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Technical assistance and capacity-building

Written statement* submitted by Institute for NGO Research, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2019]

* Issued as received, in the language(s) of submission only.



The need for reforming Special Procedures

The mission of United Nations Special Procedures mandate holders is ostensibly to serve as independent experts on country and thematic issue areas of the utmost importance to furthering universal human rights. Unfortunately, the lack of transparency, accountability, and oversight over this area of the Council's activities has allowed for a misplacement of priorities and financial waste. The result is that the rights of the most vulnerable populations are ignored, and the worst abusers of human rights are often not investigated, condemned or held accountable.

Currently, limited resources are spread thin, as there are over forty different country and thematic mandate holders. A number of these share overlapping interests, such as regarding minority issues. To improve the situation, a number of thematic mandates could be combined to allow a single expert to determine the most pertinent issues in this category. The same is true for women's rights.

It is also unclear how and why thematic experts determine their regional focus and regional visits. For example, the Special Rapporteur on violence against women has, in recent years, visited Canada, the Bahamas, and Australia. In the past ten years, the Rapporteur has failed to visit the most oppressive regimes for women's rights, including Iran, Saudi Arabia, UAE, Qatar, Indonesia, Malaysia, and India.¹

Similarly, the Special Rapporteur on "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" has ignored areas where rights are most grossly violated. In 2018, this Special Rapporteur visited Canada, a country that ranks in the top 30 according to the WHO's ranking of the world's health systems and which has had universal health care since 1984. The Special Rapporteur has failed to visit Myanmar, the Central African Republic, Sierra Leone, and the Democratic Republic of the Congo – the countries ranked last according to the WHO.²

The inherent bias and waste in the mandate of the Special Rapporteur on the "situation of human rights in the Palestinian territories occupied since 1967's" is blatant. This language of the mandate itself singles out only Israel for investigation, preventing regional terror groups and Palestinian parties to the conflict that commit human rights violations from being condemned for their abuses.³ In addition, the mandate holders have consistently been individuals who violate the UN's objectivity, impartiality, and credibility guidelines. Submitted reports have utilized antisemitic imagery and often rely on unverified claims from NGOs that are tied to designated terror organizations or engage in antisemitic activities.

It is imperative that the Office of the High Commissioner for Human Rights (OHCHR) recognize the current untenable state of affairs of Special Rapporteurs, and institute new mechanisms to prevent future abuse. Such steps could include appointing an Ombudsperson in order to address public complaints and concerns, such as those detailed above.

Another important step to increase the level of transparency within Special Procedures would be to create a Freedom of Information (FOI) request system, similar to those in place in Western Democracies. An FOI process would enable the public and members of civil society to better understand the way priorities are assigned and why certain countries and issue area are selected for review, and not others. The ability for the public to question Special Rapporteurs and their decisions would also increase the level of accountability of these individual experts to the international community.

¹ See Sintia Radu, "The 10 Worst Countries for Gender Equality, Ranked by Perception," *US News*, February 27, 2019: <https://www.usnews.com/news/best-countries/slideshows/10-worst-countries-for-gender-equality-ranked-by-perception?onepage>

² Ajay Tandon, Christopher JL Murray, Jeremy A Lauer, and David B Evans, Measuring overall health system performance for 191 countries, World Health Organization, <https://www.who.int/healthinfo/paper30.pdf>

³ Office of the High Commissioner for Human Rights, "Question of the violation of human rights in the occupied Arab territories, including Palestine: Commission on Human Rights resolution 1993/2," https://spinternet.ohchr.org/_Layouts/15/SpecialProceduresInternet/Download.aspx?SymbolNo=E%2fCN.4%2fRES%2f1993%2f2A&Lang=en