

# THE FINANCING OF UN EXPERTS

in the Special Procedures  
of the Human Rights Council



How UN experts are funded and influenced



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OF THE HUMAN RIGHTS COUNCIL

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**The European Centre for Law and Justice (ECLJ)** is an international non-governmental organization founded in 1998 and dedicated to the promotion and protection of human rights in Europe and worldwide. The ECLJ has held special Consultative Status before the United Nations/ECOSOC since 2007.

The ECLJ bases its action on “the spiritual and moral values which are the common heritage of European peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy” (Preamble of the Statute of the Council of Europe).

Report written under the direction of **Grégor Puppink**, PhD in Law, director of the ECLJ, with **Louis-Marie Bonneau**, Research Fellow, assisted by the ECLJ team.

European Centre for Law and Justice

4, Quai Koch, 67000 Strasbourg, France

Phone : + 33 (0)3 88 24 94 40 - <http://www.eclj.org>

[secretariat@eclj.org](mailto:secretariat@eclj.org)

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## FOREWORD

In the age of globalisation, international institutions are assuming increasing responsibility and wielding considerable power. Decision-making centres are moving away from the people and their historical capital cities to a few new capitals of global governance, be they financial or political, notably in New York and Geneva. By moving, power changes its nature: it wants to be rational and global, and therefore detaches itself from the expression of the (supposedly irrational) will of particular peoples, as well as from the old distinction between public and private actors, in favour of a new distinction between local and global actors. While small states are local actors, without great means, some foundations and private companies are among the global actors. Some of these private global actors have an explicit political purpose. They are large foundations and NGOs that have not only considerable *resources*, but also high-level *expertise* and, more importantly, a generally liberal and global *worldview*. These three qualities make these private actors very effective instruments of social change, acting in the political and social field with much more agility than states, without their administrative and democratic ponderousness. As a result, a few private actors have acquired far more financial and political power than many states. The attitude of governments towards these private actors varies according to whether they share the same *worldview* or not.

International organisations (IOs) generally share the same liberal and global vision of the future of humanity and strive to achieve it. IOs and large foundations and NGOs are similar and appear to be complementary. Indeed, these NGOs enable 'disconnected' IOs' action to 'be grounded', to make it timely and effective, and to act independently of governments; in return, IOs translate the messages of NGOs into political and institutional terms. Basically, IOs and NGOs are supposed to share the same global vision of the world, to be committed to the common good of humanity, and to be detached from national political considerations. This common good of humanity would be more easily accessible to IOs and NGOs in that they would not think in terms of 'selfish' national interests, but in the universal language of reason. This language of reason also happens to be the language of international law, and in particular of human rights. This complementary relationship leads to a constructive dynamic whereby IOs and NGOs inform and influence each other.

However, the blurring of the boundary between public and private actors, and the depth of the relationship between IOs and NGOs, allows global private actors to exert significant influence on IOs, and through them, on the world at large. The difficulty is to determine the acceptable limit to this private influence on public institutions, as there is only one step from complementarity to dependence, which can be crossed in particular by the funding of IOs by foundations and NGOs.

International institutions, such as the United Nations, are increasingly financed by global private actors, in the margins of States. For example, they have paid nearly one and a half billion dollars to UNICEF in 2020, more than one billion dollars to the WHO in 2017, \$540 million to the Office of the High Commissioner for Refugees in 2020, \$77.5 million to the United Nations Population Fund (UNFPA) in 2019, and \$69 million to UNESCO in 2020. The same applies to the Organisation of American States and the Council of Europe, which include the Inter-American and European Courts of Human Rights respectively. Even the International Criminal Court receives private funding. Most of those comes from a small

number of foundations and NGOs, in particular the *Gates*, *Ford*, *Open Society*, *McArthur*, and *Oak* foundations, but also from a few companies, such as *Microsoft*.

This funding cannot be reduced to a mere patronage. As the United Nations Development Programme (UNDP) pointed out: “Foundations see themselves as fully fledged development partners rather than donors, and expect close involvement in activities such as policy discussions, advocacy and problem analysis. They have become a source of valuable development knowledge. They run highly visible campaigns in the media and influence international development policy.”<sup>1</sup>

This funding is the result of another complementarity between IOs and NGOs or foundations: IOs have political power but want more financial means, while NGOs and foundations have financial means but want more political power. This funding is seen as acceptable and beneficial in that it allows them to work towards a common worldview. However, such funding is problematic because it further blurs the difference between public and private global actors and has the effect of confusing their political and financial powers. Thus, IOs can become dependent on private foundations and NGOs. This confusion is an essential aspect of global governance.

This phenomenon, whereby a private actor exerts significant influence on, or within, a public institution, has been called “capture”<sup>2</sup> and “privatisation” in social sciences. It was first studied in the field of financial and commercial institutions, then in the field of human rights.<sup>3</sup>

This is the phenomenon we will study in this report, focusing our analysis on the functioning of the Special Procedures of the UN Human Rights Council, which are “considered by many to be, in the words of then UN Secretary-General Kofi Annan, the ‘crown jewel’ of the international human rights system.”<sup>4</sup> We will see how private actors invest this public function, how they manage to “capture” this function on different levels: the choice of experts, their financing, the determination of their priorities, their communication, and even the subsequent exploitation of their expertise within other international bodies.

This study is a follow-up to the ECLJ’s report on “[NGOs and the Judges of the ECHR](#),” published in February 2020, which described the stranglehold of some foundations and NGOs on the European Court of Human Rights (Strasbourg), and the numerous conflicts of interest that resulted from this situation. This new report complements the previous one, not only in revealing the extent of the influence acquired by a few private actors within another international institution, but also in exposing the use of other methods of influence - notably financial - than those used at the ECHR.

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<sup>1</sup> UNDP, Management response to the evaluation of UNDP’s partnership with global funds and philanthropic foundations, 4-10 September 2012, DP/2012/24, p. 15.

<sup>2</sup> See, for example, Caroline Devaux, *La fabrique du droit du commerce international, Réguler les risques de capture*, Bruylant, 2019.

<sup>3</sup> See Gaëtan Cliquennois, *European Human Rights Justice and Privatisation, The Growing Influence of Foreign Private Funds*, Cambridge University Press, 2020; K. De Feyter and Isa F. Gómez, *Privatisation and Human Rights in the Age of Globalization*. Cambridge: Intersentia, 2005; H. N. Haddad, *The Hidden Hands of Justice: NGOs, Human Rights, and International Courts*. Cambridge: Cambridge University Press, 2018.

<sup>4</sup> Ted Piccone et Marc Limon, [Special Procedures: Determinants of Influence](#), Universal Rights Group, 2014.

## INTRODUCTORY SUMMARY

International institutions, such as the United Nations (UN), are increasingly funded by private foundations and companies, in addition to the States. This is the case, for example, of the WHO, which received more than \$1 billion in 2017 or of UNICEF which received more than \$1.4 billion in 2020. The phenomenon, whereby a private actor exerts significant influence over a public institution through its funding, has been given the names “capture”<sup>5</sup> and “privatization”<sup>6</sup> in social sciences. These private actors are scarce and consist mainly of a few foundations and companies: *Gates*, *Ford*, *Open Society*, *Oak* and *McArthur* foundations and *Microsoft*. This report examines this phenomenon in the specific context of the Special Procedures of the UN Human Rights Council, which are “considered by many to be, in the words of then UN Secretary-General Kofi Annan, the ‘crown jewel’ of the international human rights system.”<sup>7</sup> It follows the report on “[NGOs and the Judges of the ECHR](#)”, published in February 2020, which described the hold of some foundations and NGOs on the Strasbourg Court, and the numerous conflicts of interest that ensued. This new report complements the previous one, not only in revealing the extent of the influence of private actors within another international institution, but also in exposing the use of other methods of influence than those used before the ECHR.

This research was based on a series of interviews with UN experts and on the analysis of financial disclosures published annually between 2015 and 2019 by the Office of the High Commissioner for Human Rights (OHCHR), the Special Procedures Mandate-holders, as well as by the main foundations funding the system, namely the *Ford* and *Open Society* foundations (between 2016 and 2019 for the latter). This research reveals the extent of support and funding granted to the experts on the peripheries of the UN system. After analysis, the available financial data on the Special Procedures was found to be incomplete and often inconsistent. This is a lesson in itself, but it implies considering the figures published in this report as giving only an indicative assessment of the situation.

This report first highlights the financial insecurity of the Special Procedures system, which has facilitated the introduction of external financial influences. Between 2015 and 2019, 40% of the Special Procedures budget came from additional, extra-budgetary funding from a few States, NGOs, and private foundations. Indeed, while the regular budget of the Special Procedures amounts to nearly \$68 million between 2015 and 2019, almost \$20 million more were voluntarily paid to the Special Procedures as a whole, mainly by the Netherlands, Germany, and the United States. Moreover, during the same period, a few States also paid an additional \$14,6 Million to 51 of the 121 experts in office.<sup>8</sup> Finally, still during the same period, 37 of the 121 experts reported having received also 134 direct financial payments, amounting to almost \$11 million. These latter payments differ from the previous ones in that

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<sup>5</sup> See, for example, Caroline Devaux, *La fabrique du droit du commerce international, Réguler les risques de capture*, Bruylant, 2019.

<sup>6</sup> See Gaëtan Cliquennois, *European Human Rights Justice and Privatisation, The Growing Influence of Foreign Private Funds*, Cambridge University Press, 2020; K. De Feyter and Isa F. Gómez, *Privatisation and Human Rights in the Age of Globalization*. Cambridge: Intersentia, 2005; H. N. Haddad, *The Hidden Hands of Justice: NGOs, Human Rights, and International Courts*. Cambridge: Cambridge University Press, 2018.

<sup>7</sup> Ted Piccone et Marc Limon, [Special Procedures: Determinants of Influence](#), Universal Rights Group, 2014.

<sup>8</sup> “121 experts in office between 2015 and 2019.” This figure is based on the dates posted on the OHCHR website for each mandate. It may be questionable as sometimes the dates are not specified, or the same expert may have served different mandates between 2015 and 2019 (this was considered in the calculation).

they were paid to the experts without going through the UN. Therefore, they are not subject to any control; they mostly come from private actors. The financial payments selectively allocated to a few experts - and not to the system as a whole - more than doubled between 2015 and 2019.

The report also shows that the system relies on a large number of “in-kind donations” from private actors often consisting in the provision of staff and office spaces: 36 of the 121 experts report having received 125 “in-kind donations” between 2015 and 2019. These in-kind donations are not assessed but can be substantial. Some experts are also paid personally by funders outside the UN, even though they should be volunteers.

In order to complete this first analysis, we proposed an interview to 150 Special Procedures Mandate-holders in office between 2010 and 2020. 37 of them agreed to answer our questions, 28 of whom we effectively interviewed for an average of one hour. Of the 28 experts interviewed, 23 are academics, three are from NGOs, and 14 receive extra-budgetary funding, particularly from the private sector. The interviews provided a wealth of information on the functioning of the system and on the causes and modalities of “external support.” Most of the experts interviewed, aware of the existence of a problem and the sensitive nature of the subject, asked that their comments not be attributed to them by name so that they could speak more freely. Others requested to remain anonymous, while others renounced the interview.<sup>9</sup> Some, however, agreed to be quoted and approved the quotations. However, this report does not purport to reflect the opinion of all the experts interviewed<sup>10</sup>, but to analyze the issue of the functioning and financing of the Special procedures.

The experts interviewed are:

1. **Michael K. Addo**: Working Group on the issue of human rights and transnational corporations and other business enterprises (2011-2018) / Chair of the Coordination Committee of the United Nations Special Procedure Mandate-holders (2015-2016) / Member of the Coordination Committee (2016-2017);
2. **Heiner Bielefeldt**: Special Rapporteur on freedom of religion or belief (2010-2016);
3. **Joe Cannataci**: Special Rapporteur on the right to privacy (since 2015);
4. **Annalisa Ciampi**: Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (2017);
5. **François Crépeau**: Special Rapporteur on the human rights of migrants (2011-2017) / Chair of the Coordination Committee of the United Nations Special Procedure Mandate-holders (2014-2015) / Member of the Coordination Committee (2015-2016);
6. **Diane Desierto**: Member of the drafting group on a legally binding instrument on the right to development;

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<sup>9</sup> It was the case for Urmila Bhoola and Melissa Upreti, discussed below.

<sup>10</sup> The ECLJ sent the report to all the experts interviewed. Martin Scheinin sent an email on 11 August 2021 expressing his disagreement when the report was released, saying his answers were not reflected. In 2020, he had already publicly attacked the report on *NGOs and the ECHR Judges*. Dainius Puras, whose financing of the mandate is extensively discussed in the report, also sent us an email on August 11, 2021, expressing his dissatisfaction, before sending us a new message on August 12, 2021, justifying himself for the facts referred to in the report and acknowledging the existence of problems in his financial declarations (see below). Another expert interviewed demanded *a posteriori* the deletion of her name. On the other hand, other experts wrote to thank us, declaring the report very interesting, even “fascinating”. (addendum, 16 August 2021).



7. **Surya Deva:** Working Group on the issue of human rights and transnational corporations and other business enterprises (since 2016);
8. **Catalina Devandas-Aguilar:** Special Rapporteur on the rights of persons with disabilities (2014-2020) / Member of the Coordination Committee of the United Nations Special Procedure Mandate-holders (2017-2018) Chair of the Coordination Committee (2018-2019) / Ambassador: Permanent Mission of the Republic of Costa Rica to the United Nations Office and other international organizations in Geneva (since 2020);
9. **Ariel Dulitzky:** Working Group on Enforced or Involuntary Disappearances (nominated in 2010);
10. **Osman El Hajjé:** Working Group on Arbitrary Detention (nominated in 2009);
11. **Ikponwosa Ero:** Independent Expert on the enjoyment of human rights by persons with albinism (2015-2021);
12. **Richard Falk:** Special Rapporteur is to assess the human rights situation in the Occupied Palestinian Territory since 1967 (2008-2014);
13. **Bonny Ibhawoh:** Independent Expert on the Expert Mechanism on the Right to Development, (2020-2023);
14. **John H. Knox:** Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment (2012-2018);
15. **Vernor Muñoz:** Special Rapporteur on the right to education (2004-2010);
16. **Armando De Negri Filho:** Expert Mechanism on the Right to Development (2020-2023);
17. **Aristide Nononsi:** Independent Expert on the situation of human rights in the Sudan (since 2014);
18. **Dainius Pūras:** Member of the UN Committee on the Rights of the Child (CRC) (2009-2011) / Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2014-2020) / Chair of the Coordination Committee of the United Nations Special Procedure Mandate-holders (2019-2020);
19. **Gabor Rona:** Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination (2017-2018);
20. **Jeremy Sarkin:** Working Group on Enforced or Involuntary Disappearances (2008-2014) / Member of the Coordination Committee of the United Nations Special Procedure Mandate-holders (2011-2012);
21. **Martin Scheinin:** Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2005-2011);
22. **Olivier De Schutter:** Special Rapporteur on the right to food (2008-2014) / Member of the UN Committee on Economic, Social and Cultural Rights (2015-2020) / Special Rapporteur on extreme poverty and human rights (since 2020);
23. **Morris Tidball-Binz:** Special Rapporteur on extra-judicial summary or arbitrary executions (since 2018);
24. **Fernand de Varennes:** Special Rapporteur on Minority Issues (since 2017);
25. An expert of the Working Group of Experts on People of African Descent who requested to remain anonymous.
26. Two Special Rapporteur who requested to remain anonymous.
27. One Special rapporteur who requested her name to be withdrawn.

In addition to the Mandate-holders, we also conducted interviews with Ms. **Beatriz Balbin**, Head of the Special Procedures Department at the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as with Messrs. **Marc Limon** and **Ted Piccone**, authors of a landmark study published in 2014 “Human Rights Special Procedures: Determinants of Influence” (Universal Rights Group - Brookings Institution).

As the result of this study, it appears that the propositions to fund and directly support Mandate-holders is often aimed at guiding their action, or even framing and controlling it. It therefore significantly undermines their independence. Almost all the experts interviewed share this observation; some of them used the word ‘corruption’ to describe this phenomenon. It also appears that this funding and support are opaque, and that direct funding and support are not subject to any control. Almost all of the experts interviewed want greater transparency in the funding of the Special Procedures.

The study also reveals that the majority of this funding and support comes from a very small number of actors, mostly from the Western world. Moreover, at least 52 of the 222 Special Procedures Mandate-holders since 2010 hold, or have held, a responsibility in the *Open Society* or an NGO funded by the *Ford* or *Open Society* foundations.

This study also reveals the lack of transparency in the use of the Special Procedures budget by the Office of the High Commissioner for Human Rights.

Overall, this study reveals a growing phenomenon of capture of the Human Rights Council's Special Procedures system by a few actors. At the same time, the majority of experts who do not receive this “support” must act with very little means, generously, giving much of themselves and their time. There are those who “know the system,” according to the expression used by some experts, and the others who do not know it or who want to remain truly independent.

After a general presentation of the Special Procedures (I), the report gives a historical overview of the attempts to supervise the action of UN experts (II), and then details the sources of funding for the Special Procedures and the experts (III). The report then analyzes the problems caused by external funding, particularly with regard to the requirements of transparency and independence of experts (IV). Finally, the report sets out a few recommendations for cleaning up the system, taking into account the proposals of the experts interviewed (V).

Finally, the report includes annexes; the figures are published in a spreadsheet accessible [online](#).

The ECLJ has been contributing to the Special Procedures since 2007, appreciates their mechanism, and hopes that this report will contribute to improving their functioning.

# GENERAL PRESENTATION OF THE UNITED NATIONS’ “SPECIAL PROCEDURES”

The United Nations (UN) has three main areas of activity: security, development, and human rights. In the field of human rights, the UN acts through several institutions and mechanisms. The main institutions are the *Human Rights Council* (Geneva), which brings together 47 States elected by the General Assembly of all UN member States (New York), and the *Office of the UN High Commissioner for Human Rights* (OHCHR, Geneva), which provides secretariat and support to the activities of the international community in this field.

As for the main human rights protection mechanisms, some, called *treaty bodies*, were established by specific treaties to monitor states’ compliance with their treaty commitments,<sup>11</sup> while others, called *Special Procedures*, were established by the Human Rights Council<sup>12</sup> to examine, monitor, advise and report on the human rights situation in specific countries (country mandates) or on the respect of certain rights worldwide (thematic mandates). As of April 2021, there are 44 thematic mandates and 11 country mandates; they are carried out by “independent experts” appointed by the Human Rights Council and exercising their mandate either individually (often as “Special Rapporteurs”) or in working groups composed of five members.<sup>13</sup> Special Procedures experts are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

For example, the thematic mandates include Special Rapporteurs or working groups on the rights to food, education, discrimination against women and girls, freedom of religion or belief, the rights of migrants, children, violence, and discrimination based on sexual orientation and gender identity, contemporary forms of racism, arbitrary detention, enforced disappearances, etc.

## *The competences of the Special Procedures*

Special procedures Mandate-holders:

- Receive individual or collective complaints alleging actual or potential human rights violations and then, if they deem it appropriate, investigate these cases through an exchange of communications with the States concerned, request information on the facts or regulations denounced, and recommend, if needed, the adoption of the necessary measures to remedy the situation. All of these communications are then presented annually to the Human Rights Council. This is the most “advanced” mechanism for the protection of rights, as it benefits all individuals and applies to all

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<sup>11</sup> There are ten human rights treaty bodies that monitor the implementation of the core international human rights treaties: the Human Rights Committee (CCPR) ; the Committee on Economic, Social and Cultural Rights (CESCR) ; the Committee on the Elimination of Racial Discrimination (CERD) ; the Committee on the Elimination of Discrimination against Women (CEDAW) ; the Committee Against Torture (CAT) ; the Subcommittee on the Prevention of Torture (SPT) ; the Committee on the Rights of the Child (CRC) ; the Committee on Migrant Workers (CMW) ; the Committee on the Rights of Persons with Disabilities (CRPD) ; the Committee on Enforced Disappearances (CED).

<sup>12</sup> Or by its predecessor, the Commission on human rights.

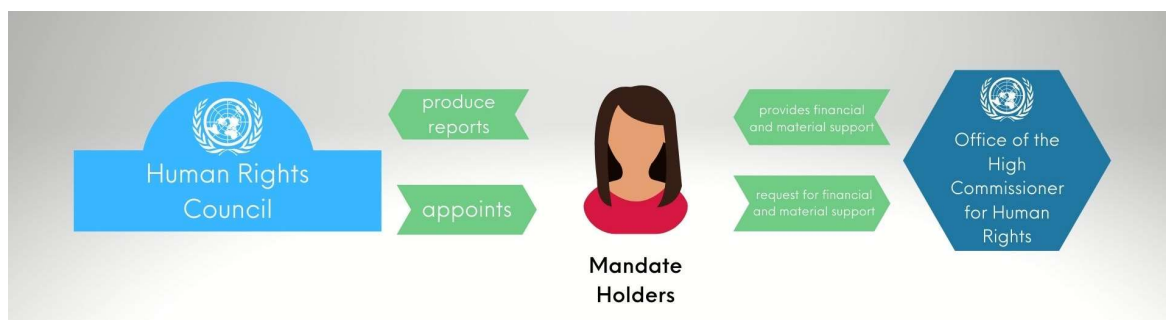
<sup>13</sup> The five members each come from one of the five UN regional groups: Africa, Asia, Latin America and the Caribbean, Eastern Europe, and the Western Group.

States, whether they like it or not. Unlike other international mechanisms, it can also be seized without the individual having previously taken action before the national courts. Approximately 600 communications are sent each year;

- Receive alerts, directly addressed by any individual without any formal requirement, on alleged human rights violations. It is the only mechanism allowing an individual to directly alert an international body;
- Contribute significantly to the development of international law by drafting “thematic reports” on specific aspects of their field of competence. These reports are officially published by the United Nations and become an authoritative legal reference on the subject throughout the world. They are cited by international courts such as the International Court of Justice and the European Court of Human Rights (ECHR);
- Conduct country visits to assess the local human rights situation within their respective mandates. They meet with public authorities, civil society leaders, victims of human rights violations, and the media. At the end of their visit, they draft a “mission report” containing factual outcomes, conclusions and legal and political recommendations addressed to the government of the country, which are then presented and discussed publicly at the Human Rights Council. Each mandate-holder is required to conduct two country visits per year;
- Advise governments on reforms to be undertaken;
- Take public positions on specific or general issues, in order to convince the population and governments to expand the scope and respect of human rights.

These experts all report annually to the Human Rights Council, and most of them to the UN General Assembly. They also intervene regularly in other UN bodies and international forums, for example in the Council of Europe or in proceedings at the ECHR. In 2011, the Human Rights Council “reaffirmed the obligation of States to cooperate with the Special Procedures.”<sup>14</sup> These Special Procedures, however, do not have jurisdictional power, but political, diplomatic, and doctrinal influence.

These experts are therefore world-class references in their field: they “embody” human rights and represent the United Nations. They exercise an ideal of supranational justice in that they are competent to act universally and independently, even with regard to States that refuse their competence. They have a major responsibility to uphold rights and have a significant influence on the content of human rights standards.



<sup>14</sup> [HCDH Special Procedures – Introduction.](#)

## *Requirements to be an independent expert*

Any person may apply for the position of Special Procedures Mandate-holder, the expert being chosen for a term of three to six years by the Human Rights Council, after various internal consultations of a political nature.<sup>15</sup>

Resolution 5/1 of June 18, 2007, specifies the criteria for the selection of candidates, namely: competence, experience in the field covered by the mandate, independence, impartiality, personal integrity, and objectivity. In addition, persons in decision-making positions “which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.” The resolution provides that the election process should take into account “gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.”

These experts are mostly academics, but also former politicians, or members of NGOs; they are not UN staff and do not normally receive any financial remuneration other than *per diem* for their travels.

## THE DIFFICULT SUPERVISION OF THE ACTION OF INDEPENDENT EXPERTS

The independence of experts is an essential necessity in order to guarantee them actual freedom of speech and action vis-à-vis States, but it also entails the risk of being abused by experts, either exceeding their mandate in favor of a form of militant activism, or acting unethically, by abusing their independence to accept distinctions, remuneration, and other benefits. These two inherent risks of absolute independence, namely activism and corruption, have been regularly raised by States, particularly those most affected by the Special Procedures. They led, between 2002 and 2015, to the adoption of several measures aimed at limiting the realization of these risks; but they have been criticized by some as attempts to limit the independence of experts.

A Regulation governing the status, basic rights and duties of officials and experts on mission was adopted on June 18, 2002, by the Secretary General of the United Nations.<sup>16</sup> It includes an oath to be taken by UN experts. Dealing in particular with financial matters, the Regulations establishes as a rule that “Officials and experts on mission may not accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out during the course of their official functions while in the service of the United Nations.” The Regulation also includes rules of conduct: experts must act with efficiency, competence, integrity, not “seek nor accept instructions from any Government or from any other source external to the Organization,” or “they shall ensure that those views

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<sup>15</sup> See [Resolution 5/1 of June 18, 2007](#) and [Resolution 16/21 of April 12, 2011](#).

<sup>16</sup> Secretary-General’s bulletin, Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, [ST/SGB/2002/9](#), June 18, 2002.



and convictions do not adversely affect their official duties or the interests of the United Nations.”

This Regulation was not considered sufficient by several Member States of the Human Rights Council who obtained the adoption, on June 18, 2007, of a “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.”<sup>17</sup> This code aims to specify to the experts their obligations and the framework in which the mandates are carried out. In terms of ethics, the Code recalls that experts must act in complete independence and not seek or accept instructions from anyone; they may “not accept any honour, decoration, favour, gift or remuneration from any Government or non-governmental source for activities carried out in pursuit of his/her mandate;” they must also refrain from using their position “for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate or third party.”

The Code also contains methodological instructions on how experts should carry out their mandate in a serious and constructive manner, mainly aimed at curbing possible activism by experts. Significantly, the Code requires experts to “show restraint, moderation and discretion” in the performance of their duties and to ensure “that their personal political opinions are without prejudice to the execution of their mission,” which seems impossible.

Experts must take the following oath:

I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the

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<sup>17</sup> [Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council](#) adopted on June 18, 2007.

Mandate-holders are independent United Nations experts. While discharging their mandate, they shall:

- (a) Act in an independent capacity, and exercise their functions in accordance with their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any kind of extraneous influence, incitement, pressure, threat or interference, either direct or indirect, on the part of any party, whether stakeholder or not, for any reason whatsoever, the notion of independence being linked to the status of mandate-holders, and to their freedom to assess the human rights questions that they are called upon to examine under their mandate;
- (b) Keep in mind the mandate of the Council which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, through dialogue and cooperation as specified in General Assembly resolution 60/251 of 15 March 2006;
- (c) Exercise their functions in accordance with their mandate and in compliance with the Regulations, as well as with the present Code;
- (d) Focus exclusively on the implementation of their mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty and independence pertaining to their mandate;
- (e) Uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith;
- (f) Neither seek nor accept instructions from any Government, individual, governmental or non-governmental organization or pressure group whatsoever;
- (g) Adopt a conduct that is consistent with their status at all times;
- (h) Be aware of the importance of their duties and responsibilities, taking the particular nature of their mandate into consideration and behaving in such a way as to maintain and reinforce the trust they enjoy of all stakeholders;
- (i) Refrain from using their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate, or third party;
- (j) Not accept any honour, decoration, favour, gift or remuneration from any governmental or non-governmental source for activities carried out in pursuit of his/her mandate.

objective of promoting and protecting human rights without seeking or accepting any instruction from any other party whatsoever.

This oath complements and replaces the one prescribed by the Regulations of 2002 by introducing a reference to the obligation of impartiality, as well as the obligation to act in view of the terms of the mandate conferred and the Charter of the United Nations, with the objective to promote and defend human rights.

These texts prohibit experts from receiving any donation for activities carried out within their mandate, even though some States were already voluntarily financing the system of Special Procedures and specific mandates, *i.e.*, making “donations” to experts.

The Human Rights Council then clarified the principles governing the financing of the Special Procedures in the resolution of 12 April 2011 on the “Review of the work and functioning of the Human Rights Council” (A/HRC/RES/16/21). For the Human Rights Council, the regular budget of the Office of the High Commissioner should be sufficient to allow the Special Procedures to “fully implement their mandate.” Noting, however, “the continued need for extra-budgetary funding to support the work of the special procedures”, the Council “welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked,” *i.e.*, that they should be paid to the OHCHR for the benefit of all special procedures so that such payments be not “donations” to specific mandates. Finally, “The Council highlights the need for full transparency in the funding of the special procedures.” (§ 34). There is no mention in this text of private funding.

Shortly after this resolution, the United Nations Board of Auditors addressed this issue. In its 2011 report, it expressed concern about the existence of agreements between Mandate-holders and public as well as private funders. The 2002 and 2007 texts have therefore not prevented, in practice, the financing of experts by states, but also by private actors. The UN auditors observe that “Mandate-holders, undertaking work on behalf of the OHCHR, are not required to disclose support received from other sources” [than those received from the OHCHR], including support from governments and other institutions.<sup>18</sup> Accordingly, “the Board considers that the absence of clear disclosures could put in doubt the perceived independence of Mandate-holders.” The auditors further believe that “earmarked donations could unduly privilege some mandates over others, potentially impacting on their perceived independence.”<sup>19</sup> To address these shortcomings, recommendations were proposed,<sup>20</sup> the main one being “seek ways to reduce the reliance of mandate holders on extrabudgetary funding and other forms of earmarked or un-earmarked support.” The auditors also propose to “seek ways in which to demonstrate more robustly that mandated activities regarding special procedures are undertaken independently, are of equal importance, and not unduly influenced by the source of funds”. Finally, it also recommended “in the interest of transparency, [to] propose to the Human Rights Council that mandate holders be required to disclose all sources of funding and any conditions attached to them.” For the UN auditors, this reform was

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<sup>18</sup> Financial Report and Audited Financial Statements for the Biennium Ended 31 December 2011 and Report of the Board of Auditors: Volume I ([A/65/5 \(Vol. I\)](#)), p. 24 : “While recognizing that currently, the Mandate-holders do not have an obligation to disclose this funding or in-kind support, the Board considers that the absence of clear disclosures could put in doubt the perceived independence of mandate holders.”

<sup>19</sup> Ibid - § 69.

<sup>20</sup> Ibid - § 70.

necessary to comply with the Council’s call for “full transparency in the funding of the special procedures.”<sup>21</sup>

Since 2011, as will be seen later in this report, not only have the experts continued to receive earmarked funding from States and private actors, but most of the recommendations of the UN Board of Auditors have not been acted upon. In 2015, the experts only finally agreed to publish information on their external funding on an annual basis. According to testimonies from experts in office at the time, it was the OHCHR Secretariat that had to pressure the experts to publish this information. In the absence of a consensus among the experts, a majority of them adopted a text stressing “such lack of adequate funding continued to trigger the need for extra budgetary funding to support their work,” and in which they added:

The meeting agreed on the need for greater transparency of external funding received in support of their mandates, given that it might have an impact on the perception of their independence, and decided to rend disclosure of external funding received mandatory and make it publicly available through modalities to be specified further.<sup>22</sup>

Since this decision, most experts have progressively declared, each year, the extra-budgetary funding received for their mandates.<sup>23</sup> However, in the absence of controls and sanctions, there is no effective obligation to publish these funding. These declarations are often incomplete, lack rigor, and do not address the terms and conditions of the payments, contrary to the recommendations of the Board of Auditors. These declarations are those that served, among other things, as sources for the figures analyzed and presented in this report.

The rest of this report examines the financial functioning of the Special Procedures since 2015, and the problems it has increasingly posed, due to the growing share of public and private extra-budgetary funding allocated to experts, their opacity, and the infringements on the independence of the experts that they imply.

It should be noted, in order to better understand the context, that the problem of extra-budgetary funding is not limited to the Special Procedures: it also affects the OHCHR to a larger extent, with approximately 63% of its overall budget in 2019 made up of voluntary contributions, for a total of more than \$179 million, compared to \$105 million for the regular budget.<sup>24</sup> It should be noted that these voluntary contributions are overwhelmingly made by Western states (Sweden, Norway, Denmark, Finland, Germany, Switzerland, the United Kingdom and the United States).<sup>25</sup> A few foundations and private companies also finance the OHCHR, in particular the *Ford, Open Society, MacArthur, Call for Code* (founded and chaired by Bill Clinton) Foundations, as well as *Microsoft, Counterpart International*, and *Wellspring Philanthropic Fund*.<sup>26</sup> Nearly 70% of these voluntary contributions to the OHCHR’s general budget are earmarked by the donor for a specific program they wish to

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<sup>21</sup> UNHRC, [Resolution 16/21](#), *op. cit.*, § 34.

<sup>22</sup> Report of the twenty-second annual meeting of Special Rapporteurs, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council held in Geneva on 8-12 June 2015. Document [A/HRC/31/39](#).

<sup>23</sup> These are the reports of the annual meeting of the Special Rapporteurs, independent experts of the Human Rights Council. References [A/HRC/31/39](#) - [A/HRC/34/34/Add.1](#) - [A/HRC/37/37/Add.1](#) - [A/HRC/40/38/Add.1](#) - [A/HRC/43/64/Add.1](#).

<sup>24</sup> United Nations Human Rights Office to the High Commissioner, [Human Rights Report](#), p.87.

<sup>25</sup> *Ibid*, p. 90.

<sup>26</sup> Between 2015 and 2019, they paid \$415,000, \$107,000, \$340,000, \$130,000, \$2,550,000, \$748,289, \$425,050 respectively – [Voluntary contributions to OHCHR 2008-2019](#).

support and promote.<sup>27</sup> Under such conditions, it is understandable that the OHCHR cannot require Special Procedures experts to comply with rules that the OHCHR largely disregards itself. One expert interviewed expressed concern about this situation, as did several NGOs, particularly with regard to the five-year partnership between the OHCHR and *Microsoft* in May 2017.<sup>28</sup> According to the UN press release, *Microsoft* committed not only to give \$5 million to the OHCHR, but more so to develop and manage for the OHCHR “advanced technology designed to better predict, analyze and respond to critical human rights situations.” Although the partnership was described as “*landmark*” by its parties, the OHCHR rejected a request from NGOs to publish its contents and to clarify its private funding policy.<sup>29</sup>

## THE FINANCING OF THE SPECIAL PROCEDURES OF THE HUMAN RIGHTS COUNCIL

The Human Rights Council has recognized the importance of ensuring transparent, adequate and equitable funding in order to provide the necessary support to all Special Procedures according to their specific needs.<sup>30</sup> The budget is decided and voted each year by the General Assembly of the United Nations, and then entrusted to the OHCHR which must provide the experts with the material and human resources, including financial and administrative resources, but also expertise,<sup>31</sup> necessary for the proper implementation of their mandates. However, some states decide to further fund the system, or only certain experts. In addition, private actors directly finance certain experts. This voluntary funding is either monetary or in kind. Voluntary state and private contributions are referred to as extra-budgetary, as they are additional to regular budget resources.

The study of these funding is based on the financial statements published by the OHCHR<sup>32</sup> (Annual Report), by the experts in the appendix to their annual report,<sup>33</sup> and by the *Ford Foundation* and the *Open Society Foundations*. These two foundations are the main private funders of the Special Procedures and publish on their websites the list of the donations they made.

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<sup>27</sup> [OHCHR’s Funding and Budget](#).

<sup>28</sup> [ESCR, 2017 letter to OHCHR on Microsoft partnership](#).

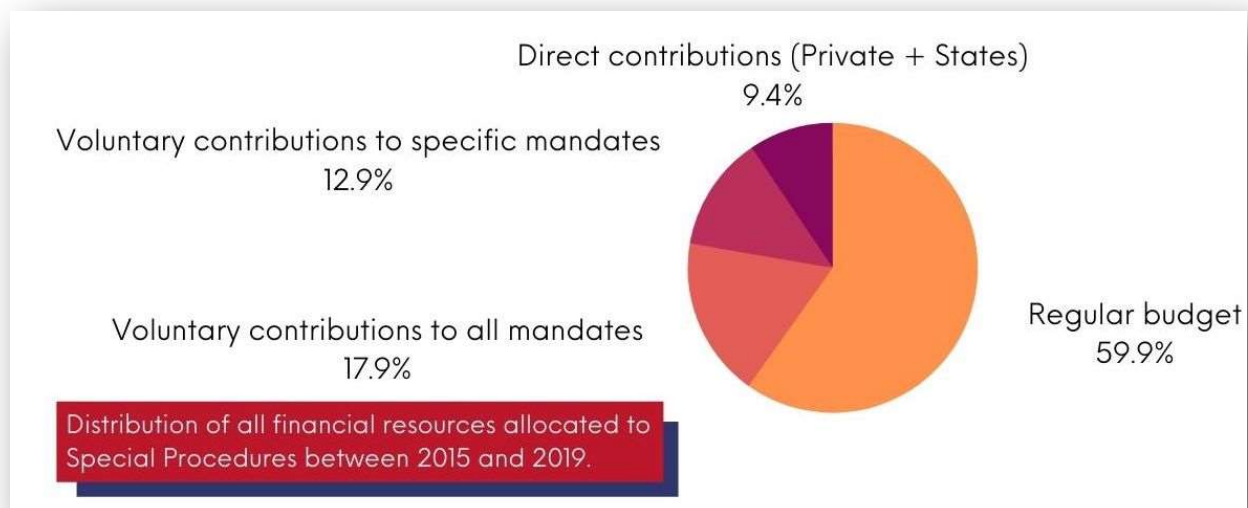
<sup>29</sup> *Ibid.*

<sup>30</sup> See UNHRC [Resolution 16/21](#).

<sup>31</sup> See Article 21 of the [Manual of Operations of the Special Procedures of the Human Rights Council](#), August 2008, adopted at the 15th Annual Meeting of the Special Procedures of the Human Rights Council.

<sup>32</sup> [Annual Report 2015 OHCHR / Annual Report 2016 OHCHR / Annual Report 2017 OHCHR / Annual Report 2018 OHCHR / Annual Report 2019 OHCHR](#).

<sup>33</sup> These are the following two documents for each year: 2019: [A/HRC/43/64](#), [A/HRC/43/64/Add.1\\*](#); 2018: [A/HRC/40/38](#), [A/HRC/40/38/Add.1\\*](#); 2017: [A/HRC/37/37](#), [A/HRC/37/37/Add.1\\*](#); 2016: [A/HRC/34/34](#), [A/HRC/34/34/Add.1\\*](#); 2015: [A/HRC/31/39](#).



### ***The regular budget of the Special Procedures (via the OHCHR)***

The regular budget of the Special Procedures amounted to nearly \$68 million between 2015 and 2019 (*i.e.*, around \$13,6 million per year). Under Resolution A/RES/70/245 of December 23, 2015, each State contributes to the funding of the Special Procedures on an equitable basis, in proportion to its GDP.<sup>34</sup> On 28 September 2020, the Coordination Committee of Special Procedures expressed concern about the lack of funding for the Special Procedures, specifically about the fact that, at that time, Member States had only paid approximately 60% of their financial obligations to the UN regular budget, preventing the realization of a significant portion of the mandates. This situation would have been due to the pandemic.<sup>35</sup>

More generally, this financial weakness results from the reluctance of the majority of states to fund more widely experts and a system exercising supranational control over them; it has been aggravated by the considerable increase in the number of mandates, without a proportional increase in the budget allocated to the Special Procedures.

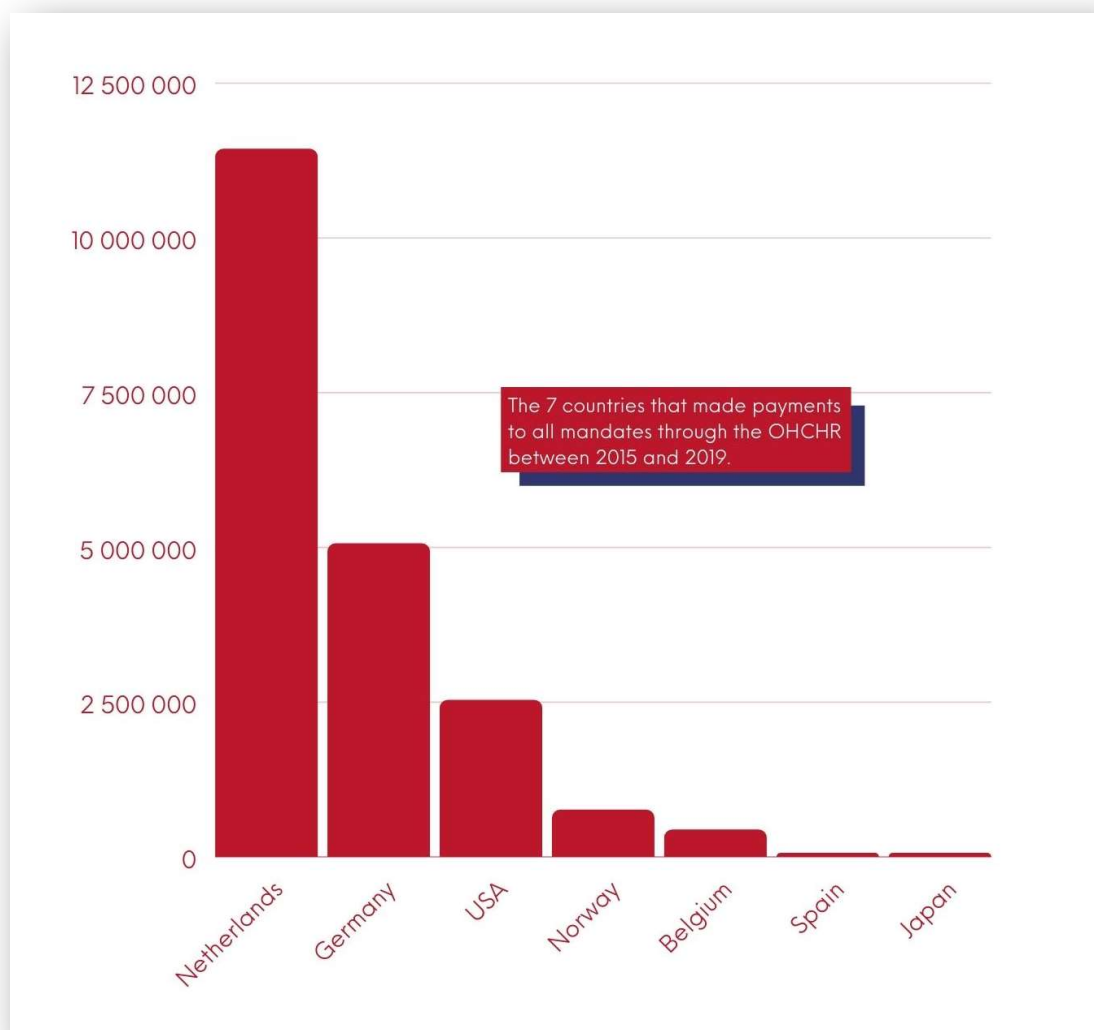
### ***Voluntary contributions for all mandates (via the OHCHR)***

To increase the financial resources for Special Procedures, some states make a “voluntary contribution” to the OHCHR, in addition to their regular contribution. Between 2015 and 2019, nearly \$20 million was voluntarily contributed to the Special Procedures as a whole, mainly by seven countries including the Netherlands (56% of the total), Germany (25% of the total) and the United States (12% of the total). These voluntary contributions increased from \$3,282,025 to \$4,774,691 per year between 2011 and 2019.

<sup>34</sup> [OHCHR, Funding and Budget.](#)

<sup>35</sup> Special Procedures Coordination Committee, [Human rights experts warn of damaging impact on Special Procedures from UN funding crisis.](#)





These voluntary contributions have become necessary; they have the advantage of not favoring a particular mandate, and thus of preserving their independence. However, they have the disadvantage of not being completely predictable, and of breaking the principle of equality between States that is the basis of the UN system. The Human Rights Council recognizes “the continued need for extra-budgetary funding to support the work of the special procedures, and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked,”<sup>36</sup> as stated above.

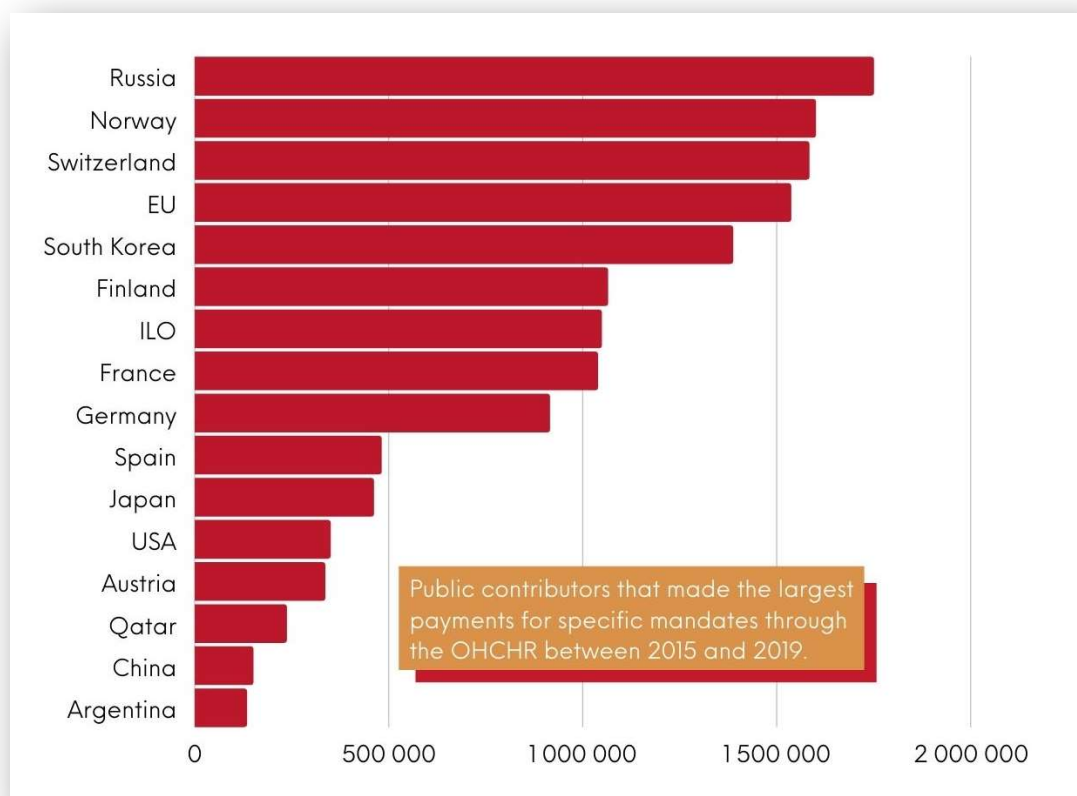
### ***Earmarked voluntary contributions for specific mandates (via the OHCHR)***

Although they are discouraged by the Human Rights Council, the OHCHR nevertheless accepts voluntary contributions with an earmarking predetermined by the donor for the benefit of a mandate or even a specific project within a mandate. These earmarked voluntary contributions may result from a State’s historical support for a specific mandate (regardless of the personality of the Mandate-holder), from the initiative of a State or they may be solicited

<sup>36</sup> [Resolution 16/21](#), § 33.

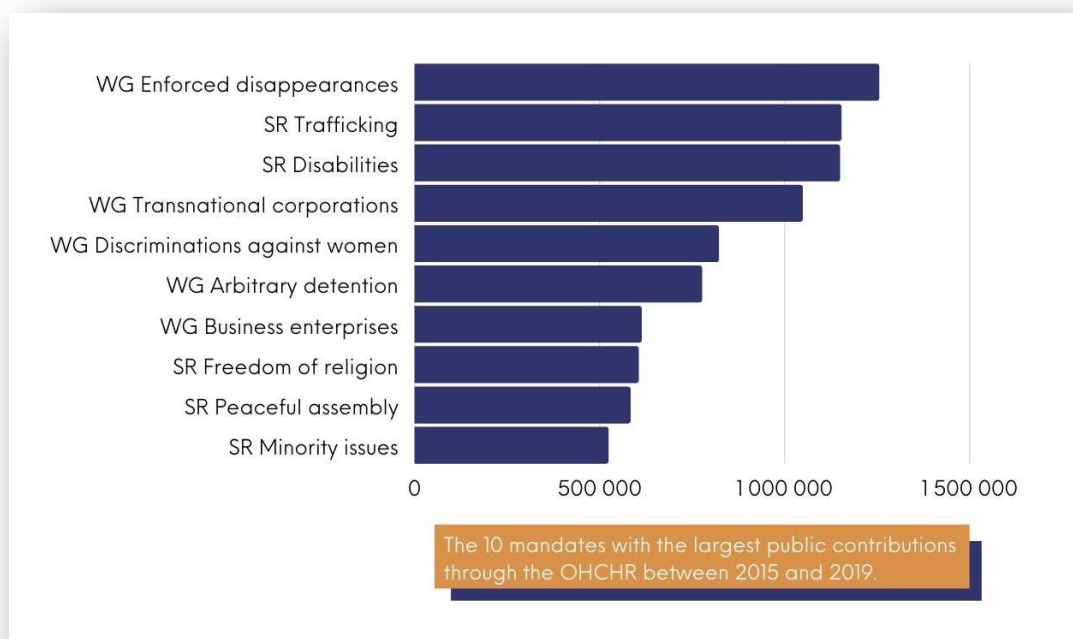
by the expert. In this case, the money routes through the OHCHR and is reported in its annual financial report.

This funding is increasing significantly; it rose from \$1,741,103 in 2011 to \$4,040,166 in 2019.<sup>37</sup> The main public donors are Russia, Norway, Switzerland, the European Union, South Korea, Finland, France, and Germany.



Between 2015 and 2019, the OHCHR stated in its annual reports that it received \$14,657,943 in extra budgetary funds earmarked for 51 experts, out of the 121 experts in office between 2015 and 2019. Out of this amount, the experts declared that they received \$10,554,920. According to their testimonies, experts are not free to spend these sums, but must claim them and justify their use to the OHCHR.

<sup>37</sup> See [Annexe 2](#).



These earmarked voluntary contributions are considered problematic by some experts in that their recipients become materially dependent on public funders; they also break equality between States and between mandates. However, the fact that they go through the OHCHR ensures a minimum control and transparency by the UN administration. To circumvent this UN control, some experts invoke their independent status to justify their right to receive direct financial payments.

### ***The question of the financial insecurity of the experts***

The OHCHR covers all expenses necessary for the realization of the mandates, *i.e.*, two country visits per year, as well as one trip to each of the UN headquarters in Geneva and New York to present the experts' two annual reports. During these trips, the experts receive a daily allowance (*per diem*) of a variable amount depending on the destination.<sup>38</sup> The experts therefore do not have a personal budget attached to their mandate for general use. Many find this regrettable. Their budgets remain in the hands of the OHCHR, and some experts complain that they do not even know the amount the OHCHR budgets for Special Procedures. They receive funds sparingly, and they are obliged to request and justify each expenditure. Some perceive this as a means for the Secretariat to control the activity of experts.

In addition, Special Procedures experts do not work at the United Nations, and they must therefore provide for their own work materials. Thus, their *per diem* allowances are not sufficient to cover either the costs they incur (telephone, computers, office space, travel, etc.)

<sup>38</sup> One expert reported receiving about 500 CHF per day of attendance in Geneva, and 400 USD in New York: the amount varies depending on the country visited. 2020 was a difficult year for the experts because they had to work remotely, without travel, and therefore without *per diem*. To compensate, they obtained an exceptional allowance of 1000 euros.

or the loss of income they suffer when they are forced to cut back on their main, salaried, professional work.

Experts often complain that they lack sufficient budgets. For example, one expert stated:

[T]he real issue is that that funding is not enough for us to do all the work that we want to do. We have to participate in many meetings and [answer many] emails, and for that, there is no funding. There is no ... support for us in the system . . .

Some experts said they have to cover their own expenses as well as any other work they may wish to undertake beyond what is expressly required by their mandates. Most experts feel that they do not receive enough money to carry out their mandates, in particular to finance consultations, meetings abroad with people who can inform and advise them (civil society, academics, political leaders, etc.). Many experts, especially when they are isolated, give a great deal of themselves in time and resources. This situation is materially difficult and leads some not to want to take on more than six years of mandate.

This financial precariousness would be intended by some states to contain the activity of the Special Procedures. According to Osman El Hajje, “It is true that, in general, States cooperate with the Special Rapporteurs, although some of them do not cooperate at all. But it seems clear that many States are not too enthusiastic about having the rapporteurs monitor respect for human rights on the ground on an ad hoc basis.” Almost all the experts interviewed complain of this lack of funding, which reduces the Special Procedures to a “low-cost” human rights protection mechanism.

### ***The human resources issue***

In establishing the Special Procedures, States agreed that mandates should be carried out on a volunteer basis. According to the OHCHR, fulfilling a mandate represents a commitment of approximately three months of work per year. The volunteer status of experts serves ostensibly to preserve their independence from the OHCHR, but most experts interviewed are in favor of a monthly allowance or an increase in the *per diem*.

As regards the workload, all the experts interviewed agreed that estimating it at three months of work is a “joke.” Some mandates require a full-time investment and almost permanent availability to respond to emergencies (for example, regarding arbitrary execution or torture). Most rapporteurs report devoting at least four days a week to their mandates. Only collective mandates, carried out within working groups, are less demanding. Experts therefore very often make considerable and generous personal investments.

Several experts interviewed particularly complained about the lack of measures to reconcile a mandate with family life, especially when the expert is a mother. For example, experts must bear their own childcare costs during official trips.

### ***The relationship with the OHCHR***

Some experts feel that the OHCHR exercises excessive control over their actions, whether through the power to withhold funding, to withhold assistance, to proofread or even to edit

experts' papers. Experts perceive this control as aiming not only to limit spending, but also to "smooth out the edges" of reports to spare States. Tensions may thus arise because the OHCHR and the experts do not have the same interests. The Secretariat needs to maintain good relations with States over time and to act diplomatically, while the experts often have a more confrontational approach. There would occasionally be "conflicts of interest," with the OHCHR sometimes refusing to support the experts' initiatives. One expert even reported being worked to the point of burn-out and then pushed by the OHCHR to resign. Another difficulty is that the Secretariat is staffed by officials. Although they serve the experts, these staff members are not under their authority, but under that of the OHCHR.

In addition to the general services of the OHCHR, each independent expert is supposed to have access to the assistance of one and a half staff members to assist with daily responsibilities throughout the duration of the mandate. In practice, experts complain that there is great inequality among mandates, with some having no assistants ("Human Rights Officers") for long periods of time, or assistants who were insufficiently skilled in their fields, poorly motivated or unavailable. Only a minority of experts interviewed were very satisfied with their teams in Geneva. One expert insists:

The mandate-holder should have some say on who is going to work for them. [You must] [a]t least [ensure that] the staff have some interest or some experience on the issue. There also has to be a way to address the hierarchy about staff... The downside is the staff are not answerable to the mandate-holder. So if you put that in the context of human nature there's gonna be a problem, they have no incentive to do beyond a certain point for you. So the quality control needs to be addressed within the UN.

This situation leads some mandate-holders to seek financial, material, and human support outside the OHCHR system. They do so in part to obtain greater means for their research, and sometimes also to escape the control of the OHCHR and the deductions it claims from contributions. Indeed, it appears that the OHCHR withholds a percentage of the funds paid by donors as operating costs (one expert mentions a 20% deduction). The experts who seek support say that they "*have no choice*" if they want to carry out work that matches their ambitions. In the words of one expert, "people don't have a choice;" another expert has echoed, "you don't have a choice, you tinker, you don't have a choice, it's precarious, it's not great." Still another stated, "But if you want to achieve anything at all, regular budget money, that's not gonna take you very far;" a fourth added, "If you want to have impact, you do need extra budgetary funding to get those things done."

This external support can take many forms. Often, the mandate-holder will assemble a team of paid consultants, students, and specialists to carry out the obligations of the mandate—in particular the preparation of the visits, consultations, and the two annual reports.

Two experts interviewed stated that they had been invited by the OHCHR, more or less explicitly, to seek external funding.

### ***Donations and in-kind support***



The workload and its volunteer nature considerably reduce the profile of potential candidates, as each mandate requires expertise in the field, availability, and financial support. As a result, over the past 10 years, **135 out of the 222 experts have been academics**; a few others were lawyers, NGO employees, or even retired people.

It is common for experts to pursue institutional support outside the UN, even though they are supposed to carry out their mandates as individuals. **Thirty-six out of 121 experts** reported receiving **125 in-kind donations between 2015 and 2019** according to the Special Procedures annual reports. Most often, these donations consisted of free office space, particularly at universities, but many experts also received staff and administrative support. Some academics also report that having had teaching loads reduced and using parts of their budgets or certain of their research assistants for their mandates. In many cases, they have been able to build a research team within their universities. In such cases, there is a mutual enrichment between expert and academic activities. This has led one expert to say:

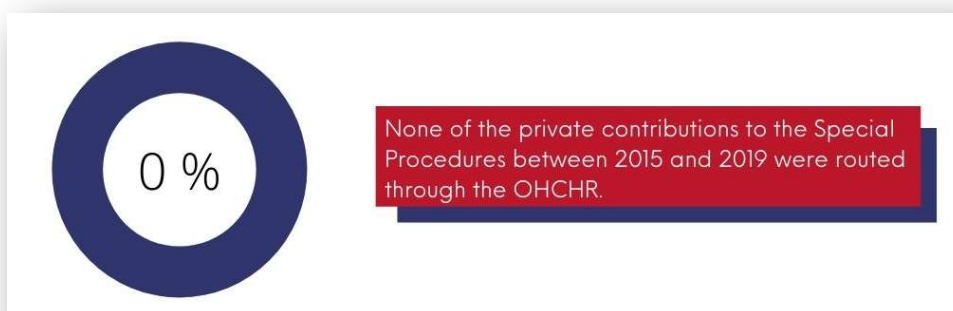
It is a fact that for most of my colleagues, the structure in which they are based (universities typically, etc.) is effectively subsidizing the system as well, because they're allowing the experts to do the work as special rapporteurs while being paid usually full time for what they're originally hired for.

However, this is not the case for all academics, as it is not in the culture of certain universities to welcome such politically oriented activity.

Such in-kind support by the expert's university does not seem to pose a problem at first sight. However, collaboration with universities is not without risks, especially in terms of data confidentiality. Moreover, it is an illusion to think that campuses are politically neutral. On the contrary, universities are highly politicized institutions in Western society. Moreover, some academic institutions are also genuine transmitters of political or ideological influence clothed in academic prestige. Carrying out a mandate at a university is thus not a guarantee of neutrality. Furthermore, the interpretation of human rights and the dominant social discourse are not the same on North American campuses as in the global South.

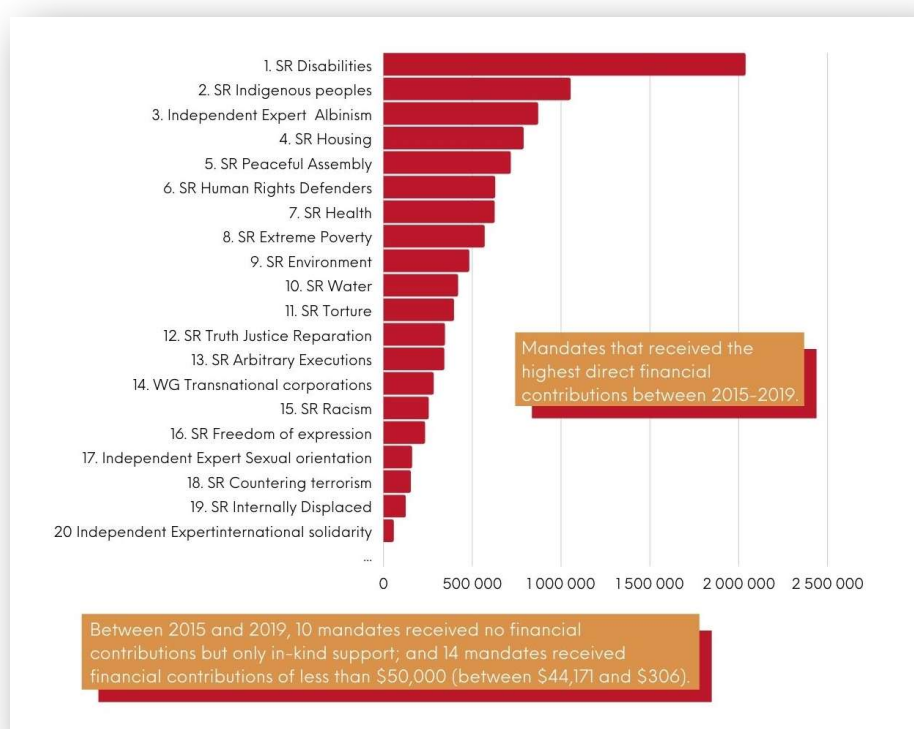
### ***Funds paid directly to experts***

Some experts interpreted their “independence” - despite the 2002, 2007 and 2011 texts - as allowing them to receive funding directly from public and private actors, bypassing the OHCHR.



The choice to receive funds directly allows for an easier use, avoiding the OHCHR's control and monetary deductions. Yet these direct funds are markedly opaque. According to a former expert, this is a "gray area" that is expanding dangerously, as these declared direct donations have increased from \$2,099,503 to \$2,646,678 per year between 2015 and 2019.

Between 2015 and 2019, 37 of 121 experts reported receiving an additional 134 direct financial payments totaling \$10,725,328, mostly from private donors. One expert reported receiving more than \$2 million, another expert more than \$1 million, six others more than \$500,000, and a further eleven more than \$100,000.



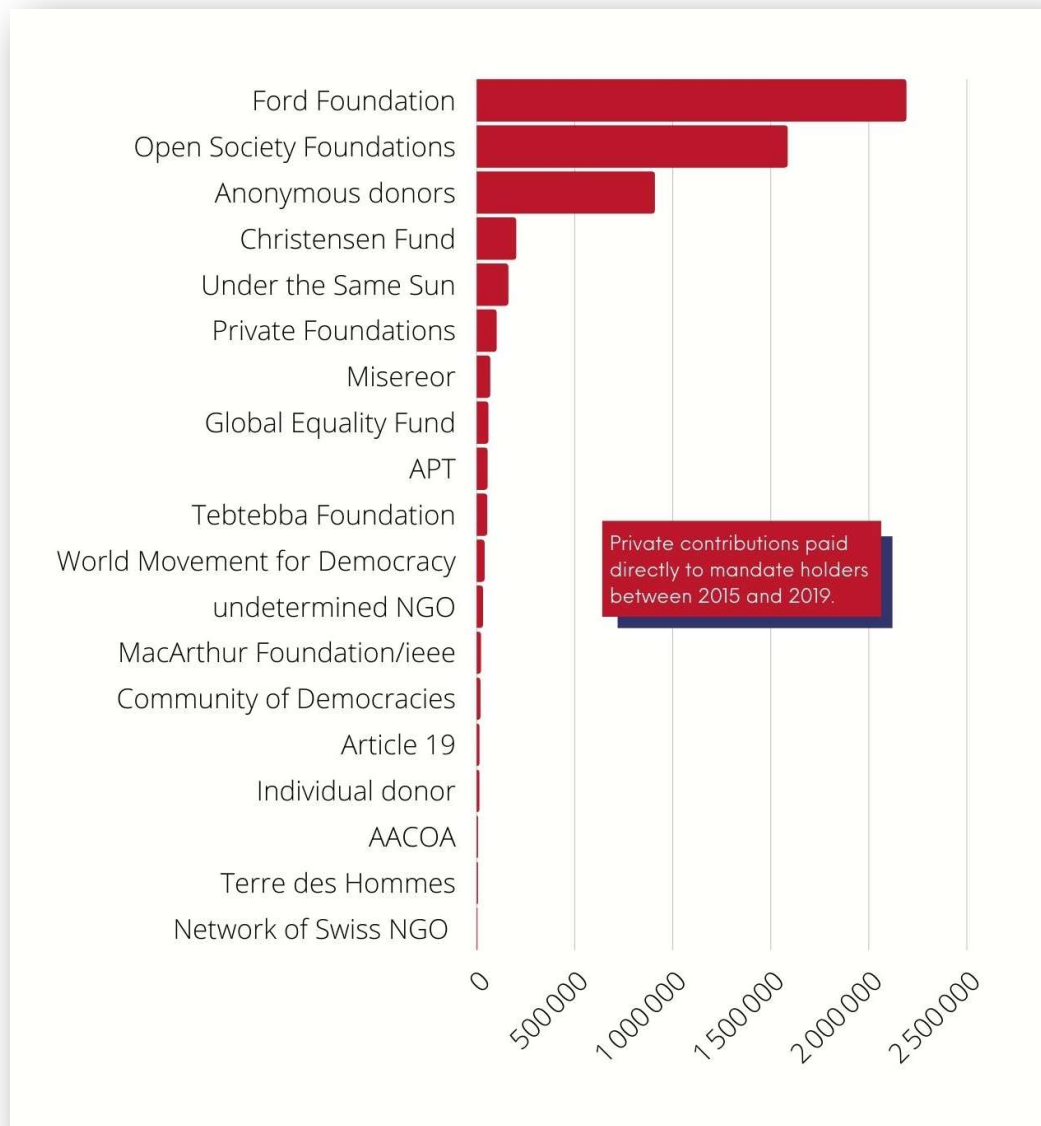
According to the experts' annual declarations, the origin of these payments is as follows:

- \$5,515,523 were paid to them by private foundations and NGOs, of which \$2,190,000 was paid by the *Ford Foundation* to nine mandate-holders<sup>39</sup> and \$1,584,517 was paid by the *Open Society Foundations* to six mandate-holders.<sup>40</sup> Four mandate holders were funded by both the Ford and Open Society Foundations.
- \$3,844,163 were provided by 17 governments, the most generous being Norway, Australia, Germany, Sweden, the Netherlands, and Switzerland.
- \$1,142,757 were contributed by 49 universities (often private), the main ones being the University of British Columbia, the University of Pretoria, the University of Minnesota Law School, and Toronto's York University. This is in addition to "in-kind" support from universities. Many of these universities or research centers are themselves funded by private actors.
- 13 official international organizations contributed \$222,886, such as the *Organisation Internationale de la Francophonie* with \$26,637.

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<sup>39</sup> The experts are: Catalina Devandas Aguilar (Costa Rica), Special Rapporteur on the rights of persons with disabilities: \$75,000; Ikponwosa Ero (Nigeria), Independent Expert on the enjoyment of human rights by persons with albinism: \$100,000; Juan Ernesto Méndez (Argentina), Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: \$90,000; David Kaye (United States), Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: \$150,000; Victoria Tauli-Corpuz (Philippines), Special Rapporteur on the right to freedom of opinion and expression: \$650,000; Leilani Farha (Canada), Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: \$225,000; Philip Alston (Australia), Special Rapporteur on extreme poverty and human rights: \$500,000; Tendayi E. Achiume (Zambia), Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance: \$250,000; Clement Nyaletsossi Voule (Togo), Special Rapporteur on the rights to freedom of peaceful assembly and of association: unspecified amount.

<sup>40</sup> The experts are: Catalina Devandas Aguilar (Costa Rica), Special Rapporteur on the rights of persons with disabilities: \$247,500; Ikponwosa Ero (Nigeria), Independent Expert on the enjoyment of human rights by persons with albinism: \$450,000; Juan Ernesto Méndez (Argentina), Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: \$200,000; Juan Pablo Bohoslavsky (Argentina), 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 (amount not specified); Dainius Pūras (Lithuania), Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: \$425,000; David Kaye (United States), Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: \$62,500.



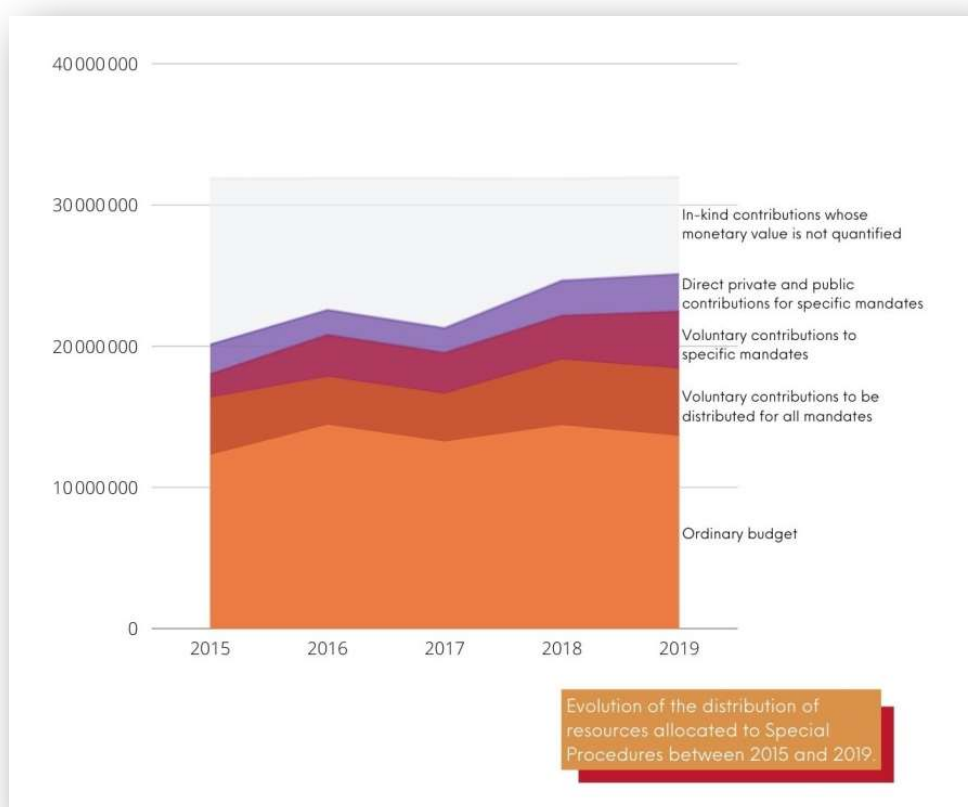
The experts funded in this way organize to receive and manage the money themselves. Some experts use their own NGOs, accountants, or, more frequently, university research centers. In those cases, the NGOs or universities become the operational bases from which the mandates are carried out, with research teams, administrative support, and financing. Between 2015 and 2019, for example, the *Open Society* and *Ford* Foundations report having contributed \$447,406 and \$1,175,000, respectively, to universities for the benefit of two specific mandates<sup>41</sup> (which is more than the \$1,142,757 reported by the experts as total university support). One expert who raised significant sums of money told us that he even made money for his university.

When an expert works for an NGO, the organization may provide material support to the expert and their work. In that case, the risk of conflict of interest between mandate and NGO

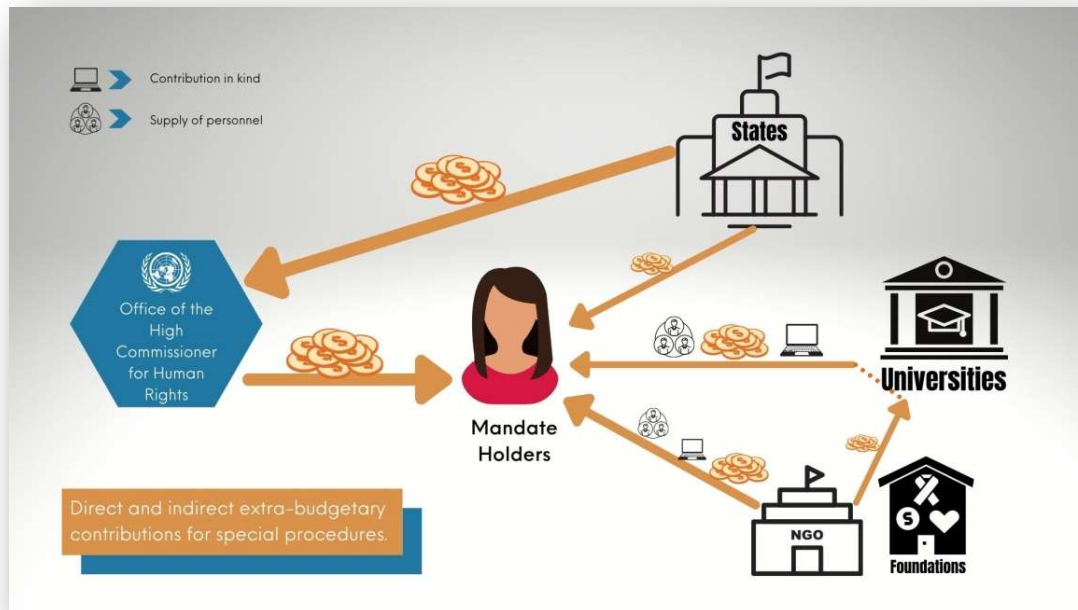
<sup>41</sup> [Annex 1.2 - a - b.](#)

is real. In other cases, experts who do not come from an NGO or an academic institution must seek out other solutions to receive funds directly.

When asked about this direct funding, the OHCHR justifies itself by explaining that it funds the costs of core mandate activities, and that it cannot prevent experts from seeking other funding to carry out additional activities. However, it is generally impossible to distinguish between activities based on the source of their funding; moreover, there is evidence that external actors fund and participate in core mandate activities, such as preparing visits, drafting reports, or responding to communications, etc.







## THE PROBLEMS IDENTIFIED

“This is, as I’m sure you know, an extremely controversial topic within the Special Rapporteurs, and I think for good reason” This is the statement of Special Rapporteur John H. Knox on the extra-budgetary funding of special procedures. It is representative of the opinions of the vast majority of those we interviewed. Similarly, according to Ted Piccone and Marc Limon, the fact that experts receive direct funding and support “raises concerns as to transparency, equality between mandates, and its implications for the independence of Special Procedures.”<sup>42</sup>

### *Inequality between mandates*

The mandates are very unequally funded. Many experts complain that they do not receive UN funding to cover their basic operating costs (office, printer, telephone, and internet), while others hold all-expense-paid conferences in luxury hotels or on tropical islands, according to one expert. This inequality does not sit well with the less generously funded mandate-holders, who want a solidarity mechanism to be put in place.

The mandate-holders who receive the most money are those who know the environment and methods of the donors, and whose political priorities and human rights views correspond with them. Thus, funding is largely dependent on the personality and political orientation of the experts. A single mandate may have been under-resourced with one mandate-holder and then become rich with another. Some mandates, however, seem almost doomed to remaining poor, as their themes do not interest donors who are all part of the Western liberal bloc. According to one expert, this explains why some “southern” mandates receive little or no funding. It

<sup>42</sup> Ted Piccone et Marc Limon, *Special Procedures: Determinants of Influence*, Universal Rights Group, Suisse, mars 2014, p.21.

would appear that twelve mandates received no extra-budgetary funding between 2015 and 2019. This is the case, for example, for the mandate of the Special Rapporteur on people affected by leprosy, or mandates on the right to development, for the promotion of a democratic and equitable international order, as well as mandates that focus on the human rights situations in specific countries (Belarus, North Korea, Somalia, Sudan, Eritrea, Central African Republic). These mandates without any extra-budgetary funding represent a fifth of all mandates.



Several experts interviewed noted that the financial situation of experts also varies depending on whether or not they are familiar with the environment of foundations and NGOs. In this regard, we note that the mandate-holders who receive the most subsidies often come from this milieu. This is the case, for example, of Victoria Tauli-Corpus, who is Executive Director of the Tebtebba Foundation,<sup>43</sup> or of Julian. Méndez, who, before his mandate, was General Counsel of Human Rights Watch,<sup>44</sup> President of the International Center for Transnational Justice (ICTJ),<sup>45</sup> Researcher-in-Residence at the Ford Foundation in New York (2009), and then, during his mandate, a member of the Board of Directors of the Open Society Justice Initiative.<sup>46</sup> Similarly, Maina Kiai was founder and co-director of InformAction from 2010 to 2019 and director of the Africa Program from 1999 to 2001.<sup>47</sup> One expert stated:

In the sixteen years prior to my tenure, for my own personal research, I raised something in the order of fourteen million pounds. So I came into the mandate with a set of fundraising skills and a set of really deep relationships with a range of funders, including the Open Society Foundation, the Ford Foundation, the Carnegie Foundation...

<sup>43</sup> The Tebtebba Foundation is supported in part by the Ford Foundation. Ms. Tauli-Corpus has been Executive Director of the Tebtebba Foundation since 1996 ([Source: LinkedIn](#)).

<sup>44</sup> Mostly funded at present by the Open Society.

<sup>45</sup> Supported by the Open Society Institute Budapest Foundation, the Open Society Initiative for Eastern Africa, the Ford Foundation, the MacArthur Foundation and the Oak Foundation, among others.

<sup>46</sup> Open Society Foundations, [Torture: It Can Happen Anywhere](#), February 2014.

<sup>47</sup> InformAction (IFA) (Supported by Open society Foundation, [Ford foundation](#)); 2010-2019: [Founder](#) and Co-Director of InformAction (Sources: [Open Society](#), LinkedIn, articles published on the [IFA website](#)).



## ***The opacity of extra-budgetary funding of the experts***

### *Omitted financial statements*

Experts have no more than a moral obligation to declare their extra-budgetary funding. As a result, some experts neglect to declare their direct financing in their annual financial statements (the declaration documents of the Special Procedures will then read: No information received). This was the case with nineteen mandate-holders in 2019, including Mr. Ahmed Shaheed, and with Ms. Melissa Upreti in 2017. This does not mean that they did not receive financial support at all; if they had not it would be explicitly noted in the document: “No external support received,” as is the case for a number of experts.

### *Inconsistent or incomplete financial statements*

There are discrepancies between the amounts of payments the Open Society and Ford foundations report having granted on the one hand and the amounts experts declare having received from said foundations on the other.<sup>48</sup> For the Open Society Foundations, this discrepancy varies between \$75,000 and \$375,028<sup>49</sup> depending on the payment. A few donations, declared by the foundations on their websites, were not declared at all by the experts;<sup>50</sup> these amounted to \$567,746 between 2015 and 2019. The undeclared money came especially from academic institutions where the experts carried out their mandates (see Messrs. Alston, Pūras, etc.). There are also inconsistencies in the funding made through the OHCHR. For example, twenty experts or working groups did not declare pre-earmarked voluntary state donations that were included in the OHCHR’s annual reports.<sup>51</sup> Conversely, 8 experts reported receiving State funding through the OHCHR, but which were not reported in

<sup>48</sup> [Annex 1.](#)

<sup>49</sup> [Annex 6.](#)

<sup>50</sup> [Annex 1-a-b.](#)

<sup>51</sup> [Annex Excel file](#) – undisclosed.

the OHCHR's annual reports.<sup>52</sup> Also, four experts either partially declared, or did not specify, the amount of donations they had received from a state or an international organization.<sup>53</sup>

#### *The opacity of agreements with donors*

Voluntary funding is generally subject to a written agreement between the donor and the recipient (a "grant agreement"). This agreement can be very precise, particularly when it is formed with a foundation. A grant agreement describes the objectives and terms of the funding. Grant agreements between experts and donors, and the terms and conditions of such payments, are not communicated to the OHCHR, nor are they made public, and sometimes even the amount and purpose of the funding can be inaccurately stated. It is not possible to know the content of these agreements, nor which party, the expert or the donor, took the initiative to ask for, or offer, money. Thus, some experts "tinker" with the financing of their activity, sometimes resorting to what one expert described as "weird arrangements." On occasion the identity of the donor may not be published (sometimes to protect the donor). Between 2015 and 2019, for example, eight donations, for example, were declared as "anonymous,"<sup>54</sup> amounting to a total of \$906,944.<sup>55</sup>

Several experts have called for more transparency in funding. For example, when asked "Would you like a little more transparency of the way the mandate holders use the money when they get it directly?" one expert replied, "Directly? Absolutely! Goodness, yes! Yes, oh my goodness! Yes!"

#### *The opacity of amount declared*

Between 2015 and 2019 there were eighteen cases in which the amount of a particular donation was not specified.<sup>56</sup> In these cases, the explanations given for the funding were very vague, such as "support in cash" or "multi-year contribution." Sometimes the indication was imprecise (such as "two-year cash of \$250,000") or approximate ("approximate amount of \$38,000"; "Around \$8,000").<sup>57</sup> In addition to these monetary donations, there are also in-kind donations, the value of which is never estimated but which can be considerable when premises and staff are accounted for.

#### *The opacity of the purpose of donations*

The purpose of declared donations was often not mentioned.

Between 2015 and 2019, out of 439 donations that were made out to experts (in cash or in kind, whether through the OHCHR or not), 143 did not have a declared purpose. This makes it impossible to ascertain their destination or use. Donations with a more specific purpose are most often related to the funding of consultations, conferences, salaries for research assistants (74 donations), office space (50 donations), or administrative support (39 donations).

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<sup>52</sup> [Annex Excel file](#).

<sup>53</sup> [Annex Excel file](#) - Grazia Giammarinaro / Michel Forst / Nyaletsossi Voule / David Kaye (for the last three it is "multi years of the European Commission").

<sup>54</sup> [Annex 5](#).

<sup>55</sup> For anonymous donations: only one was reported made in cash (2019 - [A/HRC/43/64/Add.1](#)- *Anonymous donor - One-time USD8,000 in cash - Earmarked from anonymous donor towards particular event and provision of office space and administrative support*).

<sup>56</sup> [Annex 3](#).

<sup>57</sup> [Annex 4](#).

### *The opacity of the terms of payment*

Experts are appointed in their personal capacity and do not have an official bank account attached to their positions. During an interview, the OHCHR representative did not know what bank accounts were used to pay these direct funds to the experts. There is no definitive rule on how direct deposits should be made.

One expert stated:

I was told for example that if I fundraise . . . I'm gonna meet a person and he'll tell me "We wanna donate, whatever, five hundred thousand Swiss Francs, Euros, where do we pay this?", I was told if I tell them, "Pay them to the Office—to the UN," I would never see that money. So it has to be earmarked [to a specific project], or ideally, and that's what many donors are doing, they will pay it to some structure that I have to define, I have to administer, etc. . . . That's a weird arrangement, isn't it? It would be much easier if states would just contribute to the system and everything is nicely organized, administered . . . in a transparent way.

When the expert is an academic, an academic supporting institution will sometimes agree to dedicate a bank account to him or her, but this arrangement is not systematic. Direct donations may also be made to an expert's NGO, as shown in the declarations of experts and of the Ford and Open Society Foundations. In many cases, however, no details are given as to the final recipient of the funding other than that it has gone to the expert. One cannot exclude the possibility that these funds were paid directly to experts. One expert receiving several hundred thousand dollars per year told us that for a time he had received the money directly into the account of his own NGO.

In addition to the amounts reported as paid to experts, the Ford and Open Society Foundations also reported that they had paid funds to universities and NGOs for the purpose of monitoring and promoting the work of individual experts. Between 2015 and 2019, the *Open Society Foundations* gave \$1,222,774 for this purpose,<sup>58</sup> and the Ford Foundation gave \$1,050,000.<sup>59</sup> It is impossible to know to what extent the experts who received these payments were involved as the donations were made.

### ***Lack of financial transparency of the OHCHR***

The lack of financial transparency is also due to the OHCHR, which, according to several experts, does not give experts precise information regarding their mandate budgets. One expert said he was not even informed of a voluntary payment made to him through the OHCHR. One expert wondered:

Why aren't we being transparent about what the Office is receiving for Special Procedures? So Special Procedures can deal with their own funding? The crucial issue was we, in spite of extensively requesting, never received what amount was given for us... so we never knew what could be used. And each time it was, 'If you need something, come and discuss and we all work it out,' which is not the way because the power is all in their hands to discuss and decide.

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<sup>58</sup> [Annex 1.2-a.](#)

<sup>59</sup> [Annex 1.2-b.](#)



According to Marc Limon, whom we interviewed on the subject, the OHCHR would only use a portion of the regular budget of the Special Procedures for the benefit of the Special Procedures and would use the surplus of that budget for other activities. There is no evidence to support this assertion, but it is not entirely inconceivable when one considers the low cost of an expert to OHCHR in relation to the \$68 million regular budget allocated to Special Procedures between 2015 and 2019. The fact is that the OHCHR is not accountable to the experts for its management of “their budget.”

### ***The questioning of the independence of experts***

Almost all experts acknowledge that extra-budgetary payments, especially direct ones, call into question the independence—or at least the apparent independence—of experts. One former Rapporteur refers to direct funding as “silent corruption” of experts, expressing alarm that some experts practice “industrial” or “extreme” fundraising. Richard Falk, who served from 2008 to 2014 as Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967—and who has refused all funding—also believes that direct funding “can have a corrupting effect”. Another expert declared, “I think we should be careful in accepting donations or contributions from the private sector in my view. So I’m not personally in favor of the private sector support.” He then added, “there are already concerns about the UN system being captured by the private sector.”

The insufficient means experts have at their disposal make them vulnerable to offers of “support” from public and private actors. Add to this the more common, yet no less important, considerations related to career prospects within universities, NGOs or private foundations.

The main beneficiaries of this precarious situation for experts are external funders, foundations, and universities, which are thus able to penetrate the Special Procedures system and exert considerable influence. Some experts also point to the tacit complicity of the OHCHR, which has found a way thereby to have the Special Procedures funded by others.

#### The independence of experts can be affected to varying degrees:

##### *Dependency and financial insecurity*

When experts take the initiative on their own to seek funding from a foundation or a state, they can apply for support for their mandates “overall”, but they are more likely to obtain funding for specific projects. Submitting grant applications to large foundations requires a precise description of the project, from its content to its expected results and effects. The allocation of funds is the subject of a contract (a “grant agreement”) specifying the terms and objectives of the payment. Most of these grants are annual or linked to a specific project, which places the expert in a precarious financial situation with their funders since they lack guarantees about the future renewal of their funding.

This dependence can be increased when it relates to the structural costs of the mandate, such as paying for offices and staff salaries. One expert, the head of an NGO, reports that she hired eight salaried staff to support her work thanks to *Open Society* funds. Another expert said she had a team of about ten staff members, while other experts had none. In such a situation, how

dependent might experts become upon their donors to have their funding renewed? It may be that over the years a funder could exert increasing pressure as experts grow more dependent upon ongoing funding.

The degree of dependence naturally varies according to the importance of the funding. The situation of an expert who has received \$10,000 to finance a conference differs from that of an expert who benefited from a working team, or that of Victoria Tauli-Corpuz and Dainius Pūras, who claim to have received \$800,000 from the Ford Foundation and \$624,417 from the OSF, respectively, or yet that of Maina Kiai, who reports having received \$659,000 from a single state in two years.

Experts can even be financially dependent on donors for their own salaries. This is a tricky issue, as experts are expected to serve as volunteers, and their Code of Conduct prohibits them from receiving “remuneration from any governmental or non-governmental source for activities carried out in pursuit of [their] mandate[s]” (Article 3(j)). One expert noted, however, “you have to be paid by someone.” Thus, the Ford Foundation paid \$100,000 in 2017 to an expert’s employing NGO to give her time off to work on her mandate.<sup>60</sup> Similarly, Mireille Fanon-Mendes-France and Cecilia Jimenez-Damary report receiving *per diem* from universities and USAID (in 2015 and 2016), though they do not indicate the amount. Another former expert, who came from an NGO, told us that she was paid as a consultant through an umbrella company which was itself funded by a private structure that received private and state moneys for the expert. This arrangement was intended to prevent the expert from being paid directly by the funder. It is also questionable whether the recruitment of an expert as an associate professor—because of his or her status as a mandate-holder and in order to accommodate the exercise of that work at the university—is a form of compensation. When the expert is paid by a funder, this violation of the Code of Conduct will yet further increase the expert’s degree of dependence.

#### *Confidentiality and subordination relationships*

As one expert, largely funded by the OSF, explained to us, she is required to report to her funders on the use of the funds and to send them activity reports. Several experts acknowledge that they meet regularly and informally with their funders to discuss their mandates. The content of these activity reports determines whether the experts’ grants will be renewed in subsequent years. Neither the grant agreement, nor these activity reports are made public, and they are not transmitted to the OHCHR.

#### *The influence on the experts’ “agenda”*

All the experts interviewed recognize direct payments influence the experts’ political agenda. The degree of that influence varies: it can generally affect the choice of theme or the choice of country to be considered in the annual reports, and it can more specifically even extend to influencing the actual execution of the mandate.

According to experts, the intentions of funders are always political. Concerning voluntary contributions, a former expert chair of the Coordination Committee of Special Procedures, told us that:

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<sup>60</sup> Facts and figures with regard to the Special Procedures in 2017, [A/HRC/37/37/Add.1](#) - Annex X p. 31, “Separately, US\$100,000 was received from Ford Foundation to the NGO that SR works for that provides her release time to work in the mandate.”

Nothing comes for free, and you should know that. So you go and beg and the country gives you money, they're going to define the agenda. . . . It is so wrong to use extra budget money to achieve mandate things, it is so bad. But if you want to achieve anything at all, regular budget money, that's not gonna take you very far.

Regarding private funding, this expert added: "I'm not very comfortable with private funding, it's dangerous . . . that's all wrong." The donor sets the agenda, especially when the donation is earmarked for a specific project (and not for the overall mandate). ). For Vernor Muñoz, former Special Rapporteur on the right to education (2004-2010): "This is the most difficult implication of having resources from external sources, that they just require you to follow certain agendas or certain interests . . . meaning that some donors want to push mandate holders to follow their own interests and their own agenda[s]." Yet another expert explained: "the problem with raising money is that sometimes governments want you to spend it on very specific things . . . . It's like NGOs, you know somebody gives you a grant, but it turns out the money is for something." Another expert, Gabor Rona, explained that individual States' financial contributions to individual mandates "are valuable and necessary to the health of the Special Procedures system, but they create the appearance, if not the fact, of undue influence."

A former Special Rapporteur of an important mandate said that the first people to contact and meet with him upon his election were the representatives of the Open Society in Geneva. According to him, the OSF even contributed to the creation of his mandate and very generously financed his predecessor, who received "considerable amounts [of money]". The former Rapporteur said, "I mean, of course, you get money from the Soros Foundation and then you do what they ask." Another stated, "It is the one who pays who chooses the music."

The OSF therefore indicates that the relationship established with its beneficiaries is not only financial, but rather aims at establishing real "alliances in pursuing critical parts of the open society's agenda."<sup>61</sup> The OSF and the actors it funds must all share the same objectives.

Several experts indicated that it is common practice for a funder, whether public or private, to offer "financial support" that is conditional upon the realization of a specific project more or less closely related to the mandate in question. Thus, in an example offered by one expert, a foundation or government that wishes to promote issues around the theme of gender, may propose to the Working Group on Enforced Disappearances to fund work on the theme of "gender and enforced disappearances." This is also the case for a report entitled "Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment"<sup>62</sup> presented to the Human Rights Council in January 2016 by the Rapporteur on Torture, and another report on "The gender dimension of contemporary forms of slavery" presented in 2018 by the Rapporteur on Slavery (see below). Such convergent funding, proposed to several experts and other similar actors in the international law community, allows a theme to emerge on the international platform: it is a gateway into international law. Indeed, if several experts deal with the same subject in a similar pattern, then an international standard is organically formed.

It should be noted that private foundations do not finance the Special Procedures system in a general, and therefore neutral, way. Instead, they single out and only fund certain experts, in

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<sup>61</sup> Open Society Institute, [Partnerships](#).

<sup>62</sup> Juan Mendez, Gender perspectives on the prohibition of torture and cruel, inhuman and degrading treatment A/HRC/31/57.

a very specific manner, either directly, or through private intermediaries, but never through the OHCHR. Such funding has a necessary goal to and a specific purpose that is shared by both the funder and the expert.

In general, it is impossible to objectively establish the precise influence that the funder has on the expert, so the highest level of caution is required. On one occasion, though, the Open Society Foundations had openly acknowledged that it wanted to “influence” an expert, stating that it had paid \$100,000 in 2017, within its Women’s Right Program, towards the Center for Women’s Global Leadership (CWGL), a feminist activist center attached to Rutgers University<sup>63</sup> (New Jersey), with the purpose of “**influencing the UN Special Rapporteur on contemporary forms of slavery, its causes and consequences.**”<sup>64</sup> The goal was to get the Special Rapporteur to recognize domestic work as a form of slavery. That goal was achieved, when in the following year, that Special Rapporteur, Urmila Bhoola, devoted her annual thematic report, published under the UN’s label, examining “the impact of slavery and servitude on marginalized migrant women workers in the global domestic economy.”<sup>65</sup> Meanwhile, the CWGL presented to the Rapporteur a “briefing paper on the gender dimension of contemporary forms of slavery, its causes and consequences: challenges, opportunities and strategies to eradicate this phenomena and its particular effect on women and girls”<sup>66</sup> and participated in an expert roundtable held on April 11-12, 2018, under the auspices of the Rapporteur, with the exact same theme: “the gender dimension of contemporary forms of slavery, its causes and consequences: challenges, opportunities and strategies to eradicate this phenomena and its particular effect on women and girls.”

The Rapporteur’s July 27, 2018, report specifically addressed the theme desired by the Open Society and CWGL and cited the latter’s theme<sup>67</sup> twice. Her subsequent report, which was later presented at the 73rd session of the UN General Assembly (A/73/139),<sup>68</sup> cited the CWGL seven times.

To promote these reports, a side event (*i.e.*, a public meeting) was organized at the UN headquarters in New York on October 26, 2018, on the issue of “gender dimensions of contemporary forms of slavery and trafficking in persons,” with the participation of the Director of the Center for Women’s Global Leadership and the Rapporteur on Contemporary Forms of Slavery.<sup>69</sup> Finally, on February 8, 2019, the CWGL published an interview with the Special Rapporteur detailing her report.<sup>70</sup>

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<sup>63</sup> Rutgers - School of Arts and Sciences, [Programs, Centers, and Institutes](#).

<sup>64</sup> Open Society Foundations, [Awarded Grants](#), 2017.

<sup>65</sup> Document [A/HRC/39/52](#), July 27, 2018.

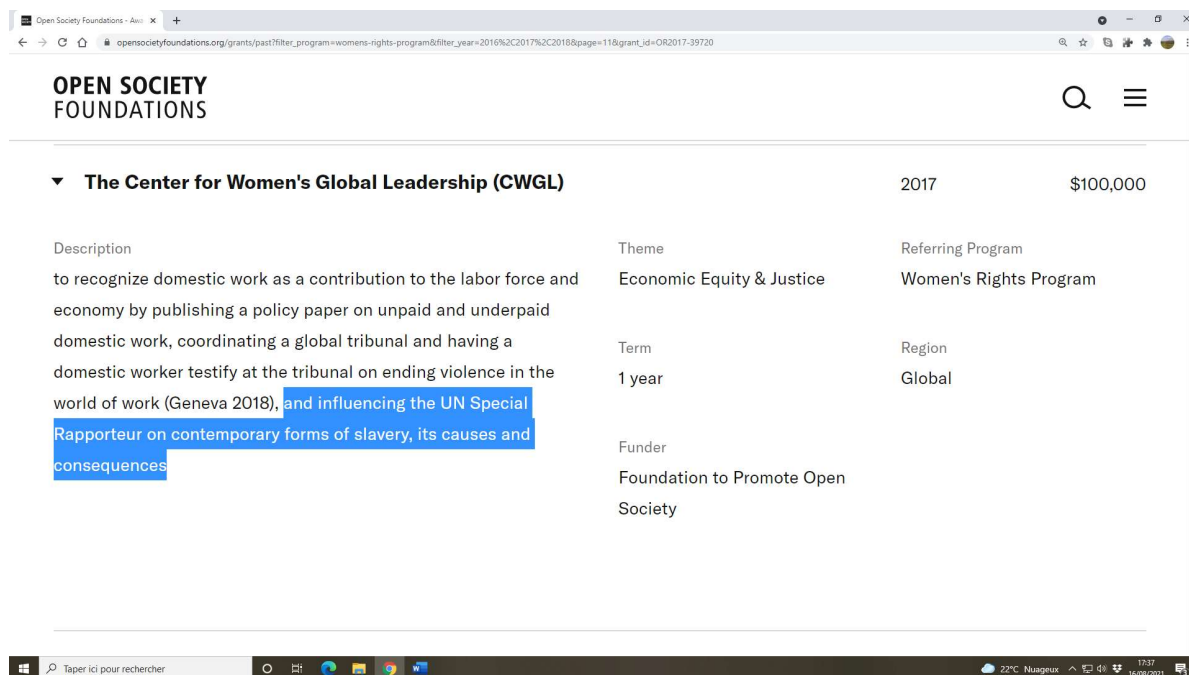
<sup>66</sup> Rutgers - School of Arts and Sciences, Center for Women’s Global Leadership, “[Working paper on the gender dimension of contemporary forms of slavery, its causes and consequences: challenges, opportunities and strategies to eradicate the phenomena and their particular effect on women and girls](#)”, 2018.

<sup>67</sup> OHCHR, School of Arts and Sciences, Center for Women’s Global Leadership, “[Working paper on the gender dimension of contemporary forms of slavery, its causes and consequences: challenges, opportunities and strategies to eradicate the phenomena and their particular effect on women and girls](#)”, 2018.

<sup>68</sup> Urmila Bhoola, Contemporary forms of slavery, including its causes and consequences, [A/73/139](#), 2018.

<sup>69</sup> OHCHR, [Side event on “Gender Dimensions of Contemporary Forms of Slavery and Trafficking in Persons.”](#) New York, 2018; Rutgers - School of Arts and Sciences, [Side event: “Gender Dimensions of Contemporary Forms of Slavery and Trafficking in Persons.”](#)

<sup>70</sup> Global 16 Days Campaign, Center for Women’s Global Leadership, [Q&A with Urmila Bhoola, Special Rapporteur on Contemporary Forms of Slavery](#), 2019.



The Chair of the Board of the Open Society Foundations Women Program between 2011 and 2018 was Fionnuala Ní Aoláin. As such, she gave around 7 million USD/year to radical feminist and pro-abortion groups, as well as to the UN women. In 2017, she became Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism.

The Center for Women's Global Leadership, with the Open Society, also funded the promotion of a report by Juan Pablo Bohoslavsky, an independent expert on foreign debt.

The Center for Women's Global Leadership (CWGL) describes itself as a center that has "been instrumental in fostering women's leadership in the area of human rights through leadership institutes, international mobilization campaigns, United Nations monitoring and advocacy"<sup>71</sup> The CWGL is actively engaged in promoting feminist causes at the United Nations. It is an example of a private institution that tends to merge its interests with the public institutions that it aims to influence. Melissa Upreti, Chair of the UN Working Group on Ending Discrimination against Women, was recruited as a Senior Director, in charge of Programmes and Global Advocacy. This means that her position at the CWGL is intended to influence her position at the UN Working Group. This is an example of a problematic combination of functions that calls into question the requirement for independent Special Procedures. Previously, Melissa Upreti worked for the Center for Reproductive Rights, the world's leading pro-abortion legal lobbying body, where she led strategic litigation to liberalise access to abortion in Asia.<sup>72</sup> Ms Upreti is also active in the radical group OpenDemocracy in the fight against conservative pro-life movements.<sup>73</sup>

The relationship between the CWGL and the Special Procedures is close, as in addition to Ms. Upreti, Mr. Yakin Erturk, former Special Rapporteur on Violence against Women, has also

<sup>71</sup> <https://www.cwgl.rutgers.edu/about/our-history>

<sup>72</sup> The Center for Reproductive Rights is funded by the Open Society Foundations, the Macarthur Foundation and the Ford Foundation, among others [https://reproductiverights.org/sites/default/files/documents/2018\\_Annual.pdf](https://reproductiverights.org/sites/default/files/documents/2018_Annual.pdf) [Accessed 10/12/2020]

<sup>73</sup> See <https://www.opendemocracy.net/search/?query=upreti>



been recruited to the CWGL. Similarly, March 8, 2019, the UN Working Group on Ending Discrimination against Women was invited to the CWGL to hold a “consultation”<sup>74</sup> (*i.e.*, a substantive discussion) as part of the drafting of the Working Group’s thematic report to the Human Rights Council in 2020 (A/HRC/44/51). Shortly thereafter, on July 29, 2020, Dubravka Šimonovic, Special Rapporteur on violence against women, its causes and consequences, was also invited<sup>75</sup> to the CWGL to present and discuss her report (A/HRC/44/52). Similarly, Dorothy Estrada-Tanck, a member of the Working Group, was invited to the CWGL on February 18, 2021, to speak about abortion in Honduras.<sup>76</sup> The CWGL is funded by the *Ford Foundation*, the *Oak Foundation*,<sup>77</sup> the *Open Society Institute Women’s program*<sup>78</sup> and the *Fund for a Just Society*, just to name a few.

Unsurprisingly, the latest report of the UN Working Group on Ending Discrimination against Women, presented to the Human Rights Council in July 2021, is steeped in radical activism.<sup>79</sup> The report begins by castigating “centuries of patriarchal, colonial and racialized legal and policy frameworks and institutions.”<sup>80</sup> “Patriarchal oppression, pervasive gender stereotypes, stigma and taboos” are not just a legacy of the past, but a problem exacerbated by “rising fundamentalisms.”<sup>81</sup> The report equates “unplanned pregnancies” with actual violence against women<sup>82</sup> and recommends that states and “non-state actors, such as armed groups,”<sup>83</sup> ensure that women actually “exercise” their “sexual and reproductive rights,” referring chiefly to abortion.<sup>84</sup> The report also calls on states to “take measures to combat toxic masculinity,” without defining or introducing this concept from gender studies.<sup>85</sup> The report goes so far as to equate doctors’ conscientious objection to abortion with an act of “torture” inflicted on women, stating that “the refusal or postponement of an abortion” constitutes a “form of gender-based violence that can be equated with torture or cruel, inhuman or degrading treatment.”<sup>86</sup> From the report, motherhood does not even seem to be an option for women, whose “sexual and reproductive health” would appear to consist only of access to contraception and abortion. Previous reports are of the same ilk.

Another illustration of such an operation is provided by Juan Méndez, who served from 2010 to 2016 as Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. A year after his appointment as rapporteur, a structure called the “Anti-Torture

<sup>74</sup> <https://www.cwgl.rutgers.edu/blog-details/577-cwgl-collaborated-with-the-un-working-group-on-discrimination-against-women-to-hold-a-consultation-on-women-and-work>

<sup>75</sup> <https://www.cwgl.rutgers.edu/blog-details/624-new-report-on-combating-violence-against-women-journalists-by-the-un-special-rapporteur-on-violence-against-women>

<sup>76</sup> <https://www.cwgl.rutgers.edu/component/jevents/icalrepeat.detail/2021/02/18/377/198/the-constitutional-amendment-on-abortion-in-honduras?Itemid=1>

<sup>77</sup> Center for Women’s Global Leadership, “[Towards the Realization of Women’s Rights and Gender Equality : Post 2015 Sustainable Development](#)”, 2013.

<sup>78</sup> <https://cwgl.rutgers.edu/docman/annual-reports/657-center-for-women-s-global-leadership-annual-report-2012-2013/file> [Accessed 16/10/2020].

<sup>79</sup> Rapport du Groupe de travail sur la discrimination à l’égard des femmes et des filles, « Les droits des femmes et des filles en matière de santé sexuelle et procréative dans les situations de crise », A/HRC/47/38, 28 avril 2021.

<sup>80</sup> *Id.* § 12.

<sup>81</sup> *Id.* §§ 12, 17.

<sup>82</sup> *Id.* § 12.

<sup>83</sup> *Id.* § 20.

<sup>84</sup> *Id.* § 8 (summary).

<sup>85</sup> *Id.* § 46.

<sup>86</sup> *Id.* § 23.



Initiative” was founded within the Center for Human Rights and Humanitarian Law of American University in Washington.<sup>87</sup> Its purpose is “to expand the reach and practical implementation of the work of the former United Nations Special Rapporteur on Torture, and WCL Professor of Human Rights Law in Residence, Juan E. Méndez to fight and prevent torture worldwide.”<sup>88</sup> In addition to being supported by the university, the Anti-Torture Initiative receives significant funding from the Ford Foundation, Open Society Foundation, Oak Foundation, and Human Rights Initiative,<sup>89</sup> among others. In 2015, for example, the Ford Foundation made donations first of \$15,000 and then \$75,000 to the Anti-Torture Initiative, for the writing of an annual report with the topic “gender and torture”. This money was used to pay for research assistants to write the report, for travel, for follow-up events, and for publication of the report.<sup>90</sup> The Anti-Torture Initiative also organized a consultation that resulted in a working paper: “Gender Perspectives on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”<sup>91</sup> Ultimately, a final report by Special Rapporteur Méndez entitled *Gender Perspectives on the Prohibition of Torture and Cruel, Inhuman and Degrading Treatment*<sup>92</sup> was presented to the Human Rights Council in January 2016 under the UN stamp. It was twenty-three pages long and did not discuss its funding sources. **In fact, no report presented to the UN discloses the origin of the study’s funding**, posing a serious problem.

Once published under the aegis of the UN, this report was widely promoted. It was the subject of a joint statement by various experts (some of whom share the same funders)<sup>93</sup> and the publication of a book entitled *Gender Perspectives on Torture: Law and Practice*<sup>94</sup> funded by the Ford Foundation and presented on March 20, 2018, during a side event of the 62<sup>nd</sup> session of the UN Commission on the Status of Women (CSW62).<sup>95</sup>

This Report by Mr. Méndez has a strong authority and was subsequently referenced in judgments of the European Court of Human Rights<sup>96</sup> and the Inter-American Court of Human Rights (IACHR),<sup>97</sup> as well as in an advisory opinion of the IACHR<sup>98</sup> and in the Views adopted by the Committee on the Elimination of Discrimination against Women regarding a communication (No. 138/2018).

This report is a typical example of a perfectly executed influence operation, from the financing of a UN report on a specific topic to a joint declaration of international experts, to an

<sup>87</sup> Washington College of Law, Anti-torture initiative, [About the center](#).

<sup>88</sup> Washington College of Law, *Center for human rights and humanitarian law*, [Anti-Torture Initiative](#).

<sup>89</sup> Washington College of Law, [Gender Perspectives on Torture: Law and Practice](#): “The Center would also like to thank the Open Society Foundation Human Rights Initiative and the Oak Foundation for their support of the Anti-Torture Initiative”, p. v.

<sup>90</sup> [A/HRC/31/39](#) Annexe X – pp. 50-51.

<sup>91</sup> Anti-torture initiative, Expert consultation - Working Paper - [Gender Perspectives on torture and other cruel, inhuman, or degrading treatment or punishment](#), 2015.

<sup>92</sup> Juan Mendez, Perspectives de genre sur l'interdiction de la torture et des traitements cruels, inhumains et dégradants [A/HRC/31/57](#).

<sup>93</sup> OHCHR, [Gender-based crimes through the lens of torture International Women’s Day](#).

<sup>94</sup> Washington College of law, [Gender Perspectives on Torture: Law and Practice](#), 2018.

<sup>95</sup> Non State Torture, [Book Launched](#), 2018.

<sup>96</sup> ECHR, *Volodina v. Russia* (No. [41261/17](#)) July 9, 2019, §§ 55 et 56.

<sup>97</sup> IACHR, *Guzmán Albarracín et al. v. Ecuador*, June 24, 2020, § 151.

<sup>98</sup> Advisory opinion, [doc-24/17](#) of November 24, 2017 - requested by the republic of Costa Rica.

international publication, and even serving as a reference for international court decisions. Among other things, this report promotes the legalization of abortion on numerous occasions.

### *The recruitment of experts after their election as mandate holders*

A new mandate-holder may also be recruited by a pre-existing structure that proposes to “support” the expert in the accomplishment of his or her mandate, such as a foundation or a research center attached to a university. This is the case, for example, at the University of Essex, whose Human Rights Centre purports to have a “tradition of supporting and hosting UN Special Rapporteurs.”<sup>99</sup> The Human Rights Centre is itself funded by foundations for this activity. It describes itself as follows: “We influence and set human rights agendas. We make concrete differences around the globe, and we are a dominant voice for change.”<sup>100</sup>

Professor Hunt, former Special Rapporteur on Health, appears to have been the first expert to complete his mandate from this university.<sup>101</sup> The next was Mr. Ahmed Shaheed who, following his election as Special Rapporteur on Iran in 2011, was recruited in 2012 as a visiting professor by the University of Essex (thanks to £144,500 in funding from the Sigrid Rausing Trust)<sup>102</sup> and the City University of New York.<sup>103</sup> Upon Mr. Shaheed’s election as Rapporteur on Religious Freedom in 2016, the Human Rights Centre at Essex and the Ralph Bunche Institute at the City University of New York jointly established a “Freedom of religion or belief and equality unit” for him to assist the Rapporteur, whose work programme corresponded precisely to the agenda implemented by the Rapporteur.<sup>104</sup> The Ralph Bunche Institute had done similarly when Mr. Hunt was Rapporteur. The purpose of this “unit” is:

to develop and undertake research and advocacy initiatives that: (1) explore poorly understood thematic issues; (2) monitor, document and report on instances of violations of the right to freedom of religion or belief and (3) promote the implementation of recommendations offered by the Special Rapporteur for improving respect for freedom of religion or belief in various country contexts.<sup>105</sup>

It should be noted that Mr. Ahmed Shaheed’s reports on religious freedom were marked, unlike his predecessors’, by a communitarian conception of religious freedom. For him, religious freedom seemed to consist in organizing the coexistence of communities, and no longer in the guarantee of a fundamental personal freedom.<sup>106</sup>

The next expert recruited by the University of Essex was Dr. Pūras, upon his election as Special Rapporteur on Health in 2015 by the University of Essex. He had been recommended by Professor Hunt.<sup>107</sup> Dr. Pūras found a team at the Human Rights Centre dedicated to the

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<sup>99</sup> University of Essex, [Essex supports UN Mandate-holder to promote health rights](#), August 13, 2015.

<sup>100</sup> University of Essex, Human Rights Centre, [Pioneering the theory and practice of human rights from the local to the global](#): “We influence and set human rights agendas. We make concrete differences around the globe, and we are a dominant voice for change.”

<sup>101</sup> University of Essex, [Health and Human Rights](#).

<sup>102</sup> Colchester Campus, [UN Special Rapporteur joins the University](#), 21 September 2012.

see also: Sigrid Rausing Trust, [Grant History University of Essex](#).

<sup>103</sup> Ahmed Shaheed Website, [About Dr Shaheed](#).

<sup>104</sup> See the presentation of the [Freedom of religion or belief and equality unit](#).

<sup>105</sup> The Generating Respect Project, [Partners-Supporters](#).

<sup>106</sup> He thus came to promote the notion of “Islamophobia” and to deny Christians the right to conscientious objection to abortion, in contrast to the law in force, in its 2020 report, (also) entitled “Report on Freedom of Religion or Belief and Gender Equality.”

<sup>107</sup> See also: University of Essex, [Health and Human Rights](#).

realization of his mandate,<sup>108</sup> “to support his thematic reporting to the Human Rights Council and the General Assembly.”<sup>109</sup> The Human Rights Centre said of the Special Rapporteur that it would “coordinate the consultative activities for Dr. Pūras to ensure his thematic work is underpinned by robust consultation from civil society.”<sup>110</sup> As an illustration, Dainius Pūras says about country visits “I was travelling thirty travels, thirty countries per year. And only four travels were covered by *per diem*.” These four UN-funded trips were the trips to Geneva and New York, and the two country visits; all others were funded and organised outside the system. It appears that this *Human Rights Centre* received \$100,000 in 2017 and \$380,028 in 2018 from the Open Society “to strengthen the mental health and human rights engagement and research capacity of the UN Special Rapporteur on the right to physical and mental health.”<sup>111</sup> In that year, however, the Rapporteur only reported receiving \$5,000 from the Open Society<sup>112</sup>. It appears that Dr. Pūras’ reports are in line with the ideology of the OSF. He regularly calls for the decriminalization of abortion ([A/HRC/32/32](#)); challenges the criminalization of various other practices including drug use, sexual and reproductive health services, and illegal entry of migrants into certain countries; and denounces “xenophobia, ‘traditional family values,’ and other forms of discrimination” as “eroding social cohesion” ([A/HRC/41/34](#)).

The Open Society has funded other mandates through the City University of New York, Rutgers University, and Sungkyunkwan University in Korea, in addition to the University of Essex. Similarly, the Ford Foundation has funded mandates through the Universities of New York, Washington, Arizona, California, and São Paulo, and the Graduate Institute of International and Development Studies.

As Inderjeet Parmar notes,<sup>113</sup> describing the influence methods of large foundations, “It is never necessary for foundations to twist arms or compel allegiance . . . [T]hose who are willing to orient their work in the way foundations approve will have a chance to win large grants, travel the world, attend prestigious conferences, and play an influential role.”<sup>114</sup>

#### *Recruitment of private collaborators for the expert*

It is also common for private or public sponsors and funders to offer to finance assistants and collaborators for the experts. However, this offer is sometimes accompanied by the condition that the sponsors impose their choice of collaborators.

<sup>108</sup> University of Essex, [Essex supports UN Mandate-holder to promote health rights](#), 13 August 2015.

<sup>109</sup> University of Essex, [UN Mandate on the Right to Health](#).

<sup>110</sup> *Ibid.*

<sup>111</sup> Open Society Foundations, [Awarded Grants](#), 2018.

<sup>112</sup> In an August 12, 2021 message to ECLJ, Mr Puras states, among other things, “I should have declared all the funding that came to my mandate (but not to me). The problem is probably that the funding is received for example in 2018, and the money is spent in 2019-2020, and that’s why there are different numbers in the statement. In any case, this was a big surprise to me, as there was no purpose to “hide” the grant and not report it.” After checking, however, it appears that Mr. Puras only reported one funding for 2019 in the amount of £9115.16, which is far less than the total OSF payments.

<sup>113</sup> Inderjeet Parmar is Professor of International Politics and Head of the Department of International Politics at the City, University of London.

<sup>114</sup> Inderjeet Parmar, ‘The “Big 3” foundations and American global power’. *American Journal of Economics and Sociology*, 74(4), 676–703, 2015/ “It is never necessary for foundations to twist arms or compel allegiance . . . those who are willing to orient their work in the way foundations approve will have a chance to win large grants, travel the world, attend prestigious conferences, and play an influential role.”

Victor Muñoz recounted his personal experience in this regard:

This international NGO agreed to provide me an assistant, but they requested the privilege to appointing the person. This is an absolutely unacceptable intrusion on your mandate, because you don't know who this person is. You know, we follow certain political positioning, so we need to have the chance to decide who is involved in your mandate. So this kind of thing still happens, meaning that some donors want to push mandate holders to follow their own interests and their own agenda[s].

A former president of the Coordinating Committee reported to us another example: the case of an expert who received a very large donation (about one million dollars, apparently undeclared) from a Scandinavian country with very precise instructions. The donor country wanted the expert to work closely with a specific NGO which would have the authority to recruit the expert's collaborators; the donor also presumed to instruct the expert as to which countries he should work on first. This was a case of a donor "taking control" of an expert. The situation was reportedly settled informally over coffee. Other similar cases have been reported to us. For example, according to the testimonies received, pressure on experts is not limited to non-Western countries; in fact, few non-Western countries fund experts.

### *Subsequent use of Special Procedure reports*

It should be noted, as mentioned above, that the Special Procedures reports have a weighty doctrinal authority and are therefore very often referenced by national and international bodies, in particular by the courts. For example, we have identified 140 judgments of the ECHR referring to these reports. Such references are also numerous in the judgments of the Inter-American Court.

For example, Mr. Méndez's reports are frequently cited by these two courts. This is the case with the report on "gender and torture," as we have just seen, but also of the report on torture in health care (A/HRC/22/53), which was often cited by the ECHR<sup>115</sup> and the Inter-American Court<sup>116</sup> in support of the transsexual cause, in particular the possibility of changing civil status without prior surgery. In one of these cases (*A.P., Garçon and Nicot v. France*), it is interesting to note that two judges of the ECHR (Mr. Grozev and Mr. Mits) were also from the OSF network and that the intervening NGOs are also funded by the OSF (Transgender Europe, Amnesty, ILGA).<sup>117</sup> The same configuration can be found at the Inter-American Court, with judges (Ms. Elizabeth Odio Benito and Mr. Diego García-Sayán) and NGOs linked to the OSF participating in cases citing Mr. Méndez's reports. Such cases are numerous and cover various areas of human rights (terrorist extradition, enforced disappearances, etc.). They illustrate the fact that a few global private actors are able to act and exert influence at every level of the human rights system, to the point of permeating it.

### *The orientation and political strategy of funders*

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<sup>115</sup> Cases *Y.Y. v. Turkey* (No. 14793/08); *A.P., Garçon and Nicot v. France* (Nos. 79885/12, 52471/13 and 52596/13); *A.S. v. France* (No. 46240/15); *M.S. v. Croatia* (No. 2; No. 75450/12).

<sup>116</sup> Cases *I.V.\* v. Bolivia*; *Fondo Vinicio Antonio Poblete Vilches Y Familiares Chile*; *Caso López Soto Y Otros vs. Venezuela*.

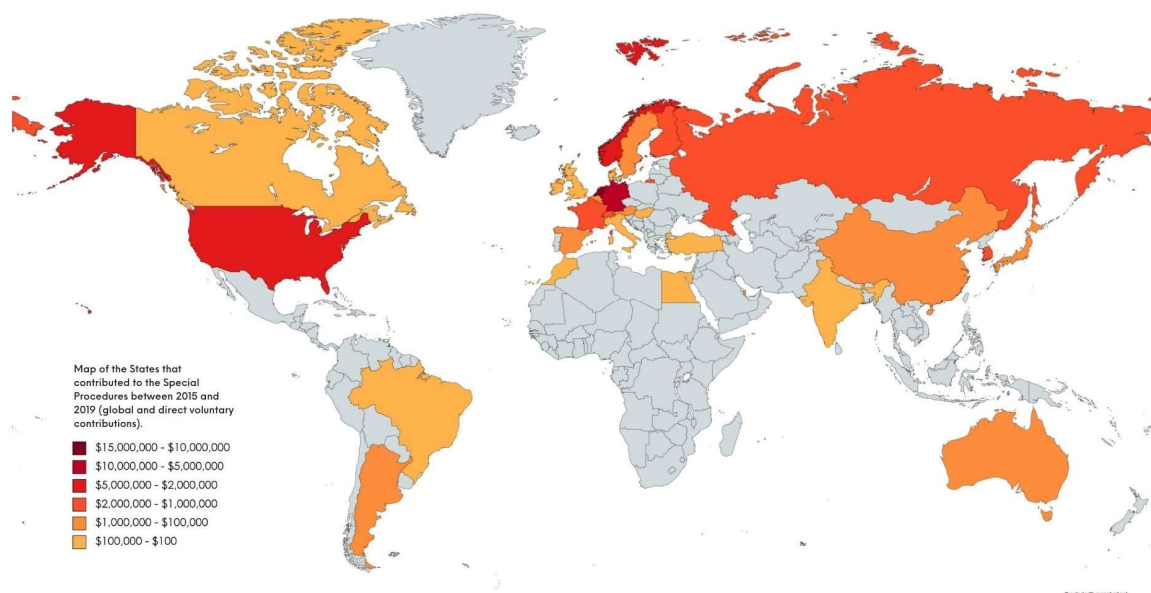
<sup>117</sup> See the ECLJ report, [NGOs and the Judges of the ECHR](#), 2020.

Experts agree that there is no objective criterion that to distinguish between money from “good” donors, which can be readily accepted, money from “bad” funders, which must be rejected. According to Gabor Rona, the issue of financial support is necessarily politicized, but:

You cannot go into a public forum and establish a rule saying that money from Netherlands okay and money from Russia not okay. There is no way to set objective criteria that States could gather around for determining which States are on the green list and which States are on the red list.

In an interview, one expert said that he felt he had to refuse any kind of state funding, regardless of the reputation of the donor state.

There is no credible criterion to distinguish between “good” and “bad” NGOs or foundations either. Despite this lack of criteria to evaluate different sources of funding, it appears that the vast majority of support comes from a few select countries, universities, and foundations, most of them in the Western world. A few foundations and private enterprises finance the OHCHR, notably the *Ford Foundation*, the *Open Society Foundations*, the *MacArthur Foundation*, *Call for Code*, *Microsoft*, *Counterpart International*, and the *Wellspring Philanthropic Fund*.<sup>118</sup> The same is true of voluntary contributions to the Special Procedures from public donors, of which the most generous are the Netherlands, Germany, the United States, Norway, and Finland.

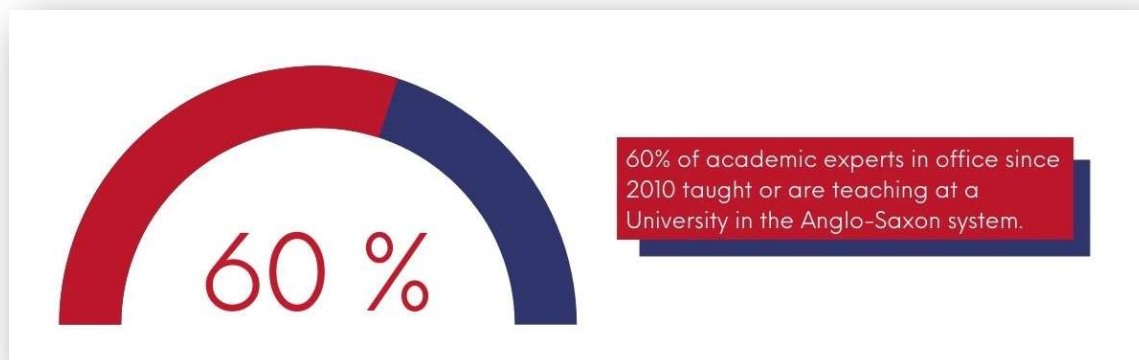


Regarding universities, the same phenomenon can largely be observed. Those who support experts are located, for the most part, in North America, the United Kingdom, Australia, and South Africa. The same is true of the countries of origin of the experts themselves. In fact, of the 222 experts in office since 2010, 135 are academics. Among them, 80 have taught (on a

<sup>118</sup> Between 2015 and 2019, they respectively paid \$415,000, \$107,000, \$340,000, \$130,000, \$2,550,000, \$748,289, and \$425,050 to the various Special Procedures mandates. – [Voluntary Contributions to OHCHR 2008-2009](#).



regular or continuous basis) in at least one English-speaking university (nearly 60%), and 57 have taught in at least one European university (approximately 42%). No more than 19 experts have taught at a university in Latin America (nearly 14%); 17 at a university in sub-Saharan Africa (except South Africa) or Asia (nearly 12.5%); 6 at a university in South Africa, the Middle East, or Turkey (nearly 4%); and 3 at a university in Russia (nearly 2%). Several experts recruited from the South are also professors at these Northern universities. One of the experts doubts that he would have been elected if he had stayed at his home university.



This phenomenon is even more visible knowing that private foundations and NGOs also finance experts, among which the principle declared cash contributors are the *Ford Foundation* (\$2,190,000), *Open Society Foundations* (\$1,584,417), *Christensen Fund* \$200,000), and *Under the Same Sun* (\$160,000). Other foundations have served as contributors but with support that is weaker in nature or has not been evaluated.<sup>119</sup>

**A significant proportion of experts were themselves former collaborators of these supporting foundations** or later chose to join one of them upon completing their mandate. Therefore, among the 222 Special Procedures mandate holders since 2010, at least 52 of them have exercised (or still exercise) some responsibility within the *Open Society Foundations*, or an NGO supported by the *Open Society* or *Ford* Foundations, such as the *Center for Reproductive Rights* or the *International Center for Transitional Justice*. Among these 52 experts, fourteen have exercised (or still exercise) a responsibility within *Amnesty International*. Twelve experts exercise some responsibility within the *International Commission of Jurists*. Six experts hold responsibilities within the *Open Society Foundations*, four hold responsibilities within the *Human Rights Watch*, and one expert is involved with the *Helsinki Committee*.<sup>120</sup> According to the curriculum, within the Coordination Committee, 17

<sup>119</sup> Ford Foundation, Open Society Foundations, Christensen Fund, Under the Same Sun, Misereor, Global Equality Fund, Association pour la prévention de la torture (APT), Tebtebba Foundation, World Movement for Democracy, MacArthur Foundation/IEEE, Community of Democracies, Art 19, AACOA Association Atangana, contre l'Oppression et l'Arbitraire, Terre des Hommes, Raoul Wallenberg Institute, Canada Without Poverty, Microsoft, Witchcraft and Human Rights Information Network, AFRICITE, UCLG Africa, Johannesburg, Geneva Centre for Human Rights, Advancement and Global Dialogue, Facebook, International Center for Not-for-Profit Law, Bar Human Rights, Rosa Luxemburg Foundation, Privacy & Identity Lab – Utrecht, Friedrich-Ebert-Stiftung – FES, Race and Equality, Creative Artists Agency, Huawei, LSE Center for Women Peace and Security, London, International Code of Conduct Association, Tom Lantos Institute, International Development Law Organization, Danish Institute for Human Rights.

Konrad Adenauer Stiftung Foundation, InformAction, International Bar Association.

<sup>120</sup> [Annex 7](#).



out of 47 experts (36%) exercised a responsibility within this network of NGOs and foundations.<sup>121</sup>

Some of these experts even sit on the boards of directors of NGOs or hold positions of responsibility in these organizations during their term of office. This concerns 41 experts<sup>122</sup> and the organizations mainly concerned by this phenomenon are the *Women's Human Rights Institute*, the *Open Society Foundation*, the *International Commission of Jurists* and *Amnesty International*, among 50 other organizations. Some experts serve in more than one organization. This situation is likely to create conflicts of interest prohibited by resolution 5/1, which states that "Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded." It also appears that 9 experts receive funding for their mandates from the NGOs or foundations on which they sit or have sat (or from foundations that have subsidized them).<sup>123</sup>

The omnipresence of these NGOs and foundations has reached such a degree that their proximity, or even collusion, with the UN's constituents seems inevitable, and contributes to the phenomenon of the privatization and "capture" of human rights. This phenomenon also feeds another problem, often mentioned by experts who were interviewed, as relating to the lack of seriousness of some mandate holders who continue, once elected, to behave like NGO activists, promoting personal political ideas, thus exceeding the terms of their mandates, in violation of the Code of Conduct. This activist mentality, this "**NGOization**" of mandates contributes, according to several experts, to the weakening of the authority and effectiveness of the Special Procedures system.

One illustration is Ms. Tlaleng Mofokeng, Special Rapporteur on the right to health since 2020. As a medical doctor, Ms. Mofokeng has herself performed abortions, which she presents as "a radical act of self-love." She sits on the board of at least eight organizations promoting abortion in Africa, has been funded by the OSF, has been awarded by the Gates Foundation, and has been congratulated by the IPPF; she hosts a TV show "Sex Talk with Dr. T", is the author of a sex education book teaching in particular sadomasochistic practices or supporting the legalization of prostitution, which she described as an ultimate form of feminism.<sup>124</sup> After her election, she explained in a preliminary report that she wanted to challenge the "conservative morality" in sexual matters, which she said was "a vestige of the colonial conquest," in order to reconsider the morality of "sex work." She also said she wanted to fight against "legal and political restrictions" on abortion, saying they undermine the right to health, human dignity, and are "discriminatory" in that they "disproportionately affect the persons who can become pregnant." Not surprisingly, her first thematic report was on "The Right to Sexual and Reproductive Health" where she addressed these issues.

Another example of the *NGOization* of the Special Procedures is the Working Group on Women's Rights chaired by Ms. Upreti, who was mentioned above.

In fact, large foundations such as *Ford*, *Gates*, *Open Society*, *Oak* or *MacArthur* financially permeate the entire human rights ecosystem, far beyond the United Nations, and form the

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<sup>121</sup> [Annex 7.](#)

<sup>122</sup> [Annex 8.](#)

<sup>123</sup> [Annex 8.](#)

<sup>124</sup> Dr. Tlaleng Mofokeng, 'Dr T: A Guide to Sexual Health and Pleasure'. (Pan Macmillan, 2021).

“substratum” from which many experts originate and from which they operate. As such, the election of a Special Procedures mandate holder benefits the holder and the institutions which the expert participates in. Indeed, the institutions are the ones benefiting from the prestige of the position, and they are the ones able to contribute towards the exercise of this power. This substrate forms an informal network of global human rights governance. It is impossible to disentangle this network because the relations between the foundations, NGOs, and university centers are manifold. Moreover, this substrate is ideologically homogeneous overall and dominated by a very liberal approach to human rights. Thus, for example, one expert was prompted to say in an interview that, according to him, he thought that it would be unacceptable for pro-life or conservative religious NGOs to support special rapporteurs in charge of health or religious freedom, but not for libertarian NGOs.

Several experts interviewed about the Ford and Open Society Foundations consider them to be “problematic,” “very controversial,” “highly political,” “conveying” certain “values” around the world, and “supporting certain political movements” (Richard Falk); others consider them to be less problematic than states because they would not have a political interest to promote. For example, one expert said: “I make a very clear distinction between private foundations like the Ford Foundation and [small] family foundations, they give me money and trust me but they don’t dictate my themes. If companies were to fund, it would be problematic like governments.”

The idea that foundations act out of purely apolitical philanthropy is contradicted by what foundations say about themselves. They state that they want to promote their values through their funding. As one expert pointed out, “you never get funded by accident, disinterestedly.” According to an expert familiar with these foundations, *Ford* and *Open Society* do not fund Special Procedures for their own sake, to support the system, but “they fund the specific issues that are really important to them, and those issues happen to show up in Special Procedures.”

The *Open Society Foundations* (OSF) has imposed itself as a political organization that is very influential, particularly among international bodies, and active in favor of an “open” society, namely ultraliberal and global,<sup>125</sup> or even libertarian (campaigning in particular for the liberalization of drugs,<sup>126</sup> prostitution,<sup>127</sup> or abortion). Through its policy of founding and funding other organizations, the OSF has placed itself at the top of an important network of NGOs. This organization has been able to act simultaneously with all international bodies where the law is being developed and subsequently implement global strategies that affirm new international norms. The OSF invested \$1.2 billion in 2020. The OSF not only funds other NGOs, but also carries out its own lobbying efforts in international forums, for example through the *Open Society Justice Initiative*, which specializes in strategic litigation before international courts.

Regarding the *Ford Foundation*, its objective is to achieve “social justice” through institutional and social disruptions and achieve “gender, racial, and ethnic justice.”<sup>128</sup> It has a

<sup>125</sup> Gaëtan Cliquennois, *European Human Rights Justice and Privatization, The Growing Influence of Foreign Private Funds*, Cambridge University Press, 2020, p. 258.

<sup>126</sup> See e.g.: “[Why We Need Drug Policy Reform](#)”, April 2019.

<sup>127</sup> See e.g.: “[Understanding Sex Work in an Open Society](#)”, April 2019; “[Ten Reasons to Decriminalize Sex Work](#)”, April 2015.

<sup>128</sup> Ford Foundation, [About Ford Mission](#).

long history of supporting internationalist initiatives.<sup>129</sup> The Foundation's actions span over numerous domains, such as the sciences, education, and even the arts. Each year, it donates between \$500 million and \$700 million to causes that it supports.<sup>130</sup> The value of its assets in 2019 surpassed \$14 million.<sup>131</sup> The *Ford Foundation* has funded activities that have advanced justice since the mid-1960s, starting in the United States and later in South America and South Africa. It has extended its activities to Eastern countries, as well as before the ECHR in the 1990s. Similar to the *Open Society*, the NGOs that the *Ford Foundation* supports practice strategic litigation, which means that it engages in legal recourse as a means to achieve a global objective of a more political nature. The engagement of the *Ford Foundation* in the domain of Human Rights has become increasingly important. The *Ford Foundation* has become the primary Human Rights funder globally with \$387 million in contributions in 2017 alone, surpassing the *Open Society Foundations* (\$224 million), and the *Bill & Melinda Gates Foundation* (\$173 million).<sup>132</sup>

Most foundations that financially support Special Procedures (*OSF, Ford, Oak, Sigrid Rausig, Trust, Wellspring*) are also members of the *Human Rights Funders Network* (HRFN), a cooperation and consultation body based in New York, that brings together foundations and private funders of human rights initiatives. The weight of the foundations largely outweighs those that come from international human rights institutions and can capture or privatize human rights even more significantly when these foundations act in a concerted manner.

Currently, the public and private institutions funding the Special Procedures are mainly of Western origin and culture, with a liberal and global conception of human rights and society. This may explain why there are few challenges to these payments. It is possible that these actors will be challenged by other funders from other cultures, for example China, as one former expert noted, in which case the Special Procedures may take a different direction; Western states would then be in no position to complain about it.

### ***The absence of control***

Direct payments are not subject to any control by the United Nations. Direct payments are not reflected in the financial reports of the OHCHR; however, they are only declared by their beneficiaries eventually on a voluntary basis and subsequently published in the annexes of the Special Procedures' annual report, documents which we noted lack rigor. The system of the United Nations can only count on the goodwill, honesty, and good faith of the experts themselves. Nothing guarantees that all financial activity has been declared. In fact, certain rapporteurs have not declared anything in the past but evidently benefit from significant support.

The lack of internal control at the United Nations results from the extensive interpretation of the statutory independence granted to "independent experts" as well as the diplomatic

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<sup>129</sup> Nicholas R. Micinski, *The Changing Role of the Ford Foundation in International Development, 1951–2001*, International Society for Third-Sector Research and The Johns Hopkins University 2017.

<sup>130</sup> Ford Foundation, [Financial Snapshot 2018](#).

<sup>131</sup> Ford Foundation, [Financial Statements and Report of Independent Certified Public Accountants](#), 2018–2019.

<sup>132</sup> Human Rights Funding Network, *Annual Review of Global Foundation Grantmaking*, [Advancing Human Rights 2017 Key Findings](#), 2017.

privileges and immunities which they enjoy in the course of their duties, and which protect them, to a certain extent, from State control (Article 105 of the UN Charter). According to experts, this lack of control would also result, to a certain extent, from the tacit complicity of the OHCHR which considers this a way of supporting a system that it does not adequately fund itself.

Only the “**Coordination Committee of the Special Procedures**” could provide some form of supervision over the behaviors of experts, but this committee does not have any official presence, nor does it have any power. One expert indicated that the Coordination Committee does not even have the power to summon an expert for an interview. The committee’s main mission is to represent the mandate holders before other bodies of the United Nations and to promote cooperation between mandates.

Indeed, as stated in their code of conduct, “*in fulfilling their mandate, mandate-holders are accountable [only] to the Council*” (art. 15); but the Council does not control them, which makes this responsibility largely theoretical.

## FINAL RECOMMENDATIONS

Based on the interviews that were held with experts, and considering the problems that are caused by the extra budgetary funding of the system of Special Procedures, it appears reasonable and useful to recommend the following:

- The requirement for the OHCHR to report annually to mandate holders on its management of the budget allocated to each Special Procedure;
- That any extra-budgetary funding for the Special Procedures must be paid directly to the OHCHR, and any direct funding going directly to mandate-holders must be banned;
- The obligation to publish funding agreements;
- The allocation of an allowance to mandate holders.

If the above recommendations are not adopted, it would be advisable to at least:

- Take effective and rigorous measures towards the annual declaration of any funding and extra budgetary support;
- Declare, in each report, the support and the funding given that led to its implementation;
- Strengthen the role of the Coordination Committee as a body to monitor the independence of mandate holders.

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## ANNEXES

### *Annexe 1 : Financements déclarés par les fondations Open Society et Ford sur leurs sites internet*

#### **Légende :**

- **Sans couleur** : Fonds nouveaux non déclarés dans les documents A/HRC/31/39 - A/HRC/34/34/Add.1 - A/HRC/37/37/Add.1 - A/HRC/40/38/Add.1 - A/HRC/43/64/Add.1 (Cela peut être dû à la date des dons)
- **Couleur grise** : Fonds déclarés dans les documents A/HRC/31/39 - A/HRC/34/34/Add.1 - A/HRC/37/37/Add.1 - A/HRC/40/38/Add.1 - A/HRC/43/64/Add.1 et qui se recoupent avec eux.
- **Couleurs hachurées** : Fonds partiellement déclarés dans les documents A/HRC/31/39 - A/HRC/34/34/Add.1 - A/HRC/37/37/Add.1 - A/HRC/40/38/Add.1 - A/HRC/43/64/Add.1, qui ne se recoupent que partiellement avec eux.

#### *a. Soutiens indirects d'Open Society Foundations*

Date	Source	Nom de l'université / ONG	Montant	Objet du don
2016	<u>Open Society Foundations Grant</u>	<b>Disability Rights Fund</b>	\$75,000	To partially support the Disability Rights Fund, Inc.'s charitable operations at \$440,000 and to partially support the mandate of the UN Special Rapporteur on the Rights of Persons with Disabilities at \$75,000 <b>DEVANDAS AGUILAR</b> Catalina
2016	<u>Open Society Foundations Grant</u>	<b>New York University</b>	\$180,000	To support the UN Special Rapporteur on Transitional Justice <b>DE GREIFF</b> Pablo
2017	<u>Open Society Foundations Grant</u>	<b>University of Essex</b>	\$100,000 (cash)	To continue support to enhance the capacity of the United Nations Special Rapporteur on the right to the highest attainable standard of mental and physical health ("the right to health"), Dr. Dainius Puras, to provide consultations with civil society actors as well as deliver well-researched reporting and other strategic interventions such as expert meetings and larger convenings. <b>PŪRAS</b> Dainius
2018	<u>Open Society Foundations Grant</u>	<b>University of Essex</b>	\$380,028	Strengthening the mental health and human rights engagement and research capacity of the UN Special Rapporteur on the right to health <b>PŪRAS</b> Dainius



2017	<u>Open Society Foundations Grant</u>	<b>Rutgers, the State University of New Jersey</b> <b>The Center for Women's Global Leadership</b>	\$100,000	To recognize domestic work as a contribution to the labor force and economy by publishing a policy paper on unpaid and underpaid domestic work, coordinating a global tribunal and having a domestic worker testify at the tribunal on ending violence in the world of work (Geneva 2018), and <b>influencing</b> the UN Special Rapporteur on contemporary forms of slavery, its causes and consequences  <b>BHOOOLA Urmila</b>
2017	<u>Open Society Foundations Grant</u>	<b>Sungkyunkwan University Research &amp; Business Foundation</b>	\$142,406	To support the mandate and research of the UN Special Rapporteur  <b>LEE Yanghee</b> (dont l'institution d'origine est la Sungkyunkwan University)
2018	<u>Open Society Foundations Grant</u>	<b>New York University</b>	\$200,000	To support an innovative project seeking to advance the theoretical understanding and practical implementation of economic and social rights, through scholarly analysis and empirical work undertaken in the context of the work of the Special Rapporteur on extreme poverty and human rights  <b>ALSTON Philip</b>
2018	<u>Open Society Foundations Grant</u>	<b>Rutgers, the State University of New Jersey</b>	\$25,000	To support The Center for Women's Global Leadership in their project to disseminate the UN Independent Expert on External Debt and Human Rights' thematic report on the impact of austerity measures on women's human rights  <b>BOHOSLAVSKY Juan Pablo</b>
2018	<u>Open Society Foundations Grant</u>	<b>The Women's Budget Group</b>	\$20,340	To disseminate the report by the UN Independent Expert on foreign debt and human rights on the impact of economic reform policies on women's human rights by organizing an event to present the report in London  <b>BOHOSLAVSKY Juan Pablo</b>
<b>Université</b>				
<b>Total</b>	347 406 USD	<b>Total</b>	100 000 USD	Total = 447 406 USD
<b>ONG</b>				
<b>Total</b>	120 340 USD	<b>Total</b>	75 000 U SD	Total = 195 340 USD
<b>Total de l'annexe = 1 222 774 USD</b>				

*b. Soutiens indirects de la Fondation Ford*

Date	Source	Nom de l'université / ONG	Montant	Objet du don
2017	<u>Ford Foundation grant</u>	New York University	\$300,000	Core support for the Center for Human Rights and Global Justice for the UN Special Rapporteur to conduct a fact-finding mission to spur new thinking on the relationship between poverty and human rights <b>ALSTON Philip</b>
2018	<u>Ford Foundation grant</u>	New York University	\$200,000	Core support for the Center for Human Rights and Global Justice to enable the UN Special Rapporteur to spur new thinking on the relationship between poverty and human rights <b>ALSTON Philip</b>
2019	<u>Ford Foundation grant</u>	International Disability Alliance	\$25,000	For research for the UN Special Rapporteur to prepare a report on guidelines to implement the rights of older persons with disabilities <b>DEVANDAS AGUILAR Catalina</b>
2018	<u>Ford Foundation grant</u>	Tebtebba Foundation	\$250,000	Support for the work of the UN Special Rapporteur on the Rights of Indigenous Peoples <b>TAULI-CORPUZ Victoria</b>
2016	<u>Ford Foundation grant</u>	Tebtebba Foundation	\$300,000	For the work of the UN Special Rapporteur on the Rights of Indigenous Peoples <b>TAULI-CORPUZ Victoria</b>
2019	<u>Ford Foundation grant</u>	University of California, Irvine	\$150,000	Core support to the International Justice Clinic at the University of California Irvine School of Law to assist the mandate of the United Nations Special Rapporteur on Freedom of Expression <b>KAYE David</b>
2017	<u>Ford Foundation grant</u>	University of California, Irvine	\$100,000	Core support to assist the United Nations' special Rapporteur on the promotion and protection of the right to freedom of opinion and expression with a focus on online communications <b>KAYE David</b>
2015	<u>Ford Foundation grant</u>	University of California, Irvine	\$100,000	Core support to assist the United Nations' special Rapporteur on the promotion and protection of the right to freedom of opinion and expression with a focus on online communications <b>KAYE David</b>

2019	<u>Ford Foundation grant</u>	<b>University of California, Los Angeles</b>	\$250,000 (cash)	Core support to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to conduct consultations and research on emerging issues from the Global South  <b>ACHIUME E. Tendayi</b>
2015	<u>Ford Foundation grant</u>	<b>American University</b>	\$75,000	For the Anti-Torture Initiative to conduct research, convening and outreach around the thematic report by the UN Special Rapporteur on Torture, focusing on gender perspectives  <b>MÉNDEZ Juan</b>
<b>Université</b>				
<b>Total</b>	100 000 \$US	<b>Total</b>	925 000 \$US	Total = 1 025 000 \$US
<b>ONG</b>				
<b>Total</b>		<b>Total</b>	25 000 \$US	Total = 25 000 \$US
<b>Total de l'annexe avec les hachures = 1 050 000 \$US</b>				

*c. Financements directs au Rapporteur ou à son bureau*

Date	Source	Rapporteur	Montant	Objet du don
2017	<u>Open Society Foundations Grant</u>	<b>Office of the UN Special Rapporteur on the Rights of Persons with Disabilities</b>	\$ 150,000	To monitor and promote the implementation of the rights of persons with disabilities worldwide and to support States and the UN system to advance in the promotion and recognition of these rights  <b>DEVANDAS AGUILAR Catalina</b>
2017	<u>Open Society Foundations Grant</u>	<b>UN Independent Expert on Albinism</b>	\$300,000	To address violence and abuse against and promote the rights of persons with albinism in Africa  <b>ERO Ikponwosa</b>

***Annexe 2 : Financements alloués aux Procédures spéciales par les États par le biais du HCDH (2011-2019)***

Années	Fonds extra-budgétaires (USD)		Fonds extra-budgétaires (USD) - Total	Budget ordinaire alloué aux Procédures spéciales (USD)	Total + lignes budgétaires autres (USD)
	Contributions pour tous les mandats	Contributions à des mandats spécifiques			
2019	4 774 691	4 040 166	8 814 857	13 647 617	24 243 818
2018	4 647 452	3 103 971	7 751 423	14 421 600	22 555 423
2017	3 403 169	2 893 204	6 296 373	13 247 100	20 469 773
2016	3 417 043	2 957 650	6 374 693	14 441 800	22 325 245
2015	4 067 384	1 662 952	5 730 336	12 316 300	19 483 824
2014	3 275 241	1 497 822	4 773 063	12 368 400	18 690 862
2013	3 353 185	1 425 268	4 778 453	11 235 700	15 660 692
2012	4 117 124	1 837 770	5 954 894	10 386 100	18 805 463
2011	3 282 025	1 741 103	5 023 128	8 357 200	15 850 201

### *Annexe 3 : Financements sans montant précisé*

	Nom	Date / Source	Montant	Objet du don
	<b>ACHIUME E. Tendayi (Zambie), Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</b>			
1	<b>UCLA School of Law</b>	<b>2018 - A/HRC/40/38/Add.1</b>	Cash/grant	For research assistance through students.
	<b>ERO Ikponwosa (Nigeria), Independent Expert on the enjoyment of human rights of persons with albinism</b>			
2	<b>Lancaster University, UK</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Cash	One-off, project-specific.
3	<b>Witchcraft and Human Rights Information Network</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Cash	One-off, project-specific.
4	<b>Trinity Western University, Canada</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Cash	One-off, project-specific.
5	<b>Social Sciences and Humanities Research Council of Canada</b>	<b>2019 - A/HRC/43/64/Add.1</b>	Multi-year cash	Grant for particular event, but monies not held by mandate holder.
	<b>CANNATACI Joe (Malte), Special Rapporteur on the right to privacy</b>			
6	<b>Microsoft</b>	<b>2017 - A/HRC/37/37/Add.1</b>	One-off support	Who hosted one meeting in Paris in September 2017 offering premises and conference lunch/coffee breaks for a meeting co-organised with MAPPING project and largely comprised of civil society representatives.
	<b>NYALETSOSSI VOULE Clément (Togo), Special Rapporteur on the rights to freedom of peaceful assembly and of association</b>			
7	<b>Ford Foundation</b>	<b>2019 - A/HRC/43/64/Add.1</b>	Earmarked support	To travel participants to specific events organized by SR.
8	<b>Union européenne</b>	<b>2018 - A/HRC/40/38/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.
9	<b>Union européenne</b>	<b>2019 - A/HRC/43/64/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.
	<b>MÉNDEZ Juan (Argentine), Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment</b>			
10	<b>Danemark</b>	<b>2015 - A/HRC/31/39</b>	Support	For a renewable annual P2 JPO post.

	<b>JUNGK Margaret (USA) Working Group on transnational corporations and other business enterprises</b>			
<b>11</b>	<b>Danish Institute for Human Rights</b>	<b>2015 - A/HRC/31/39</b>	Cash support (3 months' salary)	From home institution : devoted to mandate work.
	<b>LEE Yanghee (Republic of Korea), Special Rapporteur on the situation of human rights in Myanmar</b>			
<b>12</b>	<b>Sungkyunkwan University</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Support in cash	For provision for a research assistant, office space and administrative support.
	<b>FORST Michel (France), Special Rapporteur on the situation of human rights defenders</b>			
<b>13</b>	<b>Norvège</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Multi-year cash contributions	For general use of the mandate.
<b>14</b>	<b>Union européenne</b>	<b>2018 - A/HRC/40/38/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.
<b>15</b>	<b>Union européenne</b>	<b>2019 - A/HRC/43/64/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.
<b>16</b>	<b>Union européenne</b>	<b>2017 - A/HRC/37/37/Add.1</b>	Multi-year cash contributions	For general use of the mandate.
	<b>KAYE David (États-Unis), Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</b>			
<b>17</b>	<b>Union européenne</b>	<b>2018 - A/HRC/40/38/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.
<b>18</b>	<b>Union européenne</b>	<b>2019 - A/HRC/43/64/Add.1</b>	Multi-year contribution	Towards a joint project of three SP mandate holders continued in 2018.



***Annexe 4 : Financements déclarés par un montant approximatif***

<b>Nom</b>	<b>Date / Source</b>	<b>Montant</b>	<b>Objet du don</b>
<b>JIMENEZ-DAMARY Cecilia (Philippines), Special Rapporteur on the human rights of internally displaced persons</b>			
<b>USAID/OFD A</b>	<b>2016 A/HRC/34/34/Add.1</b>	- Around USD 8,000 (remainder of funds provided to the mandate when mandate holder took up functions)	One-off and earmarked for particular events/processes (travel costs).
<b>Working Group on enforced or involuntary disappearances</b>			
<b>CNDH of Morocco</b>	<b>2016 A/HRC/34/34/Add.1</b>	- Approximate amount of USD 38,000	By way of organizing an expert meeting in Rabat at the margins of the 108th session of the Working Group (February 2016).

## Annexe 5 : Financements anonymes

	Nom	Date / Source	Montant	Objet du don
<b>DEVANDAS AGUILAR</b> Catalina (Costa Rica), Special Rapporteur on the rights of persons with disabilities				
1	Anonymous donor	2015 - A/HRC/31/39	USD 165,000	As two year grant for use by the mandate.
2	Anonymous donor	2016 - A/HRC/34/34/Add. 1	US\$165,000	Not specified.
3	Anonymous donor	2017 - A/HRC/37/37/Add. 1	US\$175,000 for two years	Not specified.
4	Anonymous donor	2018 - A/HRC/40/38/Add. 1	US\$175,000	For two years general support agreement ending in 2019.
5	Anonymous donor	2019 - A/HRC/43/64/Add. 1	US\$185,000 for 2019	Allocation of a two years general support agreement ending in 2020.
<b>TUNCAK</b> Baskut (Turquie/USA), Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes				
6	Anonymous donor	2019 - A/HRC/43/64/Add. 1	One-time USD8,000 in cash	Earmarked from anonymous donor towards particular event and provision of office space and administrative support.
<b>MADRIGAL-BORLOZ</b> Victor (Costa Rica), Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity				
7	Anonymous donations	2019 - A/HRC/43/64/Add. 1	Two donations of US\$15,822 each	For general use of the mandate within the period 1 July – 31 December 2019.
<b>KORNFELD-MATTE</b> Rosa (Chili), Independent Expert on the enjoyment of all human rights by older persons				
8	Individual donor	2015 - A/HRC/31/39	USD 12,000	Earmarked contribution.

***Annexe 6 : Les écarts entre les montants des financements (hachurés dans l'annexe 1 - tableaux 2-a-b)***

<b>Date</b>	<b>Financements déclarés sur les sites de l'Open Society Foundations et de la Ford Foundation</b>	<b>Financements déclarés A/HRC</b>	<b>Écart</b>
2018	<p><b>Open Society Foundations</b> - <b>To University of Essex</b></p> <p><b>\$380,028</b></p> <p>Strengthening the mental health and human rights engagement and research capacity of the UN Special Rapporteur on the ri[ght to health]</p> <p><b>PŪRAS Dainius</b></p>	<p><b>Open society Foundations :</b> 2018 - A/HRC/40/38/Add.1</p> <p><b>US\$5,000</b></p> <p>-</p> <p>For implementation in 2018, to strengthen the mental health and human rights engagement and research capacity of the UN SR on the right to health.</p>	<b>\$375,028</b>
2018	<p><b>Open Society Foundations</b> - <b>To New York University</b></p> <p><b>\$200,000</b></p> <p>To support an innovative project seeking to advance the theoretical understanding and practical implementation of economic and social rights, through scholarly analysis and empirical work undertaken in the context of the work of the Special Rapporteur on extreme poverty and human rights</p> <p><b>ALSTON Philip</b></p>	<p><b>NYU Law School :</b> 2018 - A/HRC/40/38/Add.1</p> <p>In kind and cash support of <b>US\$5,000</b></p> <p>-</p> <p>For a research assistant, office space and administrative support.</p>	<b>\$195,000</b>
2017	<p><b>Open Society Foundations</b> - <b>To the Office of the UN Special Rapporteur on the Rights of Persons with Disabilities</b></p> <p><b>\$150 000</b></p> <p>To monitor and promote the implementation of the rights of persons with disabilities worldwide and to support States and the UN system to advance in the promotion and recognition of these rights</p> <p><b>DEVANDAS AGUILAR Catalina</b></p>	<p><b>Open Society Foundations :</b> 2017 - A/HRC/37/37/Add.1</p> <p><b>US\$75,000</b></p> <p>-</p> <p>Purpose unspecified.</p>	<b>\$75,000</b>

2017	<b>Open Society Foundations</b> - <b>UN Independent Expert on Albinism</b> <b>\$300,000</b> To address violence and abuse against and promote the rights of persons with albinism in Africa <b>ERO Ikponwosa</b>	<b>Open Society Foundations :</b> 2017 - A/HRC/37/37/Add.1 <b>US\$150,000</b> multi-year - Purpose unspecified.	<b>\$150,000</b>
2018	<b>Ford Foundation</b> - <b>To Tebtebba Foundation</b> <b>\$250,000</b> Support for the work of the UN Special Rapporteur on the Rights of Indigenous Peoples <b>TAULI-CORPUZ</b> Victoria	<b>Tebtebba Foundation</b> 2018 - A/HRC/40/38/Add.1 <b>US\$26,000</b> - For general use by Mandate Holder as well as office space and research assistants. <b>Ford Foundation</b> 2018 - A/HRC/40/38/Add.1 Multi-year funding <b>US\$250,000</b> - For general use by the Mandate Holder as well as for research assistants.	?
2016	<b>Ford Foundation</b> - <b>To Tebtebba Foundation</b> <b>\$300,000</b> For the work of the UN Special Rapporteur on the Rights of Indigenous Peoples <b>TAULI-CORPUZ</b> Victoria	<b>Ford Foundation</b> 2016 - A/HRC/34/34/Add.1 <b>US\$150,000</b> for two years in cash - Purpose unspecified.	<b>\$150,000</b> ?
2019	<b>Ford Foundation</b> - <b>To University of California, Irvine</b> <b>\$150,000</b> Core support to the International Justice Clinic at the University of California Irvine School of Law to assist the mandate of the United Nations Special Rapporteur on Freedom of Expression <b>KAYE</b> David	<b>Ford Foundation</b> 2019 - A/HRC/43/64/Add.1 <b>One-time cash US\$50,000</b> - Grant to support fellowship and student assistance through the home institution of the mandate.	<b>\$100,000</b>
<b>Total écart</b>			<b>\$1,045,028</b>

## ***Annexe 7 : Une présence importante d'experts venant d'un même réseau d'ONG***

Experts du Haut-commissariat ayant eu un poste de responsabilité dans les ONG soutenues ou en partenariat avec les organisations suivantes : Open Society Foundation, Ford Foundation, Amnesty international, International Commission of Jurist (ICJ), Human Rights Watch (HRW) et Helsinki Committee.

La mention « Présent » correspond à la date où cette annexe a été mise à jour, le 6 mai 2021.

Couleur grisée : Le titulaire de mandat a des liens avec plusieurs ONG et fondations.

### **Open Society Foundations**

**MICKEVICIUS** Henrikas (Lituanie), nommé en 2015 Groupe de travail sur les disparitions forcées ou involontaires ; Avocat

#### **Open Society Fund, George Soros Foundation, Lithuania :**

- 1997-1999 : Membre<sup>133</sup>

#### **Open Society Institute, George Soros Foundation, Budapest :**

- 1999-2003 : Directeur de programme

**GARCIA-SAYAN** Diego (Pérou), depuis 2017 Rapporteur spécial sur l'indépendance des juges et des avocats ; Président de la Cour interaméricaine des droits de l'homme

#### **Open Society Foundations - Global Drug Policy Advisory Board :**

- Présent : Président du conseil consultatif<sup>134</sup>

**MCDOUGALL** Gay (USA), 2005-2011 Rapporteur spécial sur les questions relatives aux minorités ; Avocat, 2014-2020 mandat au Comité pour l'élimination de la discrimination raciale (CERD)

#### **Open Society Foundations :**

- Présent : Membre du conseil consultatif de Open Society Justice Initiative<sup>135</sup>

**PURAS** Dainius (Lituanie), 2014-2020 Rapporteur spécial sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible ; Médecin psychiatre, 2009-2011 mandat au Comité des droits de l'enfant (CRC) ; Professeur invité à l'Université d'Essex

#### **Open Society Fund–Lithuania :**

- Conseil d'administration (Source : Building Open Societies - Soros Foundations network - 2002 report<sup>136</sup>)

<sup>133</sup> <https://law.duke.edu/news/henrikas-mickevicius/> [Accessed 25/09/2020]

<sup>134</sup> <https://www.opensocietyfoundations.org/who-we-are/boards/global-drug-policy-advisory-board/member/diego-garcia-sayan> [Accessed 25/09/2020]

<sup>135</sup> <https://www.opensocietyfoundations.org/who-we-are/boards/open-society-justice-initiative-board/member/gay-mcdougall> [Accessed 28/09/2020]

<sup>136</sup> [https://www.opensocietyfoundations.org/uploads/569ceb5a-5a08-472e-ac5f-00b0c0595cf2/a\\_complete\\_report\\_0.pdf](https://www.opensocietyfoundations.org/uploads/569ceb5a-5a08-472e-ac5f-00b0c0595cf2/a_complete_report_0.pdf) p.179 [Accessed 25/09/2020]

<p><b>NI AOLAIN</b> Fionnuala (Irlande), depuis 2017 Rapporteur spécial sur la promotion et la protection des droits de l’homme et des libertés fondamentales dans la lutte antiterroriste ; Universitaire</p> <p><b>Open Society Foundations Women Program :</b></p> <ul style="list-style-type: none"> <li>- Président du conseil d’administration (2011-2018)</li> </ul>
<p><b>BALDO</b> Suliman (Soudan), 2013-2018 Expert indépendant sur la situation des droits de l’homme au Mali ; Universitaire</p> <p><b>Open Society Foundations :</b></p> <ul style="list-style-type: none"> <li>- 2008-2010 : Conseil mondial</li> </ul> <p><b>Open Society Initiative for East Africa :</b></p> <ul style="list-style-type: none"> <li>- 2011-2014 : Conseil mondial</li> </ul>
<p><b>Total des experts : 6</b></p>

## International Commission of Jurists (ICJ)



**DE SCHUTTER** Olivier (Belgique), 2008-2014 Rapporteur spécial sur le droit à l'alimentation ; Universitaire, 2014-2020 mandat au Comité des droits économiques, sociaux et culturels (CESCR)

**International Commission of Jurists** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>137</sup>:

- 2013-? : Commissaire

**JILANI** Hina (Pakistan), 2000-2008 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; Avocat à la Cour suprême du Pakistan

**International Commission of Jurists** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>138</sup>:

- Présent : Membre du Comité exécutif<sup>139</sup>

**GARRETÓN** Roberto (Chile) Groupe de travail sur la détention arbitraire ; Avocat

**International Commission of Jurists, Genève** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>140</sup>:

- 2008-2023 : Commissaire (son 3<sup>e</sup> mandat est en cours ; 2008-2013 ; 2013-2018 ; 2018-2023)<sup>141</sup>

**Commission andine des juristes, section Colombie :**

- 1993 : Cours pour les défenseurs des droits de l'homme Bogotá et Bucaramanga / Cours annuels Lima 1993, 1994 ; Caracas 1995, Lima, 2002 ; Santiago 2003.

**SARKIN** Jeremy J. (Afrique du Sud), 2008-2014 Groupe de travail sur les disparitions forcées ou involontaires ; Universitaire

**International Commission of Jurists, Genève**, (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>142</sup>:

- Membre (avant 2009)

**GARCIA-SAYAN** Diego (Pérou), depuis 2017 Rapporteur spécial sur l'indépendance des juges et des avocats ; Président de la Cour interaméricaine des droits de l'homme

**Andean Commission of Jurists :**

<sup>137</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>138</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>139</sup> <https://www.icj.org/the-executive-committee/> [Accessed 23/10/2020]

<sup>140</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>141</sup> <https://www.icj.org/commission/commissioners-from-the-americas/> [Accessed 23/10/2020]

<sup>142</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

- 2003-présent<sup>143</sup> : Directeur général (Fondateur)<sup>144</sup>

**KIAI Maina (Kenya), 2011-2014-2017** Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Avocat

**The Kenyan section of the International Commission of Jurists :**

- 2005 : Jurist of the Year Award : Maina Kiai<sup>145</sup>

**JAHANGIR Asma (Pakistan), 2004-2010** Rapporteur spécial sur la liberté de religion ou de conviction ; Avocat

**International Commission of Jurists, Genève** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>146</sup> :

- 1998-? : Commissaire

**KHAN Irene (Bangladesh), 2020** Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression ; Juriste

**International Commission of Jurists** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>147</sup> :

- 1979 : Militante des droits de l'homme<sup>148</sup>

**MENDEZ Juan (Argentine), 2010-2016** Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ; Universitaire, Avocat

◆ **The international Commission of Jurists** (soutenue entre autres par Open Society Foundations et la Oak Foundation)<sup>149</sup> :

- 2017 : Commissaire<sup>150</sup>

**NOWAK Manfred (Autriche), 2004-2010** Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ; Avocat ; En 2016, il est expert indépendant menant pour les Nations Unies une enquête globale sur les enfants privés de liberté

**International Commission of Jurists (ICJ), Genève** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>151</sup> :

- 1995-? : Membre et membre honoraire

<sup>143</sup> <http://cajpe.org.pe/node/109> [Accessed 30/10/2020]

<sup>144</sup> <https://www.corteidh.or.cr/tablas/jueces/DGS.pdf> [Accessed 25/09/2020]

<sup>145</sup> <https://web.archive.org/web/20130506063634/http://www.icj-kenya.org/index.php/events/jurist-of-the-year/67-past-recipients/357-mr-maina-kiai-2005/> [Accessed 14/10/2020]

<sup>146</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>147</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>148</sup> <https://www.ihrb.org/about/friends-of-ihrb/irene-khan> [Accessed 28/09/2020]

<sup>149</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>150</sup> <https://www.wcl.american.edu/community/faculty/profile/jmendez/bio/> [Accessed 22/10/2020]

<sup>151</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

**GONZALEZ MORALES** Felipe (Chili), depuis 2017 Rapporteur spécial sur les droits de l'homme des migrants ; Universitaire

**Commission andine des juristes :**

- 2002-2007 : Membre du conseil d'administration

**JAHANGIR** Asma (Pakistan), 2004-2010 Rapporteur spécial sur la liberté de religion ou de conviction ; Avocat

**International Commission of Jurists, Genève** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>152</sup> :

- 1998-? : Commissaire

**Total des experts : 12**

### **Amnesty International**

**LAWLOR** Mary (Irlande), depuis 2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; Universitaire

**Amnesty International :**

- 1988-2000 : Directeur de la section irlandaise d'Amnesty International (Source LinkedIn)
- 1975 : Membre du conseil d'administration
- 1983-1987 : Président

**FORST** Michel (France), 2014-2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; carrière au sein d'ONG

**Amnesty International :**

- 1989-1999 : Directeur Général (Source : LinkedIn)

**DE FEYTER** Koen (Belgique) Groupe de rédaction d'un instrument juridiquement contraignant sur le droit au développement ; Universitaire

**Amnesty International en Belgique :**

- 1998-1999 : Président<sup>153</sup>

**BENNOUNE** Karima (Algérie-USA), 2015-2021 Rapporteur spécial dans le domaine des droits culturels ; Universitaire

**Amnesty International :**

- 1995-1999 : Conseillère juridique, Londres
- 2007 : Conseil d'administration d'Amnesty International USA

<sup>152</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>153</sup> <https://www.ies.be/user/118> [Accessed 21/10/2020]

**CALLAMARD** Agnès (France), depuis 2016 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire

**Amnesty International :**

- Chef de cabinet pour le Secrétariat général (SD)

**SALVIOLI** Fabián Omar (Argentine), depuis 2018 ; Universitaire, 2008-2016 mandat au Comité des droits de l'homme (CCPR)

**Amnesty International Argentine :**

- 1989, 1993-1995 : Président
- 1998 : Participant à la Conférence mondiale pour la création de la Cour pénale internationale (Représentation du Secrétariat international d'Amnesty International Rome 1998)

**NYALETSOSSI VOULE** Clément (Togo), depuis 2018 Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Juriste

**Amnesty International au Togo :**

- Secrétaire général de la section togolaise (SD)

**KIAI** Maina (Kenya), 2011-2014-2017 Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Avocat

**Amnesty International :**

- 1999-2001 : Directeur du programme Afrique

**KHAN** Irene (Bangladesh), 2020 Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression ; Juriste

**Amnesty International :**

- 2001-2009 : Secrétaire général / Elle a reçu une indemnité de 533.103 £ à la suite de sa démission de l'organisation en 2009<sup>154</sup>

**JIMENEZ-DAMARY** Cecilia (Philippines), depuis 2016 Rapporteur spécial sur les droits de l'homme des personnes déplacées dans leur propre pays ; Universitaire, avocat

**Amnesty International :**

- Membre de divers comités ou conseils d'administration (SD)

**KÄLIN** Walter (Switzerland), 2004-2010 Rapporteur spécial sur les droits de l'homme des personnes déplacées dans leur propre pays ; Universitaire, avocat, 2006-2014 mandat au Comité des droits de l'homme (CCPR)

**Amnesty International :**

<sup>154</sup> <https://www.amnesty.ch/fr/sur-amnesty/docs/2011/irene-khan/prise-de-position-de-peter-pack> [Accessed 28/09/2020]

Membre de la section suisse d'Amnesty International : aide juridique et représentation de demandeurs d'asile <sup>155</sup> (SD)
<p><b>TINE</b> Alioune (Sénégal), depuis 2018 Expert indépendant sur la situation des droits de l'homme au Mali ; Militant pour les Droits de l'Homme</p> <p><b>Amnesty International :</b></p> <ul style="list-style-type: none"> <li>- 2014 - Présent : Directeur du bureau pour l'Afrique centrale et occidentale (Source : LinkedIn)</li> </ul>
<p><b>DYFAN</b> Isha (Sierra Leone), depuis 2020 Expert indépendant sur la situation des droits de l'homme en Somalie ; Avocat</p> <p><b>Amnesty International :</b></p> <ul style="list-style-type: none"> <li>- 2018-présent : Directrice de la défense des droits internationaux</li> </ul>
<p><b>KEETHARUTH</b> Sheila Beedwantee (Maurice) 2012-2018 Rapporteur spécial sur la situation des droits de l'homme en Érythrée ; Avocat</p> <p><b>Amnesty international :</b></p> <ul style="list-style-type: none"> <li>- 2002-2005 : Chercheuse (chef de bureau par intérim) (Source LinkedIn)</li> </ul>
<b>Total des experts : 14</b>

### Human Rights Watch (HRW)

<p><b>SEKAGGYA</b> Margaret (Ouganda), 2008-2014 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; Avocat</p> <p><b>Human Rights Watch :</b></p> <ul style="list-style-type: none"> <li>- 2001 : Accrédité par Human Rights Watch en tant que personne qui dirige avec compétence la Commission ougandaise des droits de l'homme</li> </ul>
<p><b>ORELLANA</b> Marcos A. (Chili), depuis 2020 Rapporteur spécial sur les incidences sur les droits de l'homme de la gestion et de l'élimination écologiquement rationnelles des produits et déchets dangereux ; Universitaire</p> <p><b>Human Rights Watch :</b></p> <ul style="list-style-type: none"> <li>- 2017-2019 : Directeur inaugural de la division Environnement et Droits de l'Homme (Source LinkedIn)</li> </ul>
<p><b>MENDEZ</b> Juan (Argentine), 2010-2016 Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ; Universitaire, Avocat</p> <p><b>Human Rights Watch :</b></p> <ul style="list-style-type: none"> <li>- 1994 : Avocat général - Pendant 15 ans, il a travaillé avec Human Rights Watch, concentrant ses efforts sur les questions relatives aux droits de l'homme en occident<sup>156</sup>. (SD)</li> </ul>

<sup>155</sup> <https://www.unhcr.org/fr/news/stories/2011/11/4ec2271ac/ardent-defenseur-droits-deplaces-interne.html>

[Accessed 24/09/2020]

<sup>156</sup> <https://www.wcl.american.edu/community/faculty/profile/jmendez/bio> [Accessed 12/01/2021]

**GONZALEZ MORALES** Felipe (Chili), depuis 2017 Rapporteur spécial sur les droits de l'homme des migrants ; Universitaire

**Human Rights Watch :**

- Consultant, conseil sur la préparation de divers rapports sur l'affaire Pinochet, la liberté d'expression, etc. (SD)

**Total des experts : 4**

**Helsinki Committee**

**NAJCEVSKA** Mirjana (République de Macédoine) Groupe de travail d'experts sur les personnes d'ascendance africaine ; Chercheur

**Helsinki Committee :**

- President (SD)

**Total des experts : 1**

**Autres organisations soutenues par OSF / Ford**

**DE SCHUTTER** Olivier (Belgique), 2008-2014 Rapporteur spécial sur le droit à l'alimentation ; Universitaire, 2014-2020 mandat au Comité des droits économiques, sociaux et culturels (CESCR)

**Fédération Internationale des Ligues des Droits de l'Homme (F.I.D.H.)** (soutenu par Open Society Foundations, la Oak Foundation, la Ford Foundation, la MacArthur Foundation entre autres<sup>157</sup>) :

- 2004-2008 : Secrétaire général

**LAWLOR** Mary (Irlande), depuis 2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; Universitaire

**Front Line Defenders** (Soutien financier : Open Society Foundations entre autres<sup>158</sup>) :

- 2001-2016 : Fondateur et directeur exécutif (Source LinkedIn)

**FORST** Michel (France), 2014-2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; carrière au sein d'ONG

**Front Line Defenders** (Soutien financier : Open Society Foundations entre autres<sup>159</sup>) :

- Présent : Conseil consultatif<sup>160</sup> / Conseil de direction<sup>161</sup>

**International Service for Human Rights** (Soutenu par Open Society Foundations entre autres<sup>162</sup>) :

<sup>157</sup> <https://www.fidh.org/fr/qui-sommes-nous/nos-financements/> [Accessed 24/09/2020]

<sup>158</sup> <https://www.frontlinedefenders.org/en/donors> [Accessed 25/09/2020]

<sup>159</sup> <https://www.frontlinedefenders.org/en/donors> [Accessed 25/09/2020]

<sup>160</sup> <https://www.frontlinedefenders.org/en/advisory-council> [Accessed 25/09/2020]

<sup>161</sup> <https://www.frontlinedefenders.org/fr/leadership-council> [Accessed 05/10/2020]

<sup>162</sup> <https://www.ishr.ch/key-supporters> [Accessed 25/09/2020]



<p>- Ancien membre du conseil d'administration<sup>163</sup> (SD)</p>
<p><b>LUMINA</b> Cephas (Zambie), 2008-2014 Expert(s) indépendant chargé d'examiner les effets de la dette extérieure ; Universitaire, 2017-2021 : Mandat au comité des droits de l'enfant (CRC)</p> <p><b>Centre for Human Rights, University of Pretoria</b> (soutenue entre autres par Open Society Foundations, Open Society Initiative for Southern Africa (OSISA), Open Society Institute, Ford Foundation<sup>164</sup>) :</p> <p>- 2010-? : Membre</p>
<p><b>MICKEVICIUS</b> Henrikas (Lituanie), nommé en 2015 Groupe de travail sur les disparitions forcées ou involontaires ; Avocat</p> <p><b>Human Rights Monitoring Institute, Vilnius</b> (Soutenu par entre autres par le Hungarian Helsinki Committee HHC, Interights, Amnesty International, Human Rights Watch, Open Society Justice Initiative, Polish Helsinki Foundation for Human Rights<sup>165</sup>) :</p> <p>- 2013-Présent : Directeur exécutif, fondateur, conseiller principal<sup>166</sup></p>
<p><b>DE FROUVILLE</b> Olivier (France), nommé en 2008 Groupe de travail sur les disparitions forcées ou involontaires ; Universitaire, 2014-2018 mandat au Comité des droits de l'homme (CCPR)</p> <p><b>Fédération Internationale des Ligues des Droits de l'Homme (F.I.D.H.)</b> (Soutenu par Open Society Foundations, la Oak Foundation, la Ford Foundation, la MacArthur Foundation entre autres<sup>167</sup>):</p> <p>- Chargé de mission, il a notamment représenté cette organisation dans le cadre des négociations de la Déclaration sur les défenseurs des droits de l'Homme (1995-1998) et de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées (2003-2006)<sup>168</sup>.</p>
<p><b>SARKIN</b> Jeremy J. (Afrique du Sud), 2008-2014 Groupe de travail sur les disparitions forcées ou involontaires ; Universitaire</p> <p><b>The Institute for justice and reconciliation</b> (soutenu entre autres par Open Society Foundations<sup>169</sup>)<sup>170</sup>:</p> <p>- 2000-Présent : Membre du conseil d'administration<sup>171</sup></p>

<sup>163</sup> <https://www.ishr.ch/news/new-special-Rapporteur-human-rights-defenders-sets-out-his-vision> [Accessed 25/09/2020]

<sup>164</sup> [https://www.chr.up.ac.za/images/publications/annual\\_reprots/2018/annual\\_report\\_2018.pdf](https://www.chr.up.ac.za/images/publications/annual_reprots/2018/annual_report_2018.pdf) [Accessed 29/10/2020]

<sup>165</sup> <https://hrmi.lt/en/about-us/lt-bendradarbiavimas/> [Accessed 25/09/2020]

<sup>166</sup> <https://hrmi.lt/en/team/> [Accessed 25/09/2020]

<sup>167</sup> <https://www.fidh.org/fr/qui-sommes-nous/nos-financements/> [Accessed 24/09/2020]

<sup>168</sup> <https://www.frouville.com> [Accessed 24/09/2020]

<sup>169</sup> <https://issuu.com/compressdsl/docs/ijrar2011?backgroundColor=%2523222222> [Accessed 03/12/2020]

<sup>170</sup>

[https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=institute+for+justice&grant\\_id=OR2015-25698](https://www.opensocietyfoundations.org/grants/past?filter_keyword=institute+for+justice&grant_id=OR2015-25698) [Accessed 03/12/2020]

<sup>171</sup> <https://www.ijr.org.za/board/> [Accessed 23/11/2020]

**RAMASASTRY** Anita (USA), depuis 2016 Groupe de travail sur la question des droits de l'homme et des sociétés transnationales et autres entreprises ; Universitaire

**Institute for Human Rights and Business (IHRB)** (Soutenu par Open Society Foundations et Oak Foundation<sup>172</sup>)

- Depuis 2014 : Membre du conseil consultatif et directeur de recherche (source LinkedIn)

**BHOOOLA** Urmila (Afrique du Sud), 2014-2020 Rapporteur spécial sur les formes contemporaines d'esclavage, y compris leurs causes et leurs conséquences ; Avocat

**International Women's Rights Action Watch (IWRAP) - Asia Pacific** (soutenue entre autres par Oxfam Foundation et Open society Foundations<sup>173</sup>) :

- 2013-2015 : Directeur exécutif (Source LinkedIn)

**Center for Women's Global Leadership (CWGL)** (soutenue entre autres par la Ford Foundation<sup>174</sup>, Oak Foundation, et Open Society Institute Women's Program<sup>175</sup>) :

- Participation à deux jours de meeting sur "Towards the Realization of Women's Rights and Gender Equality : Post 2015 Sustainable Development," les 11 et 12 juin 2013<sup>176</sup> (événement soutenu par la Ford Foundation)

**CALLAMARD** Agnès (France), depuis 2016 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire

**ARTICLE 19** (Financé par Open Society Foundations, la Ford Foundation, la MacArthur Foundation, entre autres)<sup>177</sup> Open Society Foundations : 740,972 £ (2017) / 856,813 £ (2018)<sup>178</sup> :

- 2004-2013 : Directeur exécutif<sup>179</sup>

**HEYNS** Christof (Afrique du Sud), 2010-2016 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire, 2016-2020 mandat au Comité des droits de l'homme (CCPR)

**Center for Human Rights, University of Pretoria** (soutenu entre autres par Open Society Foundations, Open Society Initiative for Southern Africa (OSISA), Open Society Institute, Ford Foundation<sup>180</sup>) :

<sup>172</sup> <https://www.ihrb.org/about/funding/#link-2> [Accessed 23/11/2020]

<sup>173</sup> <https://www.iwraw-ap.org/wp-content/uploads/2018/11/IWRAP-Annual-Report-2017-WEB.pdf> [Accessed 30/11/2020]

<sup>174</sup> <https://cwgl.rutgers.edu/docman/economic-and-social-rights-publications/614-towards-the-realization-of-women-s-rights-and-gender-equality-post-2015-sustainable-development-1/file> [Accessed 16/10/2020]

<sup>175</sup> <https://cwgl.rutgers.edu/docman/annual-reports/657-center-for-women-s-global-leadership-annual-report-2012-2013/file> [Accessed 16/10/2020]

<sup>176</sup> <https://cwgl.rutgers.edu/docman/economic-and-social-rights-publications/614-towards-the-realization-of-women-s-rights-and-gender-equality-post-2015-sustainable-development-1/file> [Accessed 16/10/2020]

<sup>177</sup> <https://www.article19.org/wp-content/uploads/2020/02/Article-19-Accounts-2018.pdf> [Accessed 23/10/2020]

<sup>178</sup> <https://www.article19.org/wp-content/uploads/2020/02/Article-19-Accounts-2018.pdf> p.24 [Accessed 25/09/2020]

<sup>179</sup> [https://www.article19.org/data/files/annual\\_reports\\_and\\_accounts/A19-Annual-Report-1-12-final.pdf](https://www.article19.org/data/files/annual_reports_and_accounts/A19-Annual-Report-1-12-final.pdf) [Accessed 29/10/2020]

<sup>180</sup> [https://www.chr.up.ac.za/images/publications/annual\\_reprots/2018/annual\\_report\\_2018.pdf](https://www.chr.up.ac.za/images/publications/annual_reprots/2018/annual_report_2018.pdf) [Accessed 29/10/2020]

- Présent : Expert auprès du Centre<sup>181</sup> et membre du Staff<sup>182</sup>
- 1987-2006 : Membre du personnel et directeur

**ALSTON** Philip (Australie), 2004-2010 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire ; Mandat de Rapporteur spécial sur l'extrême pauvreté et les droits de l'homme (2014-2020)

**Center for Human Rights and Global Justice, centre de recherche de la New York University School of Law** (soutenu entre autres par Open Society Foundations à hauteur de 375 000\$US en 2017<sup>183</sup> et par la Ford Foundation) :

- Au moins<sup>184</sup> depuis 2014 - présent : Directeur et président<sup>185</sup>

**Center for Economic and Social Rights** (soutenu par Open Society Foundations, OSF Public Health Program, Oxfam Foundation et Ford Foundation<sup>186</sup>) :

- Présent : mentionnée comme actuel Président du conseil d'administration<sup>187</sup> (en 2002-2010) selon son CV envoyé au HCNU et mentionnée comme membre du Conseil consultatif sur le site dédié<sup>188</sup>

**BRODERICK** Elizabeth (Australie) depuis 2017 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Juriste

**International service for human rights** (Soutenu entre autres par Open Society Foundations<sup>189</sup>):

- Présent : Membre du conseil d'administration<sup>190</sup>

**FACIO** Alda (Costa Rica), 2014-2020 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Magistrat

**Women's Human Rights Institute** (soutenue entre autres par Open Society Foundations<sup>191</sup>) :

- Présent : Co-fondatrice de l'Institut et directrice académique<sup>192</sup>

**TECHANE** Eskerem Geset (Ethiopie), présent Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Avocat

**Institute for Human Rights and Development in Africa (IHRDA)** (soutenu entre autres par MacArthur Foundation, Open Society Initiative for West Africa, Open Society Initiative for Southern Africa, Open Society Foundations<sup>193</sup>)

<sup>181</sup> <https://www.chr.up.ac.za/about/experts-directory> [Accessed 29/10/2020]

<sup>182</sup> [https://www.chr.up.ac.za/images/publications/annual\\_reprots/2019/annual\\_report\\_2019.pdf](https://www.chr.up.ac.za/images/publications/annual_reprots/2019/annual_report_2019.pdf) [Accessed 29/10/2020]

<sup>183</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=new+york&page=5&grant\\_id=OR2017-36195](https://www.opensocietyfoundations.org/grants/past?filter_keyword=new+york&page=5&grant_id=OR2017-36195) [Accessed 29/10/2020]

<sup>184</sup> <https://www.ohchr.org/Documents/Issues/EPoverty/PhilipAlston.pdf> [Accessed 29/10/2020]

<sup>185</sup> <https://chrgi.org/people/philip-alston/> [Accessed 23/10/2020]

<sup>186</sup> [https://www.cesr.org/sites/default/files/CESR\\_2019AnnualReport\\_1.pdf](https://www.cesr.org/sites/default/files/CESR_2019AnnualReport_1.pdf) [Accessed 29/10/2020]

<sup>187</sup> <https://chrgi.org/people/philip-alston/> [Accessed 29/10/2020]

<sup>188</sup> <https://www.cesr.org/board> [Accessed 29/10/2020]

<sup>189</sup> <https://www.ishr.ch/key-supporters> [Accessed 25/09/2020]

<sup>190</sup> <https://www.ishr.ch/board> [Accessed 25/09/2020]

<sup>191</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>192</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>193</sup> <https://www.ihrda.org/donors/> [Accessed 13/10/2020]

- Directeur adjoint (avant 2015)<sup>194</sup>

**Women's Human Rights Institute** (soutenue entre autres par Open Society Foundations<sup>195</sup>) :

- Présent : Membre de l'Institut<sup>196</sup>

**UPRETI** Melissa (Népal) depuis 2017 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Avocat

**Center for Reproductive Rights** (Financé entre autres par Open Society Foundations et MacArthur Foundation et la Ford Foundation<sup>197</sup>) :

- 2000-2016 : Directeur régional pour l'Asie (Source LinkedIn)

**Center for Women's Global Leadership** (soutenu entre autres par la Ford Foundation<sup>198</sup>, Oak Foundation et Open Society Institute Women's Program<sup>199</sup>) :

- 2017 - Présent : Directeur principal, programme et responsable de la mise en place d'un lobbying au niveau mondial<sup>200</sup> (Source LinkedIn)

**Women's Human Rights Institute** (soutenu entre autres par Open Society Foundations<sup>201</sup>) :

- Présent : Membre de l'Institut<sup>202</sup>

**DEVANDAS AGUILAR** Catalina (Costa Rica), depuis 2014 Rapporteur spécial sur les droits des personnes handicapées ; Avocat

**Disability Rights Fund** (soutenue entre autres par Ford Foundation et Open Society Foundations<sup>203</sup>):

- 2012-2014 : chargée de programme pour les partenariats stratégiques au sein du Disability Rights Advocacy Fund

- 2008-2011 : chargée de programme pour l'Amérique latine au sein du Disability Rights Fund<sup>204</sup>

**DE GREIFF** Pablo (Colombie), 2012-2018 Rapporteur spécial sur la promotion de la vérité, de la justice, de la réparation et des garanties de non-répétition ; Pas d'informations

**International Center for Transitional Justice (ICTJ)** (Soutenu entre autres par Open Society Institute Budapest Foundation, Open Society Initiative for Eastern Africa, la Ford Foundation, la MacArthur Foundation, Oak Foundation<sup>205</sup>) :

- 2001-2014 : Directeur de recherche

<sup>194</sup> <https://www.youtube.com/watch?v=ge9Faxtnwtw> [Accessed 30/10/2020]

<sup>195</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>196</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>197</sup> [https://reproductiverights.org/sites/default/files/documents/2018\\_Annual.pdf](https://reproductiverights.org/sites/default/files/documents/2018_Annual.pdf) [Accessed 10/12/2020]

<sup>198</sup> <https://cwgl.rutgers.edu/docman/economic-and-social-rights-publications/614-towards-the-realization-of-women-s-rights-and-gender-equality-post-2015-sustainable-development-1/file> [Accessed 16/10/2020]

<sup>199</sup> <https://cwgl.rutgers.edu/docman/annual-reports/657-center-for-women-s-global-leadership-annual-report-2012-2013/file> [Accessed 16/10/2020]

<sup>200</sup> <https://cwgl.rutgers.edu/about/cwgl-team/people/204-cwgl-team/597-upreti-melissa> [Accessed 16/10/2020]

<sup>201</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>202</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>203</sup> <https://disabilityrightsfund.org/our-partners/> [Accessed 21/10/2020]

<sup>204</sup> <https://www.who.int/bulletin/volumes/97/1/19-030119/fr/> [Accessed 21/10/2020]

<sup>205</sup> <https://www.ictj.org/supporters> [Accessed 28/09/2020]

**Center for Human Rights and Global justice at the School of Law, New York University** (soutenu entre autres par Open Society Foundations à hauteur de 375 000\$US en 2017<sup>206</sup>) :

- Depuis 2015 : Maître de recherche et directeur du programme de justice transitionnelle<sup>207</sup>

**NYALETSOSSI VOULE** Clément (Togo), depuis 2018 Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Juriste

**International Service for Human Rights (ISHR)** (Soutenu par Open Society Foundations entre autres<sup>208</sup>) :

- Avant 2018 : A dirigé le travail du Service international pour les droits de l'homme

**KIAI Maina** (Kenya), 2011-2014-2017 Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Avocat

◆ **Front Line Defenders** (Soutien financier : Open Society Foundations entre autres<sup>209</sup>) :

- Présent : Conseil de direction<sup>210</sup>

**InformAction (IFA)** (Soutenu par Open Society Foundations, Ford Foundation<sup>211</sup>) :

- 2010-2019 : Fondateur<sup>212</sup> et Codirecteur d'InformAction (Sources : Open Society<sup>213</sup>, LinkedIn, articles publiés sur le site de IFA<sup>214</sup>)
- 2015-2018 : Publication d'articles relayés par InformAction<sup>215</sup>

**KAYE David** (États-Unis), 2014-2020 Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression ; Universitaire

**Global Network Initiative** (soutenu entre autres par la Ford Foundation<sup>216</sup>) :

- Président du Conseil d'Administration depuis 2020<sup>217</sup>

**PATEL Faiza** (Pakistan), 2011-2014 Groupe de travail sur l'utilisation de mercenaires comme moyen de violer les droits de l'homme ; Universitaire

**Brennan Center's Liberty & National Security Program** (soutenu entre autres par Open Society Foundations en 2019 entre \$500,000 et \$999,999<sup>218</sup>) :

<sup>206</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=new+york&page=5&grant\\_id=OR2017-36195](https://www.opensocietyfoundations.org/grants/past?filter_keyword=new+york&page=5&grant_id=OR2017-36195) [Accessed 29/10/2020]

<sup>207</sup> [https://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/PablodeGreiff.aspx?source=post\\_page](https://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/PablodeGreiff.aspx?source=post_page) [Accessed 30/10/2020]

<sup>208</sup> <https://www.ishr.ch/key-supporters> [Accessed 25/09/2020]

<sup>209</sup> <https://www.frontlinedefenders.org/en/donors> [Accessed 25/09/2020]

<sup>210</sup> <https://www.frontlinedefenders.org/fr/leadership-council> [Accessed 05/10/2020]

<sup>211</sup> <https://www.informaction.tv/index.php/about-us/our-donors> [Accessed 14/10/2020]

<sup>212</sup> <https://www.informaction.tv/> [Accessed 02/11/2020] référencé sur internet depuis 2011

<sup>213</sup> <https://www.opensocietyfoundations.org/who-we-are/boards/human-rights-initiative-advisory-board/member/maina-kiai> [Accessed 30/10/2020]

<sup>214</sup> <https://www.informaction.tv/index.php/election-news/item/561-press-release-election-watch-2> [Accessed 12/11/2020]

<sup>215</sup> <https://www.informaction.tv/index.php/blog/maina-kiai-s-column> [Accessed 14/10/2020]

<sup>216</sup> <https://globalnetworkinitiative.org/team/financials/> [Accessed 23/10/2020]

<sup>217</sup> <https://globalnetworkinitiative.org/david-kaye-to-join-the-global-network-initiative-as-independent-board-chair/> [Accessed 23/10/2020]

<sup>218</sup> [https://www.brennancenter.org/sites/default/files/2020-04/2019\\_AnnualReport.pdf](https://www.brennancenter.org/sites/default/files/2020-04/2019_AnnualReport.pdf) p.26 [Accessed 28/09/2020]

2011- Présent : Codirecteur <sup>219</sup>
<p><b>IZSÁK-NDIAYE</b> Rita (Hongrie), 2011-2017 Rapporteur spécial sur les questions relatives aux minorités ; 2018-2021 mandat au Comité pour l'élimination de la discrimination raciale (CERD)</p> <p><b>Tom Lantos Institute</b> (soutenu par Open Society Foundations<sup>220</sup>)<sup>221</sup> :</p> <ul style="list-style-type: none"> <li>- 2011-2013 : PDG de l'Institut<sup>222</sup></li> </ul> <p><b>European Roma Rights Center in Budapest</b> (soutenu entre autres par Open Society Foundations<sup>223</sup>):</p> <ul style="list-style-type: none"> <li>- Présente durant 5 ans (SD)</li> </ul>
<p><b>TAULI-CORPUZ</b> Victoria (Philippines), 2014-2020 Rapporteur spécial sur les droits des peuples autochtones ; Consultant</p> <p><b>Tebtebba Foundation</b> (soutenu entre autres par la Ford Foundation<sup>224</sup>) :</p> <ul style="list-style-type: none"> <li>- 1996 - Présent<sup>225</sup> : Directeur exécutif (Source LinkedIn)</li> </ul>
<p><b>GAMBARI</b> Ibrahim Agboola (Nigeria), 2018- présent Groupe d'éminents experts indépendants sur la mise en œuvre de la déclaration et du programme d'action de Durban ; Chercheur, diplomate</p> <p><b>The Savannah Centre for Diplomacy, Democracy and Development (SCDDD)</b> (soutenu entre autres par la Ford Foundation et MacArthur Foundation)<sup>226</sup>:</p> <ul style="list-style-type: none"> <li>- 1993-Au moins jusqu'en 2012 : Président/fondateur<sup>227</sup></li> </ul> <p><b>Commission on Global Security, Justice &amp; Governance, joint project of the Hague Institute for Global justice and the Stimson Center</b> (The Stimson Center est soutenu entre autres par The foundation to promote Open Society, Open Society Policy Center et MacArthur Foundation)<sup>228</sup></p> <ul style="list-style-type: none"> <li>- Présent : Co président de la Commission<sup>229</sup></li> </ul>
<p><b>RUTEERE</b> Mutuma (Kenya), 2011-2017 Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée ; Universitaire</p>

<sup>219</sup> <https://www.brennancenter.org/experts/faiza-patel> [Accessed 28/09/2020]

<sup>220</sup> [https://tomlantosinstitute.hu/annual%20reports/2014/tli\\_eves\\_beszamolo\\_2014.pdf](https://tomlantosinstitute.hu/annual%20reports/2014/tli_eves_beszamolo_2014.pdf) [Accessed 03/11/2020]

<sup>221</sup> <https://tomlantosinstitute.hu/hu/tamogatok/> [Accessed 14/10/2020]

<sup>222</sup> <https://ensz-genf.mfa.gov.hu/assets/03/04/40/05ff5ee0cb04b6026db080854515b3369f73007a.pdf> [Accessed 14/10/2020]

<sup>223</sup> <http://www.errc.org/cikk.php?cikk=3583> [Accessed 30/11/2020]

<sup>224</sup> <https://www.tebtebba.org/index.php/who-we-work-with/funders> [Accessed 24/11/2020]

<sup>225</sup> <https://www.tebtebba.org/index.php/about/governance-and-structure/board-of-trustees> [Accessed 24/11/2020]

<sup>226</sup> <https://savannahcentre.org/partners> [Accessed 22/10/2020]

<sup>227</sup> <https://www.un.org/en/africa/osaa/about/formerusggambari.shtml> [Accessed 03/11/2020]

<sup>228</sup> <https://www.stimson.org/about/transparency/funding-sources/> [Accessed 22/10/2020]

<sup>229</sup> <https://www.stimson.org/2016/commission-global-security-justice-governance/> [Accessed 03/11/2020]



**Center for Human Rights and Policy Studies, Nairobi, Kenya** (Soutenue par Open Society Initiative for eastern Africa<sup>230</sup>) :

- 2009 - Présent : Directeur / Fondateur (Source LinkedIn)

**MOFOKENG** Tlaleng (Afrique du Sud), depuis 2020 Rapporteur spécial sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible ; Médecin avec une expertise dans la défense de l'accès universel à la santé, des soins contre le VIH, des services adaptés aux jeunes et du planning familial

**Sex Worker Education and Advocacy Taskforce (SWEAT)** (soutenue par Open Society Foundation<sup>231</sup>)<sup>232</sup> :

- Présent : Président du conseil d'administration<sup>233</sup>

**Global Doctors for Choice** (soutenue par Open Society Foundation<sup>234</sup>) :

- 2017-Présent : Codirectrice pour l'Afrique du Sud<sup>235</sup>

- 2020 : Félicitée pour sa nomination au poste de Rapporteur spécial des Nations Unies sur le droit à la santé<sup>236</sup>

**PURAS** Dainius (Lituanie), 2014-2020 Rapporteur spécial sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible ; Médecin psychiatre, 2009-2011 mandat au Comité des droits de l'enfant (CRC) ; Professeur invité à l'Université d'Essex

**Global Initiative on Psychiatry / Human Rights Monitoring Institute** (Soutenu par entre autres par le Hungarian Helsinki Committee HHC, Interights, Amnesty International, Human Rights Watch, Open Society Justice Initiative, Polish Helsinki Foundation for Human Rights)<sup>237</sup> :

- 2018 - Présent : Président du conseil d'administration<sup>238</sup>

**Human Rights Center of University of Essex** (soutenu entre autres par Open Society Foundations<sup>239</sup>) :

- 2015-2020 : Partenariat de soutien au Rapporteur spécial [sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible](#) en partenariat avec Open Society Foundation's Public Health Programme<sup>240</sup>

**MENDEZ** Juan (Argentine), 2010-2016 Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ; Universitaire, Avocat

<sup>230</sup> <https://www.chrips.or.ke/home/chrips-partners/> [Accessed 23/11/2020]

<sup>231</sup> <https://www.opensocietyfoundations.org/newsroom/sex-worker-education-and-advocacy-taskforce-campaigns-legal-reform-south-africa> [Accessed 16/10/2020]

<sup>232</sup> <http://www.sweat.org.za/funders/> [Accessed 16/10/2020]

<sup>233</sup> <https://www.sweat.org.za/our-board/> [Accessed 03/11/2020]

<sup>234</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=global+doctors+for+choice&grant\\_id=OR2017-38693](https://www.opensocietyfoundations.org/grants/past?filter_keyword=global+doctors+for+choice&grant_id=OR2017-38693) [Accessed 16/10/2020]

<sup>235</sup> <https://globaldoctorsforchoice.org/south-africa/> [Accessed 03/11/2020]

<sup>236</sup> <https://globaldoctorsforchoice.org/wp-content/uploads/Dr-Tlaleng-Mofokeng-MBChB-appointed-to-UN-Special-Rapporteur-on-the-Right-to-Health.pdf> [Accessed 16/10/2020]

<sup>237</sup> <https://hrmi.lt/en/about-us/lt-bendradarbiavimas/> [Accessed 25/09/2020]

<sup>238</sup> <https://hrmi.lt/en/team/> [Accessed 23/10/2020]

<sup>239</sup> <https://www.essex.ac.uk/research-projects/un-mandate-on-the-right-to-health> [Accessed 03/11/2020]

<sup>240</sup> <https://www.essex.ac.uk/research-projects/un-mandate-on-the-right-to-health> [Accessed 03/11/2020]

**International Center for Transnational Justice (ICTJ)** (Soutenu entre autres par Open Society Institute Budapest Foundation, Open Society Initiative for Eastern Africa, la Ford Foundation, la MacArthur Foundation, la Oak Foundation, The foundation to promote Open society<sup>241</sup>) :

- 2004-2009 : Président
- Depuis 2009 : Président émérite<sup>242</sup>

**BALDO** Suliman (Soudan), 2013-2018 Expert indépendant sur la situation des droits de l'homme au Mali ; Universitaire

**International Center for Transitional Justice (ICTJ)** (Soutenu entre autres par Open Society Institute Budapest Foundation, Open Society Initiative for Eastern Africa, la Ford Foundation, la MacArthur Foundation, la Oak Foundation<sup>243</sup>) :

- 2006-2013 : Directeur du programme Afrique

**JAHANGIR** Asma (Pakistan), 2004-2010 Rapporteur spécial sur la liberté de religion ou de conviction ; Avocat

**International Crisis Group soutenue initialement par George Soros** (soutenue entre autres par la MacArthur Foundation et the Foundation to promote Open Society)<sup>244</sup>

- 2016 : Membre<sup>245</sup>

**Total des experts : 32**

**Total des experts membres de ce réseau d'ONG et de fondations = 52**

<sup>241</sup> <https://www.ictj.org/supporters> [Accessed 28/09/2020]

<sup>242</sup> <https://www.ictj.org/news/ictj-human-rights-juan-mendez-colombia-justice> [Accessed 12/01/2021]

<sup>243</sup> <https://www.ictj.org/supporters> [Accessed 28/09/2020]

<sup>244</sup> <https://d2071andvip0wj.cloudfront.net/ICG%202019%20FS.pdf> [Accessed 23/11/2020]

<sup>245</sup> <https://web.archive.org/web/20171130171156/https://www.crisisgroup.org/who-we-are/board> [Accessed 03/12/2020]

*Comité de coordination*

<b>Open Society Foundations</b>	<b>PURAS</b> Dainius
<b>International Commission of Jurists (ICJ)</b>	<b>MÉNDEZ</b> Juan <b>SARKIN</b> Jeremy J. <b>NOWAK</b> Manfred <b>JAHANGIR</b> Asma
<b>Amnesty International</b>	<b>NYALETSOSSI VOULE</b> Clément <b>JIMENEZ-DAMARY</b> Cecilia <b>KEETHARUTH</b> Sheila B.
<b>Human Rights Watch (HRW)</b>	<b>MÉNDEZ</b> Juan
<b>Helsinki Committee</b>	<b>NAJCEVSKA</b> Mirjana <b>RAMASASTRY</b> Anita
<b>Autres organisations soutenues par OSF / Ford</b>	<b>NYALETSOSSI VOULE</b> Clément <b>PURAS</b> Dainius <b>DEVANDAS AGUILAR</b> Catalina <b>KAYE</b> David <b>IZSÁK-NDIAYE</b> Rita <b>DE FROUVILLE</b> Olivier <b>FORST</b> Michel <b>MENDEZ</b> Juan <b>SARKIN</b> Jeremy J. <b>JAHANGIR</b> Asma
<b>Total</b>	<b>17 experts sur 47 (36 %)</b>

## Annexe 8 : Procédures spéciales / ONG

Les informations relatives aux experts sont issues de leurs CV publiés sur le site du Haut-Commissariat des Nations Unies aux droits de l'homme. Dans le cas contraire, cela est précisé en note de bas de page.

Dans un certain nombre de cas, afin de trouver la liste des anciens experts de l'ONU, les outils de « Wayback Machine<sup>246</sup> » ont été utilisés. Dans la plupart de ces cas, cela n'a pas permis de trouver les dates de début et de fin de mandat qui étaient absentes du site. Cela explique l'absence de ces informations pour certains experts.

La mention « SD » (Sans Date) signifie que la date est inconnue.

La mention « Présent » correspond à la date où cette annexe a été mise à jour, le 6 mai 2021.

Toutes les sources citées ont été sauvegardées et archivées.

■ L'expert occupe un poste de responsabilité dans une ONG et est en même temps titulaire d'un mandat auprès des Nations Unies

FORST Michel (France), 2014-2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; carrière au sein d'ONGs

■ **Front Line Defenders** (Soutien financier : Open Society Foundations entre autres<sup>247</sup>) :

- Depuis au moins 2020 - Présent : Conseil consultatif<sup>248</sup> / Conseil de direction<sup>249</sup>

TOCHILOVSKY Vladimir (Ukraine), 2010-2016 Groupe de travail sur la détention arbitraire ; Universitaire

■ **Commission for International Justice and Accountability** :

- 2013-Présent : Membre du groupe consultatif<sup>250</sup>

GARRETÓN Roberto (Chile) Groupe de travail sur la détention arbitraire ; Avocat

■ **International Commission of Jurists, Genève** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>251</sup>:

- 2008-2023 : Commissaire (son 3<sup>ème</sup> mandat est en cours ; 2008-2013 ; 2013-2018 ; 2018-2023)<sup>252</sup>

MICKEVICIUS Henrikas (Lituanie), nommé en 2015 au Groupe de travail sur les disparitions forcées ou involontaires ; Avocat

<sup>246</sup> <http://web.archive.org>

<sup>247</sup> <https://www.frontlinedefenders.org/en/donors> [Accessed 25/09/2020]

<sup>248</sup> <https://www.frontlinedefenders.org/en/advisory-council> [Accessed 25/09/2020]

<sup>249</sup> <https://www.frontlinedefenders.org/fr/leadership-council> [Accessed 05/10/2020]

<sup>250</sup> <http://vladimirtochilovsky.academia.edu> [Accessed 25/09/2020]

<sup>251</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>252</sup> <https://www.icj.org/commission/commissioners-from-the-americas/> [Accessed 23/10/2020]

■ **Human Rights Monitoring Institute, Vilnius** (Soutenu entre autres par le Hungarian Helsinki Committee HHC, Interights, Amnesty International, Human Rights Watch, Open Society Justice Initiative, Polish Helsinki Foundation for Human Rights<sup>253</sup>) :

- 2013-Présent : Directeur exécutif, fondateur, conseiller principal<sup>254</sup>

SARKIN Jeremy J. (Afrique du Sud), 2008-2014 Groupe de travail sur les disparitions forcées ou involontaires ; Universitaire

■ **The Institute for justice and reconciliation** (soutenu entre autres par Open Society Foundations<sup>255</sup>)<sup>256</sup>:

- 2000-Présent : Membre du conseil d'administration<sup>257</sup>

RAMASASTRY Anita (USA), depuis 2016 Groupe de travail sur la question des droits de l'homme et des sociétés transnationales et autres entreprises ; Universitaire

■ **Institute for Human Rights and Business (IHRB)** (Soutenu par Open Society Foundations et Oak Foundation<sup>258</sup>)

- Depuis 2014 : Membre du conseil consultatif et directeur de recherche (source LinkedIn)

SULYANDZIGA Pavel (Fédération de Russie), 2011-2018 Groupe de travail sur la question des droits de l'homme et des sociétés transnationales et autres entreprises ; Universitaire

■ **Batani Foundation** :

- 2007-2018 : Fondateur et Président du Conseil d'administration<sup>259</sup> (Source Linkedn)

BHOOLA Urmila (Afrique du Sud), 2014 - 2020 Rapporteur spécial sur les formes contemporaines d'esclavage, y compris leurs causes et leurs conséquences ; Avocat

■ **International Women's Rights Action Watch (IWRAP) - Asia Pacific** (soutenue entre autres par Oxfam Foundation et Open Society Foundations<sup>260</sup>) :

- 2013-2015 : Directeur exécutif (Source LinkedIn)

ALSTON Philip (Australie), 2004-2010 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire ; 2014-2020 Mandat de Rapporteur spécial sur l'extrême pauvreté et les droits de l'homme

■ **Center for Economic and Social Rights** (soutenu par Open Society Foundations, OSF Public Health Program, Oxfam Foundation et Ford Foundation<sup>261</sup>) :

- Depuis au moins 2020-Présent : mentionnée comme actuel Président du conseil d'administration<sup>262</sup> (en 2002-2010 selon son CV envoyé au HCNU et mentionnée comme membre du Conseil consultatif sur le site dédié<sup>263</sup>)

<sup>253</sup> <https://hrmi.lt/en/about-us/lt-bendradarbiavimas/> [Accessed 25/09/2020]

<sup>254</sup> <https://hrmi.lt/en/team/> [Accessed 25/09/2020]

<sup>255</sup> <https://issuu.com/compressdsl/docs/ijrar2011?backgroundColor=%2523222222> [Accessed 03/12/2020]

<sup>256</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=institute+for+justice&grant\\_id=OR2015-25698](https://www.opensocietyfoundations.org/grants/past?filter_keyword=institute+for+justice&grant_id=OR2015-25698) [Accessed 03/12/2020]

<sup>257</sup> <https://www.ijr.org.za/board/> [Accessed 23/11/2020]

<sup>258</sup> <https://www.ihrb.org/about/funding/#link-2> [Accessed 23/11/2020]

<sup>259</sup> <https://batani.org/about/our-team> [Accessed 14/12/2020]

<sup>260</sup> <https://www.iwraw-ap.org/wp-content/uploads/2018/11/IWRAP-Annual-Report-2017-WEB.pdf> [Accessed 30/11/2020]

<sup>261</sup> [https://www.cesr.org/sites/default/files/CESR\\_2019AnnualReport\\_1.pdf](https://www.cesr.org/sites/default/files/CESR_2019AnnualReport_1.pdf) [Accessed 29/10/2020]

<sup>262</sup> <https://chrgi.org/people/philip-alston/> [Accessed 29/10/2020]

<sup>263</sup> <https://www.cesr.org/board> [Accessed 29/10/2020]

BRODERICK Elizabeth (Australie) depuis 2017 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; responsable de la technologie juridique au sein du cabinet d'avocats Blake Dawson Waldron

■ **International Service for Human Rights** (Soutenu entre autres par Open Society Foundations<sup>264</sup>) :

- Depuis au moins 2020 - Présent : Membre du conseil d'administration<sup>265</sup>

■ **Male Champions of Change** :

- 2011-Présent : Fondatrice et responsable<sup>266</sup> (Source LinkedIn)

FACIO Alda (Costa Rica), 2014-2020 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Magistrat

■ **Women's Human Rights Institute** (soutenue entre autres par Open Society Foundations<sup>267</sup>) :

- Depuis au moins 2020-Présent : Co-fondatrice de l'Institut et directrice académique<sup>268</sup>

TECHANE Eskerem Geset (Ethiopie), présent Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Avocat

■ **Women's Human Rights Institute** (soutenue entre autres par Open Society Foundations<sup>269</sup>) :

- Présent : Membre de l'Institut<sup>270</sup>

UPRETI Melissa (Népal) depuis 2017 Groupe de travail sur la discrimination à l'égard des femmes et des filles ; Avocat

■ **Center for Women's Global Leadership** (soutenu entre autres par la Ford Foundation<sup>271</sup>, Oak Foundation et Open society Institute Women's program<sup>272</sup>) :

- 2017 - Présent : Directeur principal, programme et responsable de la mise en place d'un lobbying au niveau mondial<sup>273</sup> (Source LinkedIn)

■ **Women's Human Rights Institute** (soutenu entre autres par Open Society Foundations<sup>274</sup>) :

- Depuis au moins 2020 - Présent : Membre de l'Institut<sup>275</sup>

GARCIA-SAYAN Diego (Pérou), depuis 2017 Rapporteur spécial sur l'indépendance des juges et des avocats ; Président de la Cour interaméricaine des droits de l'homme

■ **Open Society Foundations - Global Drug Policy Advisory Board** :

- Présent en 2020 : Président du conseil consultatif<sup>276</sup>

<sup>264</sup> <https://www.ishr.ch/key-supporters> [Accessed 25/09/2020]

<sup>265</sup> <https://www.ishr.ch/board> [Accessed 25/09/2020]

<sup>266</sup> <https://championsofchangecoalition.org/our-team/> [Accessed 14/12/2020]

<sup>267</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>268</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>269</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>270</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>271</sup> <https://cwgl.rutgers.edu/docman/economic-and-social-rights-publications/614-towards-the-realization-of-women-s-rights-and-gender-equality-post-2015-sustainable-development-1/file> [Accessed 16/10/2020]

<sup>272</sup> <https://cwgl.rutgers.edu/docman/annual-reports/657-center-for-women-s-global-leadership-annual-report-2012-2013/file> [Accessed 16/10/2020]

<sup>273</sup> <https://cwgl.rutgers.edu/about/cwgl-team/people/204-cwgl-team/597-upreti-melissa> [Accessed 16/10/2020]

<sup>274</sup> <http://learnwhr.org/about/our-partners/> [Accessed 30/10/2020]

<sup>275</sup> <http://learnwhr.org/about/faculty/> [Accessed 30/10/2020]

<sup>276</sup> <https://www.opensocietyfoundations.org/who-we-are/boards/global-drug-policy-advisory-board/member/diego-garcia-sayan> [Accessed 25/09/2020]



■ **Andean Commission of Jurists :**

- 2003-présent<sup>277</sup> : Directeur général (Fondateur)<sup>278</sup>

DE GREIFF Pablo (Colombie), 2012-2018 Rapporteur spécial sur la promotion de la vérité, de la justice, de la réparation et des garanties de non-répétition

■ **International Center for Transitional Justice (ICTJ)** (Soutenu entre autres par Open Society Institute Budapest Foundation, Open Society Initiative for Eastern Africa, la Ford Foundation, la MacArthur Foundation, Oak Foundation<sup>279</sup>) :

- 2001-2014 : Directeur de recherche

FARHA Leilani (Canada), 2014-2020 Rapporteur spécial sur le logement convenable en tant qu'élément du droit à un niveau de vie suffisant, ainsi que sur le droit à la non-discrimination à cet égard ; Avocat

■ **Make the Shift :**

- 2016 - Présent : Directeur mondial<sup>280</sup>

RONA Gabor (USA), 2011-2018 Groupe de travail sur l'utilisation de mercenaires comme moyen de violer les droits de l'homme et d'empêcher l'exercice du droit des peuples à disposer d'eux-mêmes ; Universitaire, juriste

■ **Human Rights First :**

- 2005-2014 : Directeur juridique international (Source LinkedIn)

PATEL Faiza (Pakistan), 2011-2014 Groupe de travail sur l'utilisation de mercenaires comme moyen de violer les droits de l'homme et d'empêcher l'exercice du droit des peuples à disposer d'eux-mêmes ; Universitaire

■ **Brennan Center's Liberty & National Security Program** (soutenu entre autres par Open Society Foundations en 2019 entre \$500,000 et \$999,999<sup>281</sup>) :

- 2011- Présent : Codirecteur<sup>282</sup>

IZSÁK-NDIAYE Rita (Hongrie), 2011-2017 Rapporteur spécial sur les questions relatives aux minorités ; 2018-2021 mandat au Comité pour l'élimination de la discrimination raciale (CERD)

■ **Tom Lantos Institute** (soutenu par Open Society Foundations<sup>283</sup>)<sup>284</sup> :

- 2011-2013 : PDG de l'Institut<sup>285</sup>

MCDOUGALL Gay (USA), 2005-2011 Rapporteur spécial sur les questions relatives aux minorités ; Avocat, 2014-2020 mandat au Comité pour l'élimination de la discrimination raciale (CERD)

<sup>277</sup> <http://cajpe.org.pe/node/109> [Accessed 30/10/2020]

<sup>278</sup> <https://www.corteidh.or.cr/tablas/jueces/DGS.pdf> [Accessed 25/09/2020]

<sup>279</sup> <https://www.ictj.org/supporters> [Accessed 28/09/2020]

<sup>280</sup> <https://www.make-the-shift.org/the-team/> [Accessed 02/11/2020]

<sup>281</sup> [https://www.brennancenter.org/sites/default/files/2020-04/2019\\_AnnualReport.pdf](https://www.brennancenter.org/sites/default/files/2020-04/2019_AnnualReport.pdf) p.26 [Accessed 28/09/2020]

<sup>282</sup> <https://www.brennancenter.org/experts/faiza-patel> [Accessed 28/09/2020]

<sup>283</sup> [https://tomlantosinstitute.hu/annual%20reports/2014/tli\\_eves\\_beszamolo\\_2014.pdf](https://tomlantosinstitute.hu/annual%20reports/2014/tli_eves_beszamolo_2014.pdf) [Accessed 03/11/2020]

<sup>284</sup> <https://tomlantosinstitute.hu/hu/tamogatok/> [Accessed 14/10/2020]

<sup>285</sup> <https://ensz-genf.mfa.gov.hu/assets/03/04/40/05ff5ee0cb04b6026db080854515b3369f73007a.pdf> [Accessed 14/10/2020]

■ **Global Rights :**

- 1994-2006 : Directeur exécutif

DE SCHUTTER Olivier (Belgique), nommé en 2020 Rapporteur spécial sur l'extrême pauvreté et les droits de l'homme ; Universitaire, 2008-2014 Rapporteur spécial sur le droit à l'alimentation, 2014-2020 mandat au Comité des droits économiques, sociaux et culturels (CESCR)

■ **International Commission of Jurists** (soutenue entre autres par Open Society Foundations et Oak Foundation)<sup>286</sup> :

- 2013-2015 : Commissaire<sup>287</sup>

SEPULVEDA CARMONA Magdalena (Chili), 2008-2014 Rapporteur spécial sur l'extrême pauvreté et les droits de l'homme ; Avocat

■ **International Council on Human Rights Policy (ICHRP) :**

- 2006-2012 : Directrice de la recherche (Source LinkedIn)

MADRIGAL-BORLOZ Victor (Costa Rica), depuis 2018 Expert indépendant sur la protection contre la violence et la discrimination en raison de l'orientation sexuelle et de l'identité de genre; Avocat, membre du sous-comité pour la prévention de la torture de 2013 à 2016

■ **International Justice resource Center (IJRC) :**

- Membre fondateur du conseil d'administration (SD)
- 2014 : trésorier<sup>288</sup>
- Depuis au moins 2020 - Présent : membre du conseil consultatif<sup>289</sup>

GAMBARI Ibrahim Agboola, (Nigeria) 2018-présent Groupe d'éminents experts indépendants sur la mise en œuvre de la déclaration et du programme d'action de Durban ; Chercheur, diplomate

■ **The Savannah Centre for Diplomacy, Democracy and Development (SCDDD)** (soutenu entre autres par la Ford Foundation et MacArthur Foundation)<sup>290</sup>:

- 1993-Au moins jusqu'en 2012 : Président/fondateur<sup>291</sup>

■ **Commission on Global Security, Justice & Governance, joint project of the Hague Institute for Global justice and the Stimson Center** (The Stimson Center est soutenue entre autres par The Foundation to Promote Open Society, Open Society Policy Center et MacArthur Foundation)<sup>292</sup>

- Depuis au moins 2020 - Présent : Co président de la Commission<sup>293</sup>

DAY Dominique (USA), depuis 2018 Groupe de travail d'experts sur les personnes d'ascendance africaine ; Avocat

■ **Daylight - Rule of law :**

- 2013-Présent : Fondatrice et directrice<sup>294</sup> (Source LinkedIn)

<sup>286</sup> <https://www.icj.org/wp-content/uploads/2019/09/Universal-ICJ-Annual-Report-2018-Publications-Reports-Annual-Report-2019-ENG.pdf> [Accessed 10/11/2020]

<sup>287</sup> <https://www.icj.org/three-new-commissioners-join-the-icj/> [Accessed 23/10/2020]

<sup>288</sup> <https://web.archive.org/web/20140606000245/https://ijrcenter.org/board-of-directors/> [Accessed 30/11/2020]

<sup>289</sup> <https://ijrcenter.org/about/who-we-are/advisory-board/> [Accessed 30/11/2020]

<sup>290</sup> <https://savannahcentre.org/partners> [Accessed 22/10/2020]

<sup>291</sup> <https://www.un.org/en/africa/osaa/about/formerusgambari.shtml> [Accessed 03/11/2020]

<sup>292</sup> <https://www.stimson.org/about/transparency/funding-sources/> [Accessed 22/10/2020]

<sup>293</sup> <https://www.stimson.org/2016/commission-global-security-justice-governance/> [Accessed 03/11/2020]

<sup>294</sup> <https://www.daylyt.org/dominique-day-expert> [Accessed 14/10/2020]

RUTEERE Mutuma (Kenya), 2011-2017 Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée ; Universitaire

■ **Center for Human Rights and Policy Studies, Nairobi, Kenya** (Soutenue par Open Society Initiative for eastern Africa<sup>295</sup>) :

- 2009 - Présent : Directeur / Fondateur (Source LinkedIn)

MOFOKENG Tlaleng (Afrique du Sud), depuis 2020 Rapporteur spécial sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible ; Médecin avec une expertise dans la défense de l'accès universel à la santé, des soins contre le VIH, des services adaptés aux jeunes et du planning familial

■ **Commission for Gender Equality, Afrique du Sud :**

- 2019-Présent : Commissaire

■ **Safe Abortion Action Fund :**

- Présent : Membre du Conseil d'administration<sup>296</sup> (se présente comme « abortion provider »)

■ **The Soul City Institute for Social Justice :**

- Présent : Vice-présidente du Conseil d'administration<sup>297</sup>

■ **Nalane for Reproductive Justice**<sup>298</sup> :

- 2013 - Présent : Fondatrice et directrice

■ **Sex Worker Education and Advocacy Taskforce (SWEAT)** (soutenue par Open Society Foundations<sup>299</sup>)<sup>300</sup> :

- Depuis au moins 2020 - Présent : Président du conseil d'administration<sup>301</sup>

■ **The Global Advisory Board for Sexual Health and Wellbeing :**

- Depuis au moins 2020 - Présent : Membre du conseil d'administration<sup>302</sup>

■ **Global Doctors for Choice** (soutenue par Open Society Foundations<sup>303</sup>) :

- 2017-Présent : Codirectrice pour l'Afrique du Sud<sup>304</sup>

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■ **Sexual Health and Wellbeing, Accountability International :**

- Depuis au moins 2020 - Présent : Conseil consultatif mondial<sup>305</sup>

<sup>295</sup> <https://www.chrips.or.ke/home/chrips-partners/> [Accessed 23/11/2020]

<sup>296</sup> <https://www.saafund.org/saafboard> [Accessed 03/11/2020]

<sup>297</sup> <https://www.soulcity.org.za/news-events/news/soul-city-institute-applauds-the-appointment-of-board-chairperson-dr-tlaleng-mofoken-as-the-special-rapporteur-on-right-to-health-to-the-united-nations.pdf> [Accessed 03/11/2020]

<sup>298</sup> <https://drtpmofokeng.wixsite.com/nalane> [Accessed 16/10/2020]

<sup>299</sup> <https://www.opensocietyfoundations.org/newsroom/sex-worker-education-and-advocacy-taskforce-campaigns-legal-reform-south-africa> [Accessed 16/10/2020]

<sup>300</sup> <http://www.sweat.org.za/funders/> [Accessed 16/10/2020]

<sup>301</sup> <https://www.sweat.org.za/our-board/> [Accessed 03/11/2020]

<sup>302</sup> <https://www.gab-shw.org/about/board-members/> [Accessed 03/11/2020]

<sup>303</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=global+doctors+for+choice&grant\\_id=OR2017-38693](https://www.opensocietyfoundations.org/grants/past?filter_keyword=global+doctors+for+choice&grant_id=OR2017-38693) [Accessed 16/10/2020]

<sup>304</sup> <https://globaldoctorsforchoice.org/south-africa/> [Accessed 03/11/2020]

<sup>305</sup> <https://www.gab-shw.org/about/board-members/> [Accessed 03/11/2020]

<p>MENDEZ Juan (Argentine), 2010-2016 Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ; Universitaire, Avocat</p> <p>■ <b>Open Society Foundations :</b></p> <ul style="list-style-type: none"> <li>- 2014 : Membre du conseil d'administration de Open Society Justice Initiative<sup>306</sup></li> </ul>
<p>MULLALLY Siobhán (Irlande), depuis 2020 Rapporteur spécial sur la traite des êtres humains, en particulier des femmes et des enfants ; Universitaire</p> <p>■ <b>Irish Centre for Human Rights at the National University of Ireland, Galway</b> (Université soutenue par Open Society Foundations<sup>307</sup>) :</p> <ul style="list-style-type: none"> <li>- 2018 – Présent : Directrice du Centre<sup>308</sup> (Source LinkedIn)</li> </ul>
<p>MARIN Anaïs (France), depuis 2018 ; Universitaire</p> <p>■ <b>Chatham House :</b></p> <p>2019-Présent : Chercheur associé, Programme Russie et Eurasie<sup>309</sup> (Source LinkedIn)</p>
<p>TINE Alioune (Sénégal), depuis 2018 Expert indépendant sur la situation des droits de l'homme au Mali ; Militant pour les Droits de l'Homme</p> <p>■ <b>Amnesty International :</b></p> <ul style="list-style-type: none"> <li>- 2014 - Présent : Directeur du bureau pour l'Afrique centrale et occidentale (Source : LinkedIn)</li> </ul>
<p>BALDO Suliman (Soudan), 2013-2018 Expert indépendant sur la situation des droits de l'homme au Mali ; Universitaire</p> <p>■ <b>Open Society Initiative for East Africa :</b></p> <ul style="list-style-type: none"> <li>- 2011-2014 : Conseil mondial</li> </ul>
<p>DYFAN Isha (Sierra Leone), depuis 2020 Expert indépendant sur la situation des droits de l'homme en Somalie ; Avocat</p> <p>■ <b>Amnesty International :</b></p> <ul style="list-style-type: none"> <li>- 2018-Présent : Directrice de la défense des droits internationaux</li> </ul>
<p>NONONSI Aristide (Benin), depuis 2014 Expert indépendant sur la situation des droits de l'homme en Somalie ; Universitaire</p> <p>■ <b>Avocats sans frontières Canada :</b></p> <ul style="list-style-type: none"> <li>- 2008-Présent : Chef de mission<sup>310</sup> (Source LinkedIn)</li> </ul>
<p><b>Total = 34 membres</b></p>

<sup>306</sup> <https://www.opensocietyfoundations.org/voices/torture-it-can-happen-anywhere> [Accessed 11/01/2021]

<sup>307</sup> [https://www.opensocietyfoundations.org/grants/past?filter\\_keyword=galway&page=2&grant\\_id=OR2017-34735](https://www.opensocietyfoundations.org/grants/past?filter_keyword=galway&page=2&grant_id=OR2017-34735) [Accessed 24/11/2020]

<sup>308</sup> <https://www.ihrec.ie/about/chief-commissioner-members-of-ihrec/professor-siobhan-mullally/> [Accessed 24/11/2020]

<sup>309</sup> <https://www.chathamhouse.org/about-us/our-people/anais-marin> [Accessed 14/12/2020]

<sup>310</sup> <https://www.asfcanada.ca/a-propos/equipe/asfc/aristide-nononsi/> [Accessed 14/12/2020]

● L'expert était membre d'une ONG et a reçu en tant qu'expert un soutien matériel ou financier de son ONG ou d'une ONG la subventionnant.

ERO Ikponwosa (Nigéria), 2015-2021 expert indépendant sur l'exercice des droits de l'homme par les personnes atteintes d'albinisme ; avocate et défenseur des droits des personnes atteintes d'albinisme

● **Under the Same Sun** (Organisation internationale spécialisée dans le domaine de l'albinisme) :

- Responsable juridique et de la défense des droits au niveau international. (SD)
- 2016 - A/HRC/34/34/Add.1 : US\$5000 en espèces et en nature - Pour un espace de bureau
- 2017 - A/HRC/37/37/Add.1 : US\$50,000 en espèces et en nature - Pour un espace de bureau
- 2018 - A/HRC/40/38/Add.1 : US\$45,000 en espèces et en nature - Pour un espace de bureau
- 2019 - A/HRC/43/64/Add.1 : US\$60,000 en espèces et en nature - Pour un espace de bureau

CALLAMARD Agnès (France), depuis 2016 Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires ; Universitaire

● **ARTICLE 19** (Financé par Open Society Foundations, la Ford Foundation, la MacArthur Foundation, entre autres)<sup>311</sup> Open Society Foundation : 740,972 £ (2017) / 856,813 £ (2018)<sup>312</sup> :

- 2004-2013 : Directeur exécutif<sup>313</sup>
- 2019 - A/HRC/43/64/Add.1 : En nature et GBP 9,800 en espèces - Comme remboursement pour la participation aux réunions, y compris les voyages en avion ou en train, les frais d'hôtel, les transports locaux

DEVANDAS AGUILAR Catalina (Costa Rica), depuis 2014 Rapporteur spécial sur les droits des personnes handicapées ; Avocat

● **Disability Rights Fund** (soutenue entre autres par Ford Foundation et Open Society Foundations<sup>314</sup>):

- 2012-2014 : chargée de programme pour les partenariats stratégiques au sein du Disability Rights Advocacy Fund
- 2008-2011 : chargée de programme pour l'Amérique latine au sein du Disability Rights Fund<sup>315</sup>

**Open Society Foundations :**

- 2019 - A/HRC/43/64/Add.1 : US\$22,500 - Pour un accord de soutien général pour la période septembre-décembre 2019.
- 2018 - A/HRC/40/38/Add.1 : US\$75,000 - Pour un accord de soutien général de deux ans
- 2017 - A/HRC/37/37/Add.1 : US\$75,000 - Objet du don non précisé
- 2016 - A/HRC/34/34/Add.1 : US\$75,000 - Objet du don non précisé
- 2015 - A/HRC/31/39 : Soutien en nature - Pour un assistant de recherche pendant 6 mois

PURAS Dainius (Lituanie), 2014-2020 ; Médecin psychiatre, 2009-2011 mandat au Comité des droits de l'enfant (CRC) ; Professeur invité à l'Université d'Essex

<sup>311</sup> <https://www.article19.org/wp-content/uploads/2020/02/Article-19-Accounts-2018.pdf> [Accessed 23/10/2020]

<sup>312</sup> <https://www.article19.org/wp-content/uploads/2020/02/Article-19-Accounts-2018.pdf> p24. [Accessed 25/09/2020]

<sup>313</sup> [https://www.article19.org/data/files/annual\\_reports\\_and\\_accounts/A19-Annual-Report-1-12-final.pdf](https://www.article19.org/data/files/annual_reports_and_accounts/A19-Annual-Report-1-12-final.pdf) [Accessed 29/10/2020]

<sup>314</sup> <https://disabilityrightsfund.org/our-partners/> [Accessed 21/10/2020]

<sup>315</sup> <https://www.who.int/bulletin/volumes/97/1/19-030119/fr/> [Accessed 21/10/2020]

● **Open Society Fund–Lithuania :**

- Conseil d'administration (Source : Building Open Societies - Soros Foundations network - 2002 report<sup>316</sup>)

**Open Society Foundations :**

- 2015 - A/HRC/31/39 : Financement pluriannuel 2015- 2017, de USD 200,000 - Organiser des événements et recruter un assistant de recherche
- 2016 - A/HRC/34/34/Add.1 : US\$200,000 en espèces - En tant que provision pour un assistant de recherche et pour des engagements particuliers avec les sociétés civiles
- 2017 - A/HRC/37/37/Add.1 : En plus du soutien déclaré l'année dernière pour une période de mise en œuvre de deux ans (entre 2015 et 2017), en novembre 2017, en espèces US\$100,000 - Pour une mise en œuvre en 2018, pour un assistant de recherche et des engagements particuliers avec la société civile
- 2018 - A/HRC/40/38/Add.1 : US\$5,000 - Pour une mise en œuvre en 2018, pour renforcer l'engagement en matière de santé mentale et de droits de l'homme ainsi que la capacité de recherche du RS des Nations unies sur le droit à la santé
- 2019 - A/HRC/43/64/Add.1 : Contribution extérieure pluriannuelle, c'est-à-dire 2018-2020 de GBP£91,115.16 (USD 119,417 pour une utilisation en 2019 uniquement) - Renforcer l'engagement et la capacité de recherche du titulaire du mandat dans le domaine de la santé mentale et des droits de l'homme, en coordination avec l'université du Sussex

**Total = 4 membres**

▲ L'expert est à un poste de responsabilité dans une ONG et en même temps titulaire d'un mandat auprès des Nations Unies et a reçu en tant qu'expert un soutien matériel ou financier de son ONG ou d'une ONG la subventionnant.

FORST Michel (France), 2014-2020 Rapporteur spécial sur la situation des défenseurs des droits de l'homme ; carrière au sein d'ONGs

▲ **IFDL :**

- Présent : Secrétaire général de l'Institut français des droits et libertés<sup>317</sup>
- 2016 - A/HRC/34/34/Add.1 : En nature - Pour des espaces de bureau et un soutien administratif
- 2017 - A/HRC/37/37/Add.1 : En nature - Pour des espaces de bureau et un soutien administratif
- 2018 - A/HRC/40/38/Add.1 : En nature - Pour des espaces de bureau et un soutien administratif
- 2019 - A/HRC/43/64/Add.1 : En nature - Pour des espaces de bureau et un soutien administratif

KIAI Maina (Kenya), 2011-2017 Rapporteur spécial sur le droit de réunion pacifique et la liberté d'association ; Avocat

▲ **InformAction (IFA)** (Soutenue par Open Society Foundations, Ford Foundation<sup>318</sup>) :

<sup>316</sup> [https://www.opensocietyfoundations.org/uploads/569ceb5a-5a08-472e-ac5f-00b0c0595cf2/a\\_complete\\_report\\_0.pdf](https://www.opensocietyfoundations.org/uploads/569ceb5a-5a08-472e-ac5f-00b0c0595cf2/a_complete_report_0.pdf) p.179 [Accessed 25/09/2020]

<sup>317</sup> <https://www.cncdh.fr/fr/membre/michel-forst> [Accessed 23/11/2020]

<sup>318</sup> <https://www.informaction.tv/index.php/about-us/our-donors> [Accessed 14/10/2020]



- 2010-2019 : Fondateur<sup>319</sup> et Codirecteur d'InformAction (Sources : Open Society<sup>320</sup>, Linkedn, articles publiés sur le site de IFA<sup>321</sup>)
- 2015-2018 : Publication d'articles relayés par InformAction<sup>322</sup>
- 2015 - A/HRC/31/39 : En nature - Locaux administratifs et bureaux

▲ **World Movement for Democracy :**

- 2008<sup>323</sup> ; 2009<sup>324</sup> ; 2010<sup>325</sup> ; 2011<sup>326</sup> 2012<sup>327</sup> ; 2015<sup>328</sup> ; 2017<sup>329</sup> : Membre du Comité d'Organisation
- 2015 - A/HRC/31/39 : Pluriannuel, USD 38,776 en espèces - Pour engager un assistant de recherche, et utilisation générale par le mandataire

FARHA Leilani (Canada), 2014-2020 Rapporteur spécial sur le logement convenable en tant qu'élément du droit à un niveau de vie suffisant, ainsi que sur le droit à la non-discrimination à cet égard ; Avocat

▲ **Canada without poverty** (financé également par des institutions religieuses<sup>330</sup>) :

- 2012 - Présent : Directeur exécutif (Source LinkedIn)
- 2016 - A/HRC/34/34/Add.1 : En nature - Par le biais de bureaux, d'une assistance administrative et de temps de libération

JAZAIRY Idriss (Algérie), 2015-2019 Rapporteur spécial sur les effets négatifs des mesures coercitives unilatérales sur l'exercice des droits de l'homme ; Diplomate

▲ **Geneva Centre for Human Rights Advancement and Global Dialogue :**

- 2016-2019 : Directeur exécutif
- 2016 - A/HRC/34/34/Add.1 : Soutien en nature - Pour les bureaux uniquement
- 2018 - A/HRC/40/38/Add.1 : Soutien en nature - Mise à disposition d'espaces de bureaux et soutien administratif

TAULI-CORPUZ Victoria (Philippines), 2014-2020 Rapporteur spécial sur les droits des peuples autochtones ; Consultant

▲ **Tebtebba Foundation** (soutenue entre autres par la Ford Foundation<sup>331</sup>) :

<sup>319</sup> <https://www.information.tv/> [Accessed 02/11/2020] référencé sur internet depuis 2011

<sup>320</sup> <https://www.opensocietyfoundations.org/who-we-are/boards/human-rights-initiative-advisory-board/member/maina-kiai> [Accessed 30/10/2020]

<sup>321</sup> <https://www.information.tv/index.php/election-news/item/561-press-release-election-watch-2> [Accessed 12/11/2020]

<sup>322</sup> <https://www.information.tv/index.php/blog/maina-kiai-s-column> [Accessed 14/10/2020]

<sup>323</sup> [https://www.ned.org/wp-content/uploads/annualreports/2008/PDFs/AR\\_WorldMovement08.pdf](https://www.ned.org/wp-content/uploads/annualreports/2008/PDFs/AR_WorldMovement08.pdf) [Accessed 25/01/2021]

<sup>324</sup> [https://www.ned.org/wp-content/uploads/World\\_Movement\\_09.pdf](https://www.ned.org/wp-content/uploads/World_Movement_09.pdf) [Accessed 25/01/2021]

<sup>325</sup> <https://www.ned.org/wp-content/uploads/WorldMovement2010AR.pdf> [Accessed 25/01/2021]

<sup>326</sup> <https://www.ned.org/docs/11annual/NED-2011-Annual-Report-WMD.pdf> [Accessed 25/01/2021]

<sup>327</sup> <https://www.movedemocracy.org/wp-content/uploads/2017/09/FINAL-REPORT-grayscale-7TH-ASSEMBLY.pdf> [Accessed 25/01/2021]

<sup>328</sup> [https://www.movedemocracy.org/wp-content/uploads/2017/09/Assembly\\_Report\\_Eighth.pdf](https://www.movedemocracy.org/wp-content/uploads/2017/09/Assembly_Report_Eighth.pdf) [Accessed 25/01/2021]

<sup>329</sup> <http://web.archive.org/web/20171013172235/https://www.movedemocracy.org/about/steering-committee/> [Accessed 25/01/2021]

<sup>330</sup> <https://cwp-csp.ca/wp-content/uploads/2018/11/CWP-FY2017-2018-Annual-Report.pdf> [Accessed 02/11/2020]

<sup>331</sup> <https://www.tebtebba.org/index.php/who-we-work-with/funders> [Accessed 24/11/2020]

- 1996 - Présent<sup>332</sup> : Directeur exécutif (Source LinkedIn)
- 2018 - A/HRC/40/38/Add.1 : US\$26,000 - À l'usage général du titulaire du mandat ainsi que des bureaux et des assistants de recherche
- 2019 - A/HRC/43/64/Add.1 : US\$26,000 - À l'usage général du titulaire du mandat ainsi que des bureaux et des assistants de recherche

#### **Ford Foundation :**

- 2018 – US\$ 250,000 à la **Tebtebba Foundation** : Afin de soutenir le travail du rapporteur des Nations Unies pour le droit des peuples autochtones<sup>333</sup>
- 2014 – US\$ 300,000 à la **Tebtebba Foundation** : Pour le travail du rapporteur spécial des Nations unies sur les droits des peuples autochtones<sup>334</sup>
- 2016 – US\$ 300,000 à la **Tebtebba Foundation** : Pour le travail du rapporteur spécial des Nations unies sur les droits des peuples autochtones<sup>335</sup>

PURAS Dainius (Lituanie), 2014-2020 Rapporteur spécial sur le droit qu'a toute personne de jouir du meilleur état de santé physique et mentale possible ; Médecin psychiatre, 2009-2011 mandat au Comité des droits de l'enfant (CRC) ; Professeur invité à l'Université d'Essex

▲ **Global Initiative on Psychiatry / Human Rights Monitoring Institute** (Soutenu entre autres par le Hungarian Helsinki Committee HHC, Interights, Amnesty International, Human Rights Watch, Open Society Justice Initiative, Polish Helsinki Foundation for Human Rights)<sup>336</sup> :  
2018 - Présent : Président du conseil d'administration<sup>337</sup>

#### ▲ **Open Society Foundations :**

- 2015 - A/HRC/31/39 : Financement pluriannuel 2015- 2017, de USD 200,000 - Organiser des événements et recruter un assistant de recherche
- 2016 - A/HRC/34/34/Add.1 : US\$200,000 en espèces - En tant que provision pour un assistant de recherche et pour des engagements particuliers avec les sociétés civiles
- 2017 - A/HRC/37/37/Add.1 : En plus du soutien déclaré l'année dernière pour une période de mise en œuvre de deux ans (entre 2015 et 2017), en novembre 2017, en espèces US\$100,000 - Pour une mise en œuvre en 2018, pour un assistant de recherche et des engagements particuliers avec la société civile
- 2018 - A/HRC/40/38/Add.1 : US\$5,000 - Pour une mise en œuvre en 2018, pour renforcer l'engagement en matière de santé mentale et de droits de l'homme ainsi que la capacité de recherche du RS des Nations unies sur le droit à la santé
- 2019 - A/HRC/43/64/Add.1 : Contribution extérieure pluriannuelle, c'est-à-dire 2018-2020 de GBP£91,115.16 (USD 119,417 pour une utilisation en 2019 uniquement) - Renforcer l'engagement et la capacité de recherche du titulaire du mandat dans le domaine de la santé mentale et des droits de l'homme, en coordination avec l'université du Sussex

<sup>332</sup> <https://www.tebtebba.org/index.php/about/governance-and-structure/board-of-trustees> [Accessed 24/11/2020]

<sup>333</sup> <https://www.fordfoundation.org/work/our-grants/grants-database/grants-all?search=&SearchText=special%20rapporteur&page=0&minyear=2017&maxyear=2020> [Accessed 02/11/2020]

<sup>334</sup> <https://www.fordfoundation.org/work/our-grants/grants-database/grants-all?search=&SearchText=special%20rapporteur&page=0&minyear=2010&maxyear=2017> [Accessed 02/11/2020]

<sup>335</sup> <https://www.fordfoundation.org/work/our-grants/grants-database/grants-all?search=&SearchText=special%20rapporteur&page=0&minyear=2010&maxyear=2017> [Accessed 02/11/2020]

<sup>336</sup> <https://hrmi.lt/en/about-us/lt-bendradarbiavimas/> [Accessed 25/09/2020]

<sup>337</sup> <https://hrmi.lt/en/team/> [Accessed 23/10/2020]

**Total = 6 membres**