

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
OL OTH 29/2017

4 January 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18 and 34/5.

In this connection, we would like to bring to your attention information we have received concerning the **decision of the United Nations Economic and Social Council (ECOSOC) not to grant ECOSOC's consultative status to the Alkarama Foundation**. The Alkarama Foundation is a non-governmental human rights organization based in Geneva and created in 2004 to support all individuals, including many human rights defenders, in North Africa and the Middle East who are subject to, or at risk of extra-judicial execution, enforced disappearance, torture or arbitrary detention. The organization acts as a bridge between victims and international mechanisms for the protection of human rights.

Special Procedures have already raised concerns regarding the working methods of the Committee on Non-Governmental Organizations and the Economic and Social Council have been raised in several communications: OTH 16/2016, sent on 20/05/2016 (see A/HRC/33/32), OTH 5/2017, sent on 5 April 2017 (see A/HRC/36/25) and OTH 6/2017, sent on 18/04/2017 (see A/HRC/36/25). In this regard, we acknowledge receipt of the Chair of the Committee's replies concerning communication OTH 16/2016, received on 2 May 2016, stressing the engagement of the Committee to ensure its compliance with the pursuit of fair and transparent procedures. We further acknowledge receipt of the Chair's reply received on 24 April 2017 - regarding communication OTH 5/2017 sent first to the Chair of the Committee and later transmitted to the President of the ECOSOC by communication OTH 6/2017 - explaining that, by decision E/2017/L.16, Christian Solidarity Worldwide was granted ECOSOC status and that, by decision E/2017/L.17, public sessions of the Committee will be webcasted.

According to the information received:

In May 2015, Alkarama applied for the ECOSOC consultative status. During its May 2017 Resumed Session, the Committee on Non-Governmental Organisations ("NGO Committee") decided by consensus to recommend that the Alkarama Foundation be granted special consultative status.

Despite this recommendation, on 26 July 2017, during the Coordination and Management Meeting of the Economic and Social Council, the Council denied consultative status to the Fondation. This decision allegedly follows draft resolution E/2017/L.35 introduced by the United Arab Emirates (UAE) demanding that Alkarama be denied special consultative status.

██████████ certain countries that Alkarama had “clear connections to terrorism”. In particular, the UAE justified its resolution by affirming that “the United Nations Sanctions Committee designated the founder of Alkarama, Mr. ██████████, as a financier and facilitator of terrorism” and that Alkarama “has not attempted to distance itself from ██████████”. Furthermore, Algeria, referred to Mr. ██████████ as the “President” of the Foundation.

However, it is alleged that Mr. ██████████ resigned from Alkarama’s Board of Trustees in 2014. Furthermore, under question 13 of its application for the ECOSOC status submitted to the NGO Committee, the organization listed the current members of the Board of Trustees, which did not include Mr. ██████████. As reported by Alkarama, since July 2014, and contrary to the claims made by the UAE and Algeria, Mr. ██████████ has not held any official position at Alkarama nor has he been involved in its work.

Lastly, the UAE claimed that Alkarama had not been forthright in its application to the NGO Committee and that the latter “may not have been able to consider closely the serious issues that affect Alkarama”. However, Alkarama responded to seven requests for additional information from the Committee and provided all required supporting documents.

It is alleged that Alkarama was never provided with an opportunity to respond to the allegations made by the UAE and that the organization had never been informed about the resolution nor of the means available to its members to challenge the claims made by the UAE. To this day, Alkarama has not been officially notified of the decision not to be granted ECOSOC status nor been informed about the procedures available to challenge this decision.

We recall that ECOSOC resolution 1996/31 outlines the eligibility requirements for consultative status, the rights and obligations of NGOs in consultative status, the procedures for the withdrawal or suspension of consultative status, the role and functions of the ECOSOC Committee on NGOs, and the responsibilities of the United Nations Secretariat in supporting the consultative relationship. The consultative status is granted by the ECOSOC upon recommendation from the Committee on NGOs, which is composed of 19 Member States.

Part II para. 20 of ECOSOC resolution 1996/31 establishes that “consultative arrangements are to be made, on the one hand for the purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competences in the subjects for which consultative arrangements are made, and, on the other hand, to enable international, regional, subregional and national organizations that represent important elements of public opinion to express their views”.

We would like to express our concern at the denial by the Council of granting ECOSOC status to Alkarama which does not seem to be based on an objective assessment of facts, and may constitute an act of reprisal for their work and engagement with UN mechanisms in the field of human rights. We continue to consider that the

continuous and arbitrary denials and deferrals of applications for accreditation, prevents civil society organizations from engaging with UN bodies and human rights mechanisms and contravenes the principles of non-discrimination, equality, participation, transparency and accountability enunciated in resolution 1996/31. We express concern that the implementation of ECOSOC resolution 1996/31 and the Council and Committee's working methods in this regard, represent undue interference in non-governmental organizations' access to and in the exercise of their freedom of expression in important international fora.

We recall that the International Covenant on Civil and Political Rights (ICCPR) guarantees the rights to freedom of expression and to associate in articles 19 and 22, respectively. We underline that membership to the NGO Committee or to the Council does not discharge Member States from fulfilling their human rights obligations as individual parties to the ICCPR. Besides, the right to freedom of expression and association is also enshrined in articles 19 and 20 of the Universal Declaration of Human Rights (UDHR).

Concerns about the lack of transparency of the working procedures of the NGO Committee and of the ECOSOC, in particular that they have been acting in a manner contrary to the purpose of ensuring inclusion of civil society at the United Nations, has been raised by the Special Rapporteur on the rights to freedom of peaceful assembly and of association in a report to the General Assembly (A/69/365, in particular paragraphs 72-80).

We urge the Council to reconsider its decision with respect to the application for ECOSOC status of Alkarama at the earliest opportunity and would like to kindly request you to bring this letter to the attention of all Council members.

Finally, we would like to inform His Excellency that this communication will be made available to the public and posted on the web pages of the mandate of the Special Rapporteur on the right to freedom of expression (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx>) It will also be included in the periodic communication reports of the Special Procedures to the Human Rights Council. Any reply will also be made public in the same manner.

We would appreciate receiving a response within 60 days.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders