

Mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association

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Mr. Chair,

I have the honour to address you in my capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolution 24/5.

The International Dalit Solidarity Network (IDSN) is a well-respected non-governmental organization (NGO), founded in 2000, to advocate for the human rights of the Dalit community and to raise awareness of human rights issues relating to this community, including the elimination of caste-based discrimination. It engages with the United Nations, in particular its human rights mechanisms, to advocate for these issues.

In January 2008, IDSN applied for ECOSOC consultative status at the Committee on NGOs' regular session. In response to the application, IDSN has received 75 questions since the filing of its application, posed by one Committee member, namely India, which it has responded to in detail. IDSN has not received a credible explanation for its questioning and deferral. Many of the questions received are reportedly repetitive, or were responded to in the application or in previous replies, and appear to be beyond the scope of what is relevant to the Committee's decision. During the process, no objections have been made to IDSN's application on technical or procedural grounds, and the organization has provided full, transparent and timely information in response to all questions received. IDSN has a right to receive a response to their request for consultative status within a reasonable timeframe.

In accordance with ECOSOC resolution 1996/31, the Committee on NGOs is mandated to grant consultative status to those organizations whose aims and purposes are in "conformity with the spirit, purposes and principles of the Charter of the United Nations," and which "undertake to support the work of the United Nations and to promote knowledge of its principles and activities." I consider that IDSN fully meets these criteria.

It is worth noting that the organization was granted accreditation to the Durban Review Conference according to Decision P.C. 3/6 of the Organizational Session of the Preparatory Committee. This accreditation process employs the same criteria for NGO participation as established in ECOSOC resolution 1996/31.

In my 2014 report to the General Assembly on the exercise of the rights to freedom of peaceful assembly and association in the context of multilateral institutions, I highlighted IDSN's plight as follows:

“The case of the International Dalit Solidarity Network, an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent, is particularly troubling: since 2008, the Network has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the Committee” (A/69/365, para. 74).

Furthermore, in my presentation to the General Assembly, I noted the blocking of IDSN from obtaining UN consultative status as “clearly unacceptable, wrong and unfair”, and highlighted the obligations of multilateral organizations and Member States acting both individually and collectively in those organizations to promote and protect the rights of everyone to access and communicate with international human rights mechanisms.

The continued deferral of IDSN's application for accreditation is a cause of deep concern to me. Effectively, IDSN is excluded from participating and interacting with United Nations intergovernmental bodies in contrast to the principles of non-discrimination, equality, participation, transparency and accountability, laid out in resolution 1996/31, and which works against the criteria for NGO participation stipulated therein. It also appears to be a targeted act of reprisal against IDSN for its human rights work and cooperation with the United Nations, its representatives and mechanisms in the field of human rights for the past 13 years, including the treaty bodies, special procedures and the universal periodic review mechanism.

I urge the Committee on NGOs to reach a timely decision on the ECOSOC status of IDSN, and to provide IDSN with an explanation for the deferral and questions posed to the organization.

Overall, I am troubled by the current working methods of the Committee on NGOs, as explained in my aforementioned report to the General Assembly (A/69/365, para. 72-80). In fact, speaking at the General Assembly, several Member States noted with concern that the Committee on NGOs, meant to ensure inclusion of civil society at the United Nations, has been acting in a manner contrary to its purpose. In this regard, I wish to bring to your attention the following recommendation I made in this report:

“The Special Rapporteur calls upon the United Nations specifically to... [r]eform the Committee on Non-Governmental Organizations to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally vetoing applications. The reform process should be guided by the

principle that the United Nations functions best when it is accessible to the greatest diversity of voices possible” (A/69/365, para. 88(a)).

Finally, the Secretary-General, in its 2015 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, also highlighted that:

“The Committee has a key role to play in ensuring that non-governmental organizations may participate in the work of the United Nations and have access to human rights mechanisms, [and] call[ed] on the Committee to apply the criteria for assessing non-governmental organizations in a fair and transparent manner” (A/HRC/30/29, para. 9).

I would like to kindly request you to bring this letter to the attention of all Committee members.

Your response to this letter will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Chair, the assurances of my highest consideration.

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association