

4 December 2023

Excellency,

I have the honour of writing to you in my capacity as the Chair of the Coordination Committee of the Special Procedures.

Special procedures are committed to fulfil the mandates entrusted to them by the Human Rights Council. With the benefit of our independence and expertise to address the wide array of issues covered by our 60 mandates, we have the unique ability to offer independent examination and analysis of situations in light of human rights norms and practice. We conduct country visits, advice on thematic and country specific issues, raise concerns on individual cases directly with the relevant parties and develop international standards. We also facilitate national and international debate on human rights issues, are often the first to do it. As a system, special procedures work together to promote human rights mainstreaming, connect various sectors of society and draw attention to all human rights issues, including those that might otherwise remain invisible.

To achieve this, full cooperation from all concerned, in particular States, is indispensable. While we usually enjoy fruitful cooperation from many States, we still face difficulties having access to some countries or engaging with some on critical human rights issues.

In addition, some of my colleagues have been facing intimidation and baseless accusations about their integrity and motivations, which I find deeply regrettable. In some extreme cases, mandate holders have been the subject of derogatory remarks and personal attacks. This has happened in UN bodies, during country visits or in other contexts. Recent examples comprise disparaging personal remarks, verbal attacks against mandate holders, derogatory campaigns in the press, aggressive or insulting public statements by States representatives or by representatives of civil society, and claims of partial and unprofessional conduct designed to damage reputations, including publicly involving family members, thereby potentially creating insecurity. The legitimacy and authority of special procedures were directly put into question, thus undermining the whole system of special procedures and the reputation of the United Nations. Lately, these attacks concerned, among others, the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, including East Jerusalem, the Special Rapporteur on the situation of human rights in Eritrea, the Special Rapporteur on the situation of human rights in Burundi, the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the impact of unilateral coercive measures on human rights.

H.E. Mr. Václav Bálek
President of the Human Rights Council

Cc H.E. Mr. António Guterres
Secretary-General of the United Nations

Cc H. E. Mr. Volker Türk
High Commissioner for Human Rights

The fact that a number of mandate holders have again become the subject of ad hominem public attacks for carrying out their work is of serious concern. While mandate holders appreciate frank dialogue on their work and accept criticism, including in the media, a threshold is reached when criticism is no longer directed at the work of the mandate holder but rather at the person. None of my colleagues, nor I, claim to be above scrutiny. Disagreement with special procedures mandate holders can always be expressed, even in a robust manner. However, disagreements should be evidence-based and expressed in a respectful and constructive way, and never veer into the realm of the personal.

My colleagues are all well aware that implementing their mandates may sometimes be difficult. By raising new and emerging issues and situations, they often create discomfort. Their role is also to trigger discussions on sensitive issues. The mandate holders do not expect States and other stakeholders to always agree with their analysis. It is however unacceptable that mandate holders are insulted, publicly or otherwise, or personally attacked or threatened for discharging their mandates.

Some of the recent personal attacks against mandate holders relate to the resources available to mandate holders to discharge their mandates and how they use such resources. Several unfounded allegations made against mandate holders show total disregard for the rules and regulations applying to mandate holders in this context. The mandated activities of mandate holders are covered by the UN regular budget. In addition, as recognized by the Council itself in its resolution 16/21, there is a continued need for extra-budgetary funding to support the work of the special procedures, and the Council welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked. Such contributions are usually received through OHCHR. In some cases, mandate holders receive contributions directly. There is full transparency in the funding of special procedures for several years. The information about resources received by mandate holders, directly or through OHCHR, is fully disclosed in the annual report of special procedures presented to the Council at every March session.

Special procedures have consistently raised concerns about these incidents, including in the context of the meeting between the Committee and the Bureau of the Council last April and reiterated during the Annual Meeting of Special Procedures last June, in particular during the exchange held with your Excellency. There has been an increase in such attacks recently, especially in the context of the developments in Israel and Gaza. We are extremely concerned by continuing efforts by certain States and non-governmental organisations to undermine and denigrate important mechanisms established by the 47 Member States of the Human Rights Council.

This Council must maintain and consolidate its practice condemning personal attacks against the experts to whom it entrusts the delicate task, described on numerous occasions, of being their eyes and ears. Member States of the Council having established our mandates to assess their own human rights situation have the corresponding responsibility to secure and respect our authority and legitimacy and give due consideration to our recommendations.

Non-governmental organisations that are accredited by ECOSOC should also be held accountable for conduct that is unbecoming of their status.

Following your call during the Annual Meeting to be kept informed on that matter and in light of intensifying vilifications against special procedures mandate-holders, I am addressing you as President of the Human Rights Council and would urge you to support the work of special procedures and condemn in the strongest terms any personal attacks against mandate holders, including publicly. I appreciate the fact that you opened the last session of the Council by recalling that personal insults, attacks and threats against mandate holders will not be tolerated and I hope that such a call could be reiterated and strengthened in the future. As the President of the body that created our mandates, your support would be essential to recall everyone of the urgent need to respect and uphold our mandates entrusted to us by the Human Rights Council and our legitimacy.

In view of the public interest in this matter and particularly because slurs and other misinformation that has damaged mandate holders and the special procedures system were done publicly, this letter will also be made public.

Please accept, Excellencies, the assurance of my highest consideration.



Isha Dyfan
Chair of the Coordination Committee of Special Procedures