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**Human Rights Council**

**Complaint procedure**

**Working Group on Communications**

**Twenty-seventh session**

8–12 February 2021

Report of the Working Group on Communications on its twenty-seventh session

*Chair-Rapporteur*: Elizabeth **Salmón**

I. Conduct of the twenty-seventh session

1. The Working Group on Communications of the complaint procedure of the Human Rights Council, established by the Council in its resolution 5/1 of 18 June 2007 and endorsed by the General Assembly in its resolution 62/219 of 22 December 2007, held its twenty-seventh session from 8 to 12 February 2021 at Palais des Nations, in Geneva, and via the Interprefy virtual platform.

2. The Working Group currently comprises the following members: Ibrahim Abdulaziz Alsheddi, Alessio Bruni, Iurii Alexandrovich Kolesnikov, Mona Omar and Elizabeth Salmón. All members of the Working Group attended the meetings of the twenty-seventh session.

3. The twenty-seventh session of the Working Group was opened on 8 February 2021 by the Chief of the Human Rights Council Branch of the Office of the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General.

4. The Working Group elected, by acclamation, Ms. Salmón as its Chair-Rapporteur and Ms. Omar as its Vice-Chair for the twenty-seventh session. It held a total of five meetings.

5. At its twenty-seventh session, the Working Group considered the communications processed by the Chair-Rapporteur of its twenty-sixth session, together with the secretariat, between November 2019 and March 2020. The Chair-Rapporteur deemed admissible one new communication, relating to Saudi Arabia, the United Arab Emirates and Yemen. Pursuant to paragraph 94 of the annex to Council resolution 5/1, the admissible communication had been transmitted to the States concerned in order to obtain their views on the allegations of human rights violations. In addition to the new communication, the Working Group also considered nine communications, relating to Chile, Guatemala (two communications), Japan (two communications), the Lao People’s Democratic Republic (two communications), Pakistan and Turkey, which had been kept pending at its twenty-sixth session.

6. At its twenty-seventh session, the Working Group therefore had before it a total of 10 admissible communications relating to nine States. It had received replies relating to 10 communications. Additional information had been received from the authors of communications concerning Japan, the Lao People’s Democratic Republic and Turkey.

7. As set out in paragraph 95 of the annex to Council resolution 5/1, the Working Group was to decide on the admissibility of a communication and assess the merits of the allegations of human rights violations, including whether the communication alone, or in combination with other communications, appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. In dealing with the question of admissibility of communications, the Working Group applied the criteria set out in paragraphs 87 and 88 of the annex to Council resolution 5/1.

8. The Working Group worked in a spirit of consensus, which permitted it to adopt all but one of its decisions without a vote. The results of the deliberations and the decisions made are reflected in the present report.

9. During the session, the Working Group adopted a total of 2,025 decisions. Decisions were taken on the one new communication and the nine communications kept under review at its twenty-sixth session, as well as on the 2,015 communications deemed inadmissible. In particular, the Working Group decided to transmit one file relating to one State to the Working Group on Situations, to keep five files relating to three States under review until its next session and to discontinue four files relating to six States.

II. Decisions of the Working Group on Communications

A. Communication transmitted to the Working Group on Situations

10. The Working Group decided to transmit to the Working Group on Situations the communication below.

Turkey

| *Communication No.* | *Government reply* | *Additional information* |
| --- | --- | --- |
|  |  |  |
| 2019/7 (254) | 3 February 2021  21 November 2019 (request for an extension) | 16 November 2020 (received from the author of the communication) |

13. In its consideration of the admissibility of the communication in accordance with the annex to Human Rights Council resolution 5/1 and in the light of the documentation provided, the Working Group decided that:

(a) Pursuant to paragraph 87 (a) of the annex to Council resolution 5/1, there was insufficient evidence to support the Government’s claim that the complaint was manifestly politically motivated;

(b) In accordance with paragraph 87 (b) and (e) of the annex to Council resolution 5/1, the communication contained a factual description of the alleged violations and was not exclusively based on reports disseminated by mass media;

(c) The communication had, in accordance with paragraph 87 (d) of the annex to Council resolution 5/1, been submitted by persons, acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations, and claiming to have direct and reliable knowledge of the violations concerned; in any event, the Working Group recalled that reliably attested communications should not be inadmissible solely because the knowledge of the individual authors was second-hand, provided that they were accompanied by clear evidence;

(d) The communication did not, in accordance with paragraph 87 (f) of the annex to Human Rights Council resolution 5/1, refer to a case that appeared to reveal a consistent pattern of gross and reliably attested violations of human rights that was already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;

(e) In accordance with paragraph 87 (g) of the annex to Council resolution 5/1, there were reasonable grounds to believe that domestic remedies would be ineffective on account of the alleged dismissal of a large number of judges and prosecutors in the aftermath of the events described in the communication.

14. On the basis of its assessment of the admissibility criteria and the rejection of the objections raised by the Government, the Working Group concluded that the communication was admissible and met all the criteria set out in paragraph 87, subparagraphs (a) to (g) of the annex to Human Rights Council resolution 5/1.

15. Considering the fact that the allegations referred to in the communication were of a serious nature and might reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms, the Working Group decided to refer the communication to the Working Group on Situations, and to recommend that the latter, in its dialogue with the Government:

(a) Seek substantive and detailed information on the concrete measures taken;

(b) Encourage the Government to cooperate fully with the special procedures of the Human Rights Council.

16. The Working Group adopted its decision by consensus.

B. Communications kept under review

17. The Working Group decided to keep under review the communications listed below (nine files relating to six States) until its next session.

19. The Working Group took note of the new reply submitted by the Government of Guatemala on 18 May 2020, and expressed its appreciation for the cooperation of the Government with the complaint procedure.

20. The Working Group decided to keep the case under review until its next session and, with a view to continuing its constructive dialogue with the Government of Guatemala, to request the Government to provide, no later than three months after the notification of the present decision by the secretariat substantive and detailed information.

27. The Working Group took note of the replies submitted by the Government of Japan on 18 June 2020 and 5 February 2021, and expressed its appreciation for the cooperation of the Government with the complaint procedure. The Working Group considered, however, that a number of aspects contained in the communication and in its replies could be clarified further by the Government. It also noted with concern the Government’s reiterated position that it was unable to provide information on the individual cases included in the communication in light of the protection of privacy and in accordance with relevant domestic laws. In this regard, the Working Group recalled the confidential nature of the complaint procedure pursuant to paragraph 86 of the annex to Human Rights Council resolution 5/1.

28. In the light of the above considerations, the Working Group decided to keep the communication under review until its next session and to request the Government to provide substantive and detailed updated information, no later than three months after the notification of the present decision by the secretariat, on:

C. Discontinued communications

41. The Working Group decided to discontinue consideration of the communications listed below.

49.The Working Group considered the admissibility of the communication in accordance with the annex to Human Rights Council Council resolution 5/1 and in the light of the documentation provided. The Working Group found that the communication might be politically motivated, considering the language used in the complaint and in the additional information provided by the complainant on 17 September 2020.

50. The Working Group accordingly decided to discontinue its consideration of the communication.

51. The Working Group adopted its decision by consensus.

III. Government cooperation

64. The Working Group noted that it had received replies to all communications for which it had requested information. It expressed its appreciation to the Governments that had provided detailed and comprehensive replies within the time frame provided for in Council resolution 5/1. In that connection, it stressed that such cooperation was necessary for the proper functioning of the bodies entrusted with the implementation of the complaint procedure, as established by the Council in paragraphs 85 to 109 of the annex to its resolution 5/1. The Working Group encouraged Governments to address all allegations raised in the communications and to submit substantive replies on the allegations as soon as possible following the request made by the Working Group in order to allow for the timely and efficient processing of communications.

IV. Implementation of decisions

A. Communication transmitted to the Working Group on Situations

65. Pursuant to paragraph 106 of the annex to Human Rights Council resolution 5/1, the secretariat will inform the Government of Turkey and the author of the communication of the relevant decision made by the Working Group on Communications. The communication will subsequently be transmitted to the Working Group on Situations, as reflected in the present document.

B. Decisions to keep communications under review

66. The secretariat will inform the Governments of Guatemala (two communications), Japan and the Lao People’s Democratic Republic (two communications), and the authors of the communications, of the decision made by the Working Group to keep the communications relating to those States under review until its next session, as reflected in the present document, and of the reasons underlying that decision.

C. Decision to discontinue consideration of communications

67. The secretariat will inform the Governments of Japan, Pakistan, Saudi Arabia, the United Arab Emirates and Yemen, and the authors of the communications, of the decision made by the Working Group to discontinue its consideration of those communications, as reflected in the present document, and of the reasons underlying that decision.

V. Other issues

68. During its session, the Working Group considered the overall functioning of the complaint procedure in the context of its methods of work, in accordance with paragraphs 86 and 90 of the annex to Human Rights Council resolution 5/1, including ways and means to increase the overall efficiency of the complaint procedure.

69. In the light of the coronavirus disease (COVID-19) pandemic, the members of the Working Group, for their own safety and that of others, implemented the measures recommended by the United Nations Office at Geneva, such as physical distancing at all times, the wearing of face-covering masks inside the premises and proper airflow in the meeting room. It also resorted to on-screen projection of documents rather than distribute printed materials in the meeting room. Furthermore, the Working Group adopted hybrid modalities in order to facilitate the participation of four of its members in the session, thereby minimizing any potential risk of infection.

VI. Adoption of the report

70. The Working Group on Communications adopted its report unanimously at its fifth meeting.

1. \* All persons handling the present document are requested to respect and observe its confidential nature. [↑](#footnote-ref-2)