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## 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**

**Twenty-sixth annual meeting of special rapporteurs, special  
representatives, independent experts and chairs of working  
groups of the special procedures of the Human Rights  
Council, held in Geneva from 17 to 21 June 2019, including  
updated information on special procedures\***

**Report of the Secretariat**

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

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## 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 (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 one 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 (A/HRC/43/64/Add.1, chap. II).

### C. Country visits

5. Mandate holders conducted 84 in situ visits to 57 States and territories (A/HRC/43/64/Add.1, chap. V). In 2019, two Member States 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 (A/HRC/43/64/Add.1, chaps. III and IV).

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

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 States and 54 non-State actors. The communications covered 1,249 individuals, 268 of whom were identified as female. A total of 425 replies, of which 390 were substantive replies, were received in 2019 (this includes replies to communications sent before 2019). A total of 336 replies to communications sent in 2019 were received, of which 302 (45.14 per

<sup>1</sup> 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>.

cent reply rate)<sup>2</sup> were substantive replies. Some communications received more than one reply (A/HRC/43/64/Add.1, chaps. 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 to be 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 were transmitted 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, thus maintaining the increase in the 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 indicating 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, 309 of which were press releases, 81 were media advisories and 29 were 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 mandate holders, 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 that contained 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 the intersectional topic of 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 focusing 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 focusing on the Goals as a potentially transformative tool to advance the realization of the right to food (A/74/164) and the reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association focusing 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 implementation of the 2030 Agenda for Sustainable Development (A/HRC/41/41/Add.2). The Special Rapporteur on the situation of human

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<sup>2</sup> As of 2018, the response rate includes only substantive replies.

rights in Cambodia focused on the implementation of the Goals in Cambodia and on assessing the protection of those at risk of being left behind (A/HRC/42/60 and 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), 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) and 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), 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) and 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 prepared a report on women deprived of their liberty (A/HRC/41/33). Lastly, the Special Rapporteur on the human rights of migrants produced two reports, 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 focusing ways in which the right to education contributes to preventing atrocity crimes and mass or grave human rights violations (A/74/243). In that 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, including the above-mentioned reports of the Special Rapporteur on the human rights of migrants (A/HRC/41/38 and A/74/191). 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 entering a State in an irregular manner (A/HRC/41/44).

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) and a report on the link between 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); the report of the Special Rapporteur on the right to privacy, which focused on the protection and use of health-related data (A/74/277); the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which looked at the opportunities and challenges facing the rights to freedom of peaceful assembly and of association in the digital age (A/HRC/41/41); and 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:

(a) 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 the human rights impact assessments of economic reforms;

(b) The Special Rapporteur on the independence of judges and lawyers presented basic principles on the independence of the judiciary;

(c) The Special Rapporteur on the right to development presented guidelines and recommendations on the practical implementation of the right to development;

(d) The Special Rapporteur on minority issues presented a study on the concept of a minority in the United Nations system;

(e) 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;

(f) The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights presented elements for a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights;

(g) The Special Rapporteur on the human rights of internally displaced persons presented a report on the global and national activities undertaken to mark the twentieth anniversary of the Guiding Principles on Internal Displacement.

25. Special procedure mandate holders regularly address thematic issues of common interest through individual or joint actions. In 2019, these issues included, for example, new technologies, the Sustainable Development Goals, migration and climate change. A new web page reflecting the cross-cutting thematic engagement of special procedures was created.<sup>3</sup> It provides access to all the reports authored by mandate holders on climate change, migration, new technologies and the Goals (disaggregated by Goal). The objective is to continue to populate that web page with other cross-cutting thematic issues.

## **H. Forums, consultations, workshops and other meetings**

26. 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 (A/HRC/43/64/Add.1, chap. XIX).

27. 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 was presented to the Human Rights Council at its forty-third session (A/HRC/43/62).

28. 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 among Governments, businesses, civil society, affected individuals and communities and international organizations on trends,

<sup>3</sup> See [www.ohchr.org/EN/HRBodies/SP/Pages/CrosscuttingThematicIssues.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CrosscuttingThematicIssues.aspx).

challenges and progress in advancing implementation of the Guiding Principles on Business and Human Rights in all regions of the world. Held 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. 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**

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

30. 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 United Nations system. The Coordination Committee in particular engaged with various United Nations 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 communication 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 and Ukraine, are good examples in that context. Special procedures also raised the alarm regarding worrying developments concerning thematic issues such as climate change, migration and the use of the fight against terrorism to curtail human rights unduly.

31. Engagement with New York-based entities, including the General Assembly and the Security Council, was strengthened, as was engagement with the United Nations entities engaged in peacebuilding and the Sustainable Development Goals and, more generally, with the United Nations country teams. Some informal interactions between mandate holders and members of the Security Council took place. For the second time, the Chair of the Coordination Committee sent a letter to all members of the Security Council (S/2019/357, annex), 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. In the letter, the Chair drew 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 reforms of the Secretary-General. The Chair stressed that special procedures were interested in improving their 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 of the maintenance of international peace and security.

32. 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”.

33. 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 adopting the United Nations Disability Inclusion Strategy, which was endorsed by the Chief Executives Board for Coordination in May 2019 and launched by the Secretary-General in June 2019. Following the launch of the Strategy, the Special Rapporteur continued to advocate with the Senior Adviser on Policy of the Secretary-General, 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 its implementation as a top-level priority across all pillars of the United Nations system.

34. 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 high-level political forum on sustainable development held in 2019.

35. In relation to cooperation with regional organizations, special procedures have consolidated their joint activities with such bodies. The table in “Facts and figures with regard to the special procedures in 2019” (A/HRC/43/64/Add.1, chap. XX) contains the list of regional bodies and organizations with which special procedures have engaged. This engagement has taken various forms, including participation in respective meetings, issuance of joint statements and joint activities such as joint reports, seminars and visits.

36. The road map agreed by the special procedures of the Human Rights Council and the Inter-American Commission on Human Rights in December 2018 and the Addis Ababa road map agreed by the special procedures of the Human Rights Council and the African Commission on Human and Peoples’ Rights continued to be implemented.

37. 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 the initiative, which was subsequently welcomed by the President of the Council in his statement PRST/13/1, was to enhance interaction during the dialogues of the special procedures with the Council.

## **J. Follow-up activities**

38. Recommendations from the special procedures system, especially following country visits, continued to be used by Office of the United Nations High Commissioner for Human Rights (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.

39. Mandate holders continued to prioritize follow-up and implementation of their assessments, 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 contained in “Facts and figures with regard to the special procedures in 2019” (A/HRC/43/64/Add.1, chap. XIII).

40. The Coordination Committee of Special Procedures stressed the importance of follow-up with various high-level representatives of the United Nations 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 Development Coordination Office continued to ensure that concerted efforts were made to implement recommendations.

## **K. Cooperation with special procedures**

41. The issue of cooperation from States and its assessment is a long-standing priority for special procedures. The present report contains improved information on the status of States’ cooperation, including the number of standing invitations, the number of visits in 2019, the number of visits in the past five years,<sup>4</sup> States never visited, the number of communications

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<sup>4</sup> The information related to the past five years in the present report covers the period from 1 January 2015 to 31 December 2019.

by country and responses received (A/HRC/43/64/Add.1, chaps. X and XV). Online information related to the status of country visits and related requests is regularly updated.<sup>5</sup>

42. Positive developments were reflected, such as the fact that seven standing invitations were recorded (by Comoros, Malaysia, Saint Lucia, South Sudan, Timor-Leste, Turkmenistan and Uzbekistan), one State accepted several visits for the first time (Vanuatu) and two States were visited for the first time (Lesotho and Zimbabwe) (A/HRC/43/64/Add.1, chap. VII). States that had not accepted visits for a long time opened their doors to mandate holders. The number of States that had never received a visit by a mandate holder was reduced to 22 (16 of them had received requests for a visit). Each year, on average, special procedures conduct approximately 80 visits to different States. The geographical coverage of the visits undertaken in 2019 also shows that mandate holders visit all regions in a balanced manner. Some States received more than one visit by thematic mandate per year and 19 States received five or more visits in the past five years (Argentina, Australia, Brazil, Canada, Ecuador, El Salvador, Fiji, Georgia, Greece, Honduras, Malaysia, Mexico, Nigeria, Republic of Korea, Sri Lanka, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America).

43. In relation to country mandates, some countries, like Cambodia, the Central African Republic, Mali, Somalia and the Sudan, gave access to the country mandate, while Belarus, the Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Israel and Myanmar did not accept their visits. Even in such situations, there were some differences, with some States refusing any engagement while others engaged with mandate holders outside country visits.

44. While some States devoted considerable efforts to developing constructive cooperation with mandate holders, others continued to refuse their visits or accepted only a select few. A total of 60 countries had not yet received a visit by a special procedure during the past five years, although 39 had received at least one request. Twelve countries did not accept a visit despite having five or more pending requests during the same period. Cooperation could also be partial or selective. For example, some States only cooperated with a select few special procedures, or responded to communications but did not accept visits in spite of having extended standing invitations.

45. 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 faced challenges with regard to being granted, as set out in the terms of reference, 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 communications and States responses thereto.

46. At their twenty-sixth annual meeting, the special procedure mandate 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 cooperation between mandate holders and States. With the assistance of OHCHR, a new web page providing more detailed information on the status of preparation and completion of country visits was then developed. The web page also provides information on the action taken by mandate holders and by States concerned. In addition, it was agreed that mandate holders would review once a year the list of pending country visit requests sent to States, either by themselves or by their predecessors, and send reminders to those States where visits remained a priority for the mandate holder.

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

48. The Human Rights Council should provide a space to discuss issues related to cooperation, including challenges, good stories and examples of cooperation. In this context, special procedures have started documenting good stories and examples illustrating the 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 compilation of examples

<sup>5</sup> See [www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx).

collected so far shows that this impact can take many forms. It could, for example, result in the revision of a law, the adoption of a new policy decision, a change in the attitude of a country towards a specific issue, a positive outcome for specific individuals, the documentation and the end of a specific human rights violation, a successful contribution to United Nations processes, such as those involving migration and climate change, the development of new standards or, more generally, raising awareness about a human rights issue and facilitating dialogue and advocacy on these issues. These good stories are available on a dedicated web page<sup>6</sup> that will be updated regularly.

### III. Coordination Committee of Special Procedures

49. 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.

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

51. 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 contributions to intergovernmental processes. In addition, the Coordination Committee engaged with the Consultative Group regarding the selection procedure for mandate holders.

52. The Coordination Committee participated in various meetings related to the Human Rights Council and the place of human rights within the United Nations. In addition, the Committee and its Chair 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 organizations and other stakeholders took place on 24 May and 16 December 2019. In cooperation with States, civil society organizations 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. The constant efforts made to address the concerns raised by stakeholders led to adjustments and improvements to the system.

53. In May and December 2019, the Coordination 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 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.

54. A complete set of rules and guidelines governing the work of special procedures is contained in the Code of Conduct, the Manual of Operations and additional guidelines developed over the years. Mandate holders are committed to respecting them. The Coordination Committee has a facilitation role in this context and has engaged with all stakeholders individually or in a group. The Internal Advisory Procedure offers a more formal channel for complaints. All the details on how to use the procedure are public and available

<sup>6</sup> See [www.ohchr.org/EN/HRBodies/SP/Pages/SPGoodStories.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/SPGoodStories.aspx).

on the OHCHR website.<sup>7</sup> In the course of 2019, the Committee examined 12 requests submitted through the Procedure by States, civil society organizations or mandate holders. The requests fell 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 needed 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 participation in academic conferences. The fact that a number of stakeholders approached the Committee to make proposals or raise questions or concerns, whether formally or informally, has helped to refine the working methods and clarify issues.

55. In November 2019, the Coordination 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, strengthen the Committee’s engagement with intergovernmental bodies and other parts of the United Nations and enhance mandate holders’ contribution to advancing the protection of human rights through the current reforms of the United Nations. Special procedures have engaged with the peacebuilding architecture over the years, for instance through exchanges of information for country visits and through the provision of advice on country situations or thematic areas. As such engagement has occurred on an ad hoc or case-by-case basis, in 2019 OHCHR and the Peacebuilding Support Office organized a session with the Committee in 2019 to map thematic and country entry points for further engagement and collaboration.

56. The Chair of the Coordination Committee presented the report on the twenty-fifth annual meeting of the special procedures to the Human Rights Council, which included facts and figures with regard to the special procedures in 2018 and information on the achievements of the special procedures system (A/HRC/40/38 and Add.1).

57. The Coordination Committee implemented the modalities for disclosure of external support received through and outside OHCHR. The Committee requested mandate holders 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 had mostly been in-kind in nature, including research assistance and the granting of the use of facilities by their home institutions; 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 (A/HRC/43/64/Add.1, chap. XIV).

#### **IV. Acts of intimidation and reprisal**

58. Special procedures continued to take up cases concerning acts of intimidation and reprisal, in relation not only 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), public statements, press releases, reports and meetings with various stakeholders to express their serious concern regarding all such acts.

59. The most recent report of the Secretary-General on efforts made to address acts of intimidation and reprisal against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/42/30) included information on 23 new cases involving 28 States taken up by special procedures and follow-up on 17 cases included in 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.

<sup>7</sup> See [www.ohchr.org/EN/HRBodies/SP/CoordinationCommittee/Pages/InternalAdvisoryProcedure.aspx](http://www.ohchr.org/EN/HRBodies/SP/CoordinationCommittee/Pages/InternalAdvisoryProcedure.aspx).

## V. Twenty-sixth annual meeting of special procedures

60. 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 that context held discussions on cooperation by States, including in relation to country visits, reprisals for cooperation with the United Nations on human rights and issues related to mandate holders' ability to express themselves publicly, specifically through 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 prevention 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 and representatives of Member States, civil society, non-governmental organizations and national human rights institutions.

### A. Coordination Committee

#### Election of the Coordination Committee for 2019–2020

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

62. Mandate holders held a discussion with member of the group of rapporteurs on prevention established by the Human Rights Council Pablo de Greiff and the Senior Advisor on Policy, Ana María Menéndez Pérez, 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. Strengthening collaboration between Geneva and New York was equally essential. Under the reformed resident coordinators system, resident coordinators had a new legal and moral role regarding crisis prevention at the national level that could make a significant difference. Furthermore, the fact that prevention was still often understood only in the context of conflict had to be addressed.

63. A summary was provided of how special procedures had contributed to the prevention role of the United Nations and how they could collectively move from playing an early warning function to taking 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 and to early warning signs that had been shared but in relation to which no timely action had been taken. Hence, they reiterated their call for more effective action to be taken to prevent serious human rights violations. They also called for access to United Nations decision-making bodies and to entities such as the Department of Political and Peacebuilding Affairs and the Department of Peace Operations. They recalled that, in order to ensure prevention, a bottom-up approach that involved not only the duty bearers but also the private sector remained important.

## 2. Issues related to digital security

64. Mandate holders looked at the data security safeguards provided to them by OHCHR to ensure digital security in their daily work. They were made aware of the different security protocols that had to be followed and of guidance on reliable software applications approved by the United Nations. Options for better and more secure communications with stakeholders were explored. Mandate holders agreed on the need for greater awareness on digital security and for dedicated training on that issue for themselves and the staff supporting the mandates.

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

65. Recognizing the potential of new technologies to promote human rights and prevent violations, mandate holders discussed the opportunities and the challenges. While new technologies could assist in monitoring, investigating and reporting, they could also undermine civic spaces, spread hate speech, incite to violence and spread disinformation. New technologies involving artificial intelligence posed a risk to privacy through enhanced surveillance, the 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. With the support of OHCHR, mandate holders had to work in partnership with academic institutions to assist technology companies in implementing their responsibility to uphold human rights and in developing products and services that did not have an adverse impact on human rights.

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

## 4. Engagement with United Nation agencies and resident coordinators – focus on the Sustainable Development Goals

67. Several United Nations agencies based in Geneva (the World Health Organization, the Office of the United Nations High Commissioner for Refugees and the Joint United Nations Programme on HIV/AIDS) and in New York (the United Nations Children's Fund, the United Nations Development Programme and the Development Coordination Office) participated in a discussion. Following the implementation of the reforms of the United Nations resident coordinator system, strategic opportunities had opened up for United Nations-wide collaboration with special procedures. However, statistics for 2017 and 2018 showed that such collaboration had yet to materialize fully. United Nations country teams had drawn on recommendations from special procedures to inform United Nations analysis on programme implementation and activities. Participants in the discussion agreed, however, that more should be done to ensure a systematic follow-up to recommendations, including on crucial support for country visits by mandate holders.

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

69. Furthermore, both the United Nations country teams and the Geneva-based agencies had been working to strengthen stakeholders' understanding of the structural transformations necessary to implement the Sustainable Development Goals through a human rights framework. They sought enhanced collaboration with special procedure mandate holders in that regard. It was decided that mandate holders should consider ways to strengthen engagement with the high-level political forum on the Goals.

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

70. Mandate holders addressed issues related to cooperation with States and other stakeholders and instances of personal attacks against mandate holders. The importance of taking a coherent and coordinated approach was highlighted. In light of the incidents that had

occurred in previous years, mandate holders agreed to exchange more information about the cooperation, or lack of cooperation, extended by States during visits.

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

71. Statistics and trends about cases of intimidation and reprisal against those cooperating with the United Nations on human rights addressed by mandate holders were shared with mandate holders, who also discussed ways to consolidate their response to reprisals in line with the internal guidelines they had 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 dated 20 June 2019 sent by the Coordination Committee sent to the Committee on Non-Governmental Organizations regarding the accreditation process.<sup>8</sup>

## **7. Issues related to mandate holders' ability to express themselves publicly**

72. Mandate holders discussed issues related to mandate holders' ability to express themselves publicly, for example in end-of-mission statements, press releases and social media during country visits. They discussed existing rules and guidance on the matter and agreed to review the Manual of Operations to address best practices related to the expression of their views in social media, end-of-mission statements and media releases, as well as other issues raised by States. They recognized that new forms of communication, including social media, posed challenges for everybody and that they should examine and encourage best practices on the use of such forms of communication.

73. More specifically, the mandate holders agreed that social media must be used in a manner consistent with the Code of Conduct, the applicable regulations in the Manual of Operations and the terms of reference for the country visits. Furthermore, outside of urgent situations, mandate holders would not send communications or issue 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 a mandate holder to issue a press release. In relation to end-of-mission statements, the mandate holders renewed their commitment to sharing such statements and any related press releases with visited States in advance of making them public. Mandate holders decided to examine the topic of the length of the statements as part of their internal review of the Manual of Operations but that, given their preliminary nature and the fact that States had limited time to react, they should not be too long or too detailed.

## **8. Use of social media**

74. Representatives of the OHCHR communications team informed mandate holders of the social media tools available to them. They noted that since the Twitter account of the special procedures had been launched there had been an increase of 500 followers per month. The platform was being used 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 was a need to have overall guidance and a strategy on social media use.

## **C. Consultations with stakeholders**

### **1. United Nations Deputy High Commissioner for Human Rights**

75. The Deputy High Commissioner addressed the challenges facing the human rights system as a whole and especially the human rights mechanisms. These challenges included reprisals against those cooperating with the United Nations on human rights, cuts to financial support from the regular budget, ad hominem attacks on independent experts and political processes that sought to control or make the special procedures system ineffective. She cautioned the mandate holders against giving space for 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.

<sup>8</sup> See [www.ohchr.org/Documents/HRBodies/SP/CC\\_Chair\\_letter\\_to\\_NGO\\_Committee\\_20062019.pdf](http://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf).

## 2. President of the Human Rights Council

76. The President of the Human Rights Council referred to the challenges faced by the system that were due not only to the budgetary crisis but also to 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 if they were to be properly understood, including by being appropriately translated.

77. Mandate holders said they wanted to make the general public more aware of their contributions to human rights. Indeed, they had noted that many international actors were not fully aware of the support that mandate holders could provide. As the President of the Council had pointed out, they too had observed a lack of synchronization 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 views with Member States

78. The exchange of views with Member States was opened by the newly elected Chair of the Coordination Committee. In her introductory remarks,<sup>9</sup> the Chair spoke of the role and responsibilities of special procedures, highlighting 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, and several decisions adopted by consensus during the annual meeting in relation to working methods and to 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 engaged in self-improvement and welcomed feedback aimed at enhancing the protection of human rights.

79. The Chair informed States about the decision to update the Manual of Operations in order to address best practices related to social media, end-of-mission statements, media releases and other issues that had been brought to the attention of mandate holders. In the dialogue that followed, participants expressed their support for the work of special procedures and the importance of cooperating with them. Some States expressed concern regarding impartiality and stressed the need to adhere strictly to the Code of Conduct. Concomitantly, the need to use reliable and varied sources of information was emphasized. Several procedural issues were raised regarding, for example, the timing between communications and press releases, as well as the opportunity for States to provide a response.

80. Mandate holders shared information on certain challenges they were facing, including lack of cooperation, as manifested by the lack of responses to communications and to requests for country visits, direct attacks against mandate holders and limited resources. Several States encouraged mandate holders to enhance their technical cooperation while others highlighted the limited resources of special procedures. In addition, reprisals and intimidation against those who collaborated with mandate holders were repeatedly condemned.

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

81. Representatives of 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 representatives raised concerns about the current financial situation and reduced resources for mandate holders. Civil society members reiterated their support for special procedures and expressed concern about threats to the independence of the system. Furthermore, a number of substantive human rights issues were raised.

82. Representatives of 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 be given to those who

<sup>9</sup> See [www.ohchr.org/Documents/HRBodies/SP/AMeetings/26thMeeting/26thAnnualMeeting\\_Chair\\_remarks21June2019.pdf](http://www.ohchr.org/Documents/HRBodies/SP/AMeetings/26thMeeting/26thAnnualMeeting_Chair_remarks21June2019.pdf).

submitted information to special procedures. The increased steps taken by mandate holders to address reprisals were also welcomed.

83. 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 supporting 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.

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