. This process should therefore facilitate this engagement.

We believe that efforts to constrain our public voice would be a sign of resistance to our work and our independence and would, over time, undermine our ability to address human rights concerns in the most serious situations worldwide. People worldwide rely upon our voices. States rely upon our evaluation and assistance – even our good faith criticism or recommendations. Powerful multinational companies rely upon our guidance to shape how they can meet their responsibilities to respect human rights and remedy abuses. Our every effort is designed to meet the goals that States, through the Human Rights Council, have assigned to us.

Let me close and reflect on the challenges that we as mandate holders face.

Our challenges are greater than ever, threatening our ability to carry out our mandates. We observe a global retrenchment against the values and obligations embedded in international human rights law and the Charter itself. Those challenges include the following:

- Many of our colleagues have faced direct attacks from governments and politicians, online trolls, and other non-State actors using, for instance, the violent language of misogyny, racism, and other forms of discrimination and harassment. Few States have stood up to defend our colleagues in the face of these attacks. We encourage constructive criticism of our work, part of an iterative effort to strengthen the human rights system, but threats to us and to the people we work with worldwide, including reprisals against those who cooperate with us, must be condemned.
- Our efforts to engage States are often met with silence. We use the tools of human rights fact-finding and reporting in efforts to work with States, and many States respond to our concerns with constructive answers to our questions. Yet too often our direct communications, our proposals for visits, our offers of technical assistance, and our specific recommendations following country missions are left unanswered, leaving us with few avenues other than public ones to express the concerns that the Human Rights Council has expected us to identify.
- Our resources, as with the UN human rights system as a whole, are dangerously limited and fragile. Many States ask us to take on new tasks, or raise concerns about perceptions of unfairness or inconsistency, and yet our ability to achieve universality in our work is constantly tested by a lack of funding to hire staff, conduct country visits, or follow up on communications.
- Civil society actors are crucial stakeholders and valued partners for us and for many States, and yet the shrinking of civic space – attacks on advocacy of all sorts – interferes not only with their work at domestic and regional environments but also our ability to conduct fact-finding and reporting.

We implore States to meet this moment with the same commitment that led them to embed human rights in the global system. We urge all to expand their commitments for Special Procedures, not to walk away from them or seek to limit our ability to highlight, privately *and* publicly, the challenges that the Human Rights Council has mandated us to pursue. As I have outlined above we are a partner in this larger and noble endeavor, and value collaboration as well as constructive engagement.

I now will open the floor for comments by States and mandate holders to ensure that we have a real dialogue. I would first give the floor to four States and then several mandate holders. I also hope that some of my remarks may have addressed some specific questions or concerns expressed by States and I would encourage you to make your comments in light of the measures and improvements that I have just highlighted.