

Future Human Rights Council A/HRC/...

UNEDITED VERSION

**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS
EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS
Note by the United Nations High Commissioner for Human Rights**

The High Commissioner for Human Rights has the honour to transmit to the members of the Human Rights Council the report of the thirteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, which took place in Geneva from 19 to 23 June 2006.

**REPORT OF THE THIRTEENTH MEETING OF SPECIAL RAPPORTEURS/
REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS
OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE
COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY SERVICES PROGRAMME**

(Geneva, 19-23 June 2006)

Rapporteur: Gay McDougall

Summary

The thirteenth annual meeting of mandate holders was held in Geneva from 19 to 23 June 2006. Participants at the meeting elected Vitit Muntarbhorn as Chairperson and Gay McDougall as Rapporteur.

The Coordination Committee (CC) for 2006/07 would consist of: Vitit Muntarbhorn (Chairperson of the thirteenth meeting), Gay McDougall (Rapporteur of the thirteenth meeting), Philip Alston (ex-officio member), Charlotte Abaka, Amada Benavides de Perez, and Asma Jahangir.

Participants participated in the opening ceremony of the first session of the Human Rights Council. During the meeting they were briefed on the activities of the CC since the 12th meeting and discussed the role that the CC should play in the future. Participants had before them a revised version of the Manual on Special Procedures. They decided that the manual would be posted on the web-site for comments from all stake-holders and then revised accordingly. The new version will be presented for approval to the 14th Annual Meeting.

During the meeting, mandate holders held meetings with representatives of non-governmental organizations (NGOs) and national institutions, and a joint meeting with participants at the eighteenth meeting of persons chairing the human rights treaty bodies. Participants had an exchange with the High Commissioner, the Deputy High Commissioner and OHCHR's senior management. Mandate-holders also had an exchange with the Special Rapporteur on human rights defenders of the African Commission on Human and People's Rights.

Participants discussed at length the review of mandates to be undertaken by the Human Rights Council and the role of the special procedures system vis-à-vis the Universal periodic Review (UPR). There was general agreement that mandate-holders, through the CC, should be involved in related discussions. It was stressed that Special Procedures represented one of the greatest achievements of the Commission on Human Rights and it was necessary to ensure that the review would strengthen the system. Also participants and other stakeholders stressed the need to ensure that the UPR would be based on recommendations adopted by human rights mechanisms. The Chair of the CC had an interaction with the Human Rights Council at its first session and read a statement which had been prepared by all mandate-holders.

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Introduction

1. Since 1994, annual meetings of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the advisory services programme of the Commission on Human Rights have been organized as a follow-up to the World Conference on Human Rights. The Vienna Declaration and Programme of Action underlined the importance of preserving and strengthening the system of special procedures and specified that the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings (Part II, para. 95).
2. The thirteenth annual meeting of special procedures was held in Geneva from 19 to 23 June 2006. It had before it a provisional annotated agenda and a series of documents prepared by the Secretariat.
3. A list of the special procedures of the Commission on Human Rights and those attending the thirteenth annual meeting appears in the annex.
4. Mandate-holders participated in the opening ceremony of the first session of the Human Rights Council. During the meeting, mandate holders held meetings with representatives of non-governmental organizations (NGOs) and national institutions, and a joint meeting with participants at the eighteenth meeting of persons chairing the human rights treaty bodies. Participants further met with the High Commissioner, the Deputy High Commissioner and OHCHR's senior management. Mandate-holders also had an exchange with the Special Rapporteur on human rights defenders of the African Commission on Human and People's Rights. The Chair of the Coordination Committee (CC) had an interaction with the Human Rights Council at its first session.
5. On the occasion of International Refugees Day, on 20 June, participants called on the international community to strengthen its support to the United Nations Office of the High Commissioner for Refugees and to assist post-conflict societies to guarantee respect for all human rights: civil, cultural, economic, political and social, so as to allow for a safe return of refugees to their home countries.
6. Participants further welcomed the entry into force of the Optional Protocol to the Convention against Torture.

I. ORGANIZATION OF WORK

7. The meeting was opened by Philip Alston, the Chairperson of the twelfth annual meeting, who emphasized the importance of the 13th meeting as a cross-road for special procedures in their relationship with the new Human Rights Council (HRC).
8. Vitit Muntarbhorn was elected Chairperson and Gay McDougall was elected Rapporteur of the thirteenth annual meeting. It was suggested that ahead of the 14th annual meeting consultations be undertaken for the nomination of the Chair and Rapporteur of the meeting. The desirability of including an interaction with UN agencies in the programme of the 14th meeting was flagged.
9. It was agreed that the Coordination Committee for 2006/07 would consist of: Vitit Muntarbhorn (Chairperson of the thirteenth meeting), Gay McDougall (Rapporteur of the thirteenth meeting), Philip Alston (ex-officio member), Charlotte Abaka, Amada Benavides de Perez, and Asma Jahangir.
10. The next Annual Meeting is scheduled to take place from 18 to 22 June 2007.
11. The participants adopted the present report on 23 June 2006.

II. THE ACTIVITIES AND FUNCTIONS OF THE COORDINATION COMMITTEE

12. The outgoing chair of the Coordination Committee (CC) briefed participants on the activities of the CC. He reported on an exchange held by members of the CC with the High Commissioner the previous day, during which the role of special procedures in the context of the Human Rights Council and the Universal Periodic Review (UPR) was addressed.
13. Concerning the Manual of Special Procedures, which was adopted by the annual meeting in 1999, the CC had worked on an initial revision and updated the Manual to reflect the evolving practice of special procedures. The Manual is intended to be a living document to be updated regularly. It is meant to

provide guidance to mandate-holders. It was decided that after a preliminary discussion at the present annual meeting, mandate-holders, in a spirit of transparency, would call for comments on the draft from governments, civil society organizations, treaty bodies' experts and all other stake-holders in a period of 4 months. The CC would then go through the different comments to revise the manual accordingly. It would also issue an explanatory memorandum on major approaches in the comments, as well as reactions to them. The new draft would be circulated a month ahead of the 14th meeting which should adopt the new manual. The new manual would be made public for reasons of transparency. Some participants stressed that the circulation of the manual would also serve educational purposes and would raise awareness about the role of special procedures.

14. The majority of participants expressed support for a stronger and more proactive role of the CC which would facilitate the interaction between special procedures and the HRC and increase synergies between mandate-holders. It would also ensure that mandate-holders speak with one voice, which is particularly important at a time where fundamental reforms, which could have an impact on the role of special procedures, are being discussed. Some participants stressed that while it was agreeable that there should be a mechanism of coordination this should not lead to conformity.

15. There was general agreement on the following points: the outgoing chair of the CC, or another member, should become an ex officio member of CC; due consideration should be given to geographical representation and gender balance in the elections of members; there should be a rotation system; the CC should be appointed for a one-year term; in case of vacancies, these should be filled through electronic consultations with all mandate-holders; the CC would as appropriate seek advice and assistance from other mandate-holders; the CC should not be a substitute for bilateral consultations between mandate-holders and other institutions; the CC should respect the independence of mandate-holders; and the CC should circulate updates on its activities through e-mail.

16. In terms of the functions to be performed by the CC, several proposals were made, including: the participation of the CC in consultations regarding the review of mandates; bringing into the discussion with the HRC the concerns of mandate-holders, including the issue of cooperation with special procedures; advocating for more resources for special procedures in the context of the reform; identifying innovative ways to raise awareness about special procedures and their work; taking action in a proactive

manner to ensure that the “rationalization” of mandates does not result in an erosion of the effectiveness of the system.

III. THE SPECIAL PROCEDURES SYSTEM AND THE HUMAN RIGHTS COUNCIL

17. Participants welcomed the fact that the timing of the 13th annual meeting coincided with the first session of the Human Rights Council. Participants were briefed by the Secretariat on latest developments at the Council. They were informed of existing proposals providing concerning the extension of mandates and the consideration of reports submitted by mandate-holders at the 62nd session of the Commission.

18. Under this agenda item, participants discussed the relationship of the special procedures system with the Council, including in the context of the UPR and of the review of mandates. All mandate-holders unequivocally stressed the need to ensure that a system of special procedures is maintained and strengthened. Special procedures were indicated repeatedly as a fundamental pillar of the international human rights machinery

19. The need to ensure that special procedures would be central to the UPR system while at the same time maintaining their autonomy and independence was strongly underscored. In this context, participants emphasized the role that the CC should play as an interlocutor of the special procedures in their relations with the HRC.

20. Participants agreed to draft a statement to be read by the Chair during its interaction with the Council (see Annex II). In the statement, participants welcomed the establishment of the Council as a window of opportunity to enhance the promotion and protection of human rights. They also welcomed General Assembly resolution on the Human Rights Council 60/251, calling for the maintenance of a system of Special Procedures and expressed the wish to be actively involved with the process of review that will take place this year.

21. Mandate-holders requested the Council to directly and effectively interact with the special procedures by expeditiously examining the mission reports submitted by mandate holders; responding swiftly to

early warnings of impending egregious violations; providing, during its plenary sessions, for at least one-hour interactive dialogues with each mandate holder; effectively involving special procedures mandates holders in early warning initiatives as well as in thematic debates and emergency sessions; and encouraging its members to respond to each specific recommendations made by special procedures mandates holders in their reports.

22. Mandate-holders also requested that the work of the Special Procedures be central (among others) to the system of Universal Periodic Review (UPR), *inter alia* by ensuring that the measure of cooperation given to special procedures is a central criteria used to assess States in the spirit of cooperation and constructive dialogue called for in General Assembly Resolution 60/251 on the Human Rights Council.

23. Mandate-holders invited the Council to encourage States to strengthen cooperation with special procedures by calling on States to: extend standing invitations; promptly provide substantive replies to special procedures' communications; promptly respond to requests for country visits; and implement the recommendations submitted after the visit.

24. Finally mandate-holders requested the Human Rights Council to become an active participant in monitoring and urging State implementation of recommendations emerging from mandate holders mission reports and communications and to recognize the fundamental role of NGOs, regional and national human rights institutions as key partners of the Council and special procedures.

25. During the interaction with the Human Rights Council, which took place on Friday 23 June, almost all delegations reiterated that special procedures were an essential element of the human rights system and that the Council would greatly benefit from their expertise and expert advice. It was repeatedly stated by governments' delegations as well as NGOs that the reform should be guided by the principles of impartiality, independence and expertise. A number of NGOs urged States to ensure that review would focus on strengthening the special procedures.

26. The crucial importance of maintaining the independence of the special procedures system was highlighted. Some delegations also stressed that special procedures in order to function effectively needed the cooperation of states, in particular in the context of country visits and responses to communications.

In this connection members of the Council were called upon to extend open invitations to all special procedures. It was stressed that follow-up to special procedures' findings and recommendations should represent an important element of the UPR. The need to ensure closer cooperation between procedures, including in the context of country visits, so as to ensure broader geographic coverage was flagged.

27. A number of delegations stressed the need to ensure that the review of mandates addresses issues such as selectivity, politicization and double standards. The desirability to avoid duplications was also emphasized. The revised manual was welcomed by delegations as a positive step. The need to ensure more coherence in the methods of work and to ensure independence from all stake-holders was raised by some delegations. The need to improve the appointment procedures was also raised.

28. Several delegations welcomed the involvement of the CC in the discussions on the reform. It was suggested that periodic meetings between the CC and regional groups should be held.

IV. FOLLOW-UP TO THE ACTIVITIES OF MANDATE-HOLDERS AND COMMUNICATION STRATEGY

29. Under this agenda item, participants addressed the issues of follow-up to their activities and of a strengthened communication strategy. Discussions were based on recommendations adopted by the 12th annual meeting.

30. The Secretariat briefed participants on efforts undertaken to improve the communication strategy, including through the establishment of a Communication Unit. Efforts to increase awareness of special procedures' activities were directly linked to the promotion of follow-up, through ensuring that special procedures' output are known and available to key player and are used as advocacy and programming tools. In this respect the Secretariat had been working on a number of initiatives. They included the preparation of country analysis and trends based on the activities of all special procedures to feed into the overall OHCHR's country engagement strategy; the preparation of thematic trends and statistics for internal analysis, as well as circulation to partners in the field; the preparation and circulation among mandate-holders and OHCHR's staff of weekly briefing notes on the activities of mandate-holders and

monthly bulletin and statistics on communications, as well as “success stories”; the preparation of quarterly bulletins, posted on the OHCHR’s web-site and distributed to a network of partners, on the activities of mandate-holders. The Office was also working on a training module for different partners, including OHCHR’s staff, UN partners; NGOs; professional groups with the objective to build capacities to cooperate with the special procedures system. OHCHR maintained web-sites for special procedures as a system and for each mandate-holder.

a) Communication Strategy

31. Participants emphasized the need to ensure broad circulation of press releases, as well as the desirability of having interviews with UN radios during country missions to make their findings widely known. It was pointed out that it would be useful to assess the extent to which the work of special procedures was covered by the media. The need to ensure that the information on the findings of visits filters down to the rights-holders was raised, as well as the need to ensure that country visit reports, as soon as available, are broadly circulated to all partners and key players at the national level. Some good practices were reported in this regard, including governments’ cooperation in translating reports into national languages and ensuring dissemination through various channels.

32. In order to make the website more informative it was suggested that the information included in the internal analytical tools developed by the Secretariat be posted on the web. It was suggested that a medium term study be undertaken by the OHCHR to envisage ways to make the wealth of information produced by special procedures more easily accessible.

33. In order to ensure that the mandate-holders can always be reached by relevant partners it was suggested that general e-mail addresses should be created for each mandate. It was also suggested that access should be given to such accounts to mandate-holders in order to allow them to be more closely involved in the communications with partners.

b) Follow-up

34. When discussing “follow-up”, the need for streamlined procedures for sending communications was raised by several mandate-holders. The need for a closer cooperation with UN country teams was pointed out as a crucial element to ensure follow-up and implementation of recommendations, as well as the need to ensure that prior to country visits key players and interlocutors are identified. One country rapporteur reported that the UN country team had organized a follow-up workshop on her report during which key national players discussed the recommendations and developed a plan of action based on them. The need of a system whereby mandate-holders are informed by UN agencies of activities to implement their recommendations was flagged.

35. Other possible ways to enhance the effectiveness of special procedures by promoting follow-up to their recommendations and actions were mentioned. Among them, there was a proposal to rethink the period during which communications remain confidential, especially given the changing periodicity of the Council. Making the communications known soon after the deadline for responding has expired would allow national actors to follow-up on them when they are still relevant. The need to draft communications in a more effective way was also raised. Participants also stressed the need to ensure that the recommendations contained in their reports be specific, targeted and that they be prioritized.

36. Participants congratulated the five mandate-holders who had worked on the report on the Guantanamo Detention Center (E/CN.4/2006/120): the Chairman Rapporteur of the Working Group on Arbitrary Detention, Leila Zerrougui; the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt. Participants noted with satisfaction that the report had prompted a series of reactions that led to encouraging indications about the possible closure of the detention center. The group called upon the relevant mandate-holders to continue to contribute in every constructive way possible for the resolution of the issue.

V. CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

37. Under this agenda item participants had an open discussion with representatives of the civil society on the role of the special procedures in the context of the Human Rights Council.

38. In their statements several NGOs stressed that the reform process and the review of mandates represented great opportunities to strengthen the special procedures system, but also great risks. All NGOs expressed their strong support to the special procedures system and to mandate holders and emphasized the need to work together to ensure that the review process to be undertaken by the HRC would result in a strengthened role of thematic and geographic mandates.

39. It was highlighted that the Human Rights Council would have to address not only each individual mandate but also the nature, structure and functioning of the system. It was argued that the Council should not embark on the review of mandates until it had established sound objective criteria on the basis of which such review should be undertaken.

40. Concerning the numerous and complex issues to be addressed in the context of the review, representatives of the civil society would be presenting concrete proposals to the Council and shared already existing documents with mandate-holders. It was stressed that mandate-holders should also have a collective position with regard to these fundamental issues and embark in a dialogue with the Council with a view to strongly defending the fundamental principles that have successfully guided the special procedures system. In this context the role of the CC was emphasized by many participants. Mandate-holders were in particular invited to think about ways in which they would like the Human Rights Council to consider their reports, the type of interaction which would be desirable during the Council's sessions; the periodicity of reports; and the type of outcome of the discussions of the latter. It was reiterated that in the context of the review of mandates it was crucial to consider the issue of follow-up and implementation, in particular it had to be considered how special procedures could assist the Council in follow-up and vice-versa.

41. The importance of ensuring the integration of special procedures' findings and recommendations into the work of the Human Rights Council was repeatedly raised. The work of special procedures should in particular not only be integrated in the UPR, but also into the other activities of the Council, including when it addresses gross human rights violations, it provides emergency responses, and technical

cooperation. For special procedures' work to be able to feed into the work of the HRC there was, on the one hand, a need to ensure cooperation from Member States in allowing special procedures' visits and responding promptly to their communications and, on the other, a need for special procedures to adjust their methods of work so as to be able to provide regularly qualitative and quantitative assessment of cooperation on communications and on visit requests, as well as to formulate strategic and precise recommendations indicating a time-frame for implementation. It was suggested that in order to ensure that the wealth of information produced by mandate-holders is properly utilized by all stakeholders there should be a compilation of communications submitted by special procedures by country.

42. A representative of a national human rights institution (NIs) stressed how beneficial the cooperation between special procedures and NIs is for both actors and provided concrete examples of such cooperation. In particular they emphasized the role that NIs can have in ensuring outreach during and after country visits and in providing follow-up to special procedures' recommendations.

43. The following issues were stressed by various representatives of the civil society as deserving specific attention from special procedures: human rights violations based on sexual orientation and gender identity; gender equality; the rights of indigenous peoples; women in prison and children of imprisoned mothers.

44. Numerous mandate-holders intervened to express deep appreciation for the support received in the performance of their duties by the civil society and to thank NGOs for their partnership for human rights protection and assistance in granting access to those affected. Mandate-holders warmly thanked representatives of the civil society for the fruitful suggestions brought forward during the debate. In response to such suggestions some mandate-holders stressed that there was a need to work together to ensure that the UN reform and the review of mandates would result in a strengthened special procedures system. To this end the desirability of more regular consultations was flagged.

45. Mandate-holders also referred to their efforts to strengthen their methods of work and emphasized that they welcomed constructive criticism from civil society partners. Representatives of the civil society were informed that mandate-holders would soon make a call for comments on their revised manual. One

mandate-holder invited NGOs to work together and in a holistic manner on issues such as the reform and the role of special procedures and civil society within the HRC. NGOs were repeatedly invited to assist mandate-holders in disseminating their reports and findings. Some mandate-holders proposed to formulate a comprehensive position paper addressing the role of special procedures within the Council and addressing all the issues mentioned by participants in this exchange.

VI. PRESENTATION BY THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL ON CHILDREN IN ARMED CONFLICT

46. Under this agenda item participants were briefed by the Special Representative of the Secretary-General on Children in Armed Conflict, Ms. Radhika Coomaraswamy, on the activities of her mandate and discussed possible avenues of cooperation and mutual support.

47. The Special Representative informed that the mandate was created in 1997 by the General Assembly to look at the impact of armed conflict on children. The mandate reports to the Human rights Council, the General Assembly and the Security-Council. The Special Representative informed that according to available statistics some 300.000 young minors were being exploited as child soldiers in 30 areas of conflict around the world, while 10 % of world armed forces continued to be children. The International Criminal Court (ICC) statute provides for the prosecution for acts of forced recruitment and the Special Representative's Office is cooperating with the ICC on a number of prosecutions.

48. The Special Representative referred to Security-Council resolution 1539 listing grave violations against children during armed conflicts: the recruitment and use of child soldiers by parties to armed conflicts; killing and maiming of children; rape and other sexual violence mostly committed against girls; abduction and forced displacement; denial of humanitarian access to children; attacks against schools and hospitals; and trafficking, forced labour and all forms of slavery. The resolution also provides for Secretary-General's report to contain two lists, those of parties to conflict engaged in recruitment of children that are in the Security-Council agenda and those that are not. The resolution also provides for the possibility to move towards punitive actions, including targeted sanctions, if these parties do not conform.

49. Security-Council resolution 1612 further set up a monitoring and reporting mechanism. In each of the country where parties are listed there is a task force chaired by UNICEF or OHCHR collecting information on violations against children in the context of armed conflicts. It includes also NGOs and NIs. The information can then be channeled through the Office of the Special Representative to the Secretary-General and through him to the Security-Council. A Security-Council's working group meets every two months to look at the reports from the office of the Special Representative. The Working-Group can suggest punitive action against non-complying parties to the Security-Council. The need to ensure that due process be guaranteed in the context of the procedure was stressed.

50. The Special Representative invited mandate-holders to assist in the described monitoring and reporting process, especially during country visit in terms both of information sharing and advocacy.

51. Mandate-holders welcomed the briefing by the Special Representative and plead to close cooperation with her. They stressed the importance of ensuring coordination and mutual assistance. In this context it was suggested that a mechanism be established to consistently alert the Special-Representative's office when mandate-holders undertake visits to countries where there are listed parties. The desirability of looking at the monitoring mechanisms adopted by the Security Council as a concept to be possibly replicated in other areas was also flagged.

52. The Special Rapporteur on human rights defenders of the African Commission on Human and People's Rights, Ms. Reine Alpini Gansou also addressed the meeting. In her presentation she stressed the importance of her close cooperation with the Special Representative of the Secretary-General on human rights defenders. She referred that the African Commission has currently five rapporteurs: detention in prisons; freedom of expression; women's rights, refugees and IDPs, and human rights defenders. Her mandate was entrusted with: seeking, receiving, examining and acting upon information on the situation of human rights defenders in Africa; submitting reports at every Ordinary Session of the African Commission; cooperating and engaging in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders, human rights defenders and other stake holders; developing and recommending

effective strategies to better protect human rights defenders; raising awareness and promoting the implementation of the UN Declaration on Human Rights Defenders in Africa.

53. Mandate-holder warmly welcomed the presence of the special rapporteur of the African Commission and flagged the idea of establishing networks of regional mechanisms working on similar or related issues and strengthening cooperation and coordination with them. The possibility of considering the participation of such partners in future annual meetings, as well as of establishing institutional links to ensure joint activities were also mentioned.

VII. COOPERATION WITH THE HUMAN RIGHTS TREATY BODIES

54. Under this agenda item, participants had an opportunity to meet with the Chairpersons of treaty bodies and to exchange views on the current reform system.

55. Representatives of both special procedures and treaty bodies expressed satisfaction about the existing level of mutual cooperation and coordination. Specific examples of cooperation with regard to exchange of information on specific countries, as well as concerning the formulation of general comments/recommendations by treaty bodies were reported. The importance of building on each others recommendations was stressed by many participants. The possibility for special procedures mandate-holders of submitting written information and proposing issues for consideration to treaty bodies prior to their sessions was flagged by one mandate-holder.

56. Participants emphasized how the creation of the Human Rights Council called for even increased complementarity of the work of the two mechanisms. The need to ensure increased personal interaction was stressed, including by providing for relevant mandate-holders to address the treaty bodies directly on the occasion of the review of reports of states on which they have a specific interest. The role of the secretariat in ensuring exchange of information between treaty bodies and special procedures was highlighted. In this regard, it was suggested that a compilation of good practices be prepared annually.

57. Concerning the proposal for a unified standing treaty body, some participants expressed concerns that this might dilute the specificities of the work of the individual committees. However, other participants

saw the creation of a unified standing treaty body as a positive step towards the creation of a world court of human rights. Other participants expressed the view that while continuing to take measures to harmonize and streamline treaty bodies' procedures, such as the common guidelines for the submission of reports, there was a need to maintain substantive specificities. One proposal in this sense was to have a unified standing body to deal with individual complaints, so as to reduce delays in consideration of complaints and ensure a consistent jurisprudence, while maintaining the existing committees to review reports, undertake inquiries etc.

58. It was repeatedly stressed that one of the main shortcomings of both the special procedures and the treaty bodies' systems was the lack of follow-up to their findings and recommendations, especially by the main political bodies of the UN. The Human Rights Council was seen as a window of opportunity to remedy to this shortcoming. In this connection several participants stressed that the Universal Periodic Review should be understood not as states assessing the human rights situation in other states, but rather as states assessing the degree to which other states implement the decision and recommendations of independent expert bodies. The Council should count on existing human rights mechanisms to perform fact-finding and normative assessment functions, while focusing on implementation. This would address the issues of possible duplication of the UPR with the work of treaty bodies and also prevent the UPR from becoming an appeal body for those states whose compliance with human rights treaties has already been reviewed by relevant treaty bodies. The role of the High Commissioner in promoting the UPR as a forum for follow-up was emphasized.

59. It was recommended that a joint letter be prepared calling upon the Human Rights Council to: ensure that the UPR has as at least one of the core sources of information the findings and recommendations of treaty bodies and special procedures; and to develop a review system that strengthens the implementation of those recommendations.

VIII. MEETING WITH THE HIGH COMMISSIONER AND PRESENTATION OF THE OHCHR STRATEGIC MANAGEMENT PLAN

a) Exchange with the High Commissioner

60. In her opening remarks the High Commissioner expressed her appreciation and admiration for the courage and achievements of special procedures. The High Commissioner stressed that while in the past couples of years the main focus had been on the establishment of the Human Rights Council and on devising a strategy for her Office, “this would be the year of special procedures” during the year to come the focus would switch to special procedures. The High Commissioner stressed that all efforts would be made to ensure that necessary resources would be made available to special procedures.

61. In the context of the current reform, the High Commissioner stressed that special procedures had her full support and called on mandate-holders to collectively make the case not just for the preservation, but also for the improvement of the special procedures system. There was a widespread view that the system of special procedures needed to be strengthened to ensure more coherent and consistent working methods. Mandate-holders needed to respond to these and other general concerns. In this connection, the High Commissioner greeted as a positive and timely development the establishment of the Coordination Committee. There was in fact a need for mandate-holders to work cooperatively and to speak with a collective voice on institutional issues. The High Commissioner encouraged mandate-holders to be fully involved in the process of review so as to anticipate possible challenges and be able to provide sophisticated and well analyzed responses to them.

62. Mandate-holders warmly thanked the High Commissioner for her presence and words of support and complimented her on her work. Questions were raised concerning: potential areas of cooperation between special procedures and OHCHR and the extent to which special procedures can be involved in the initiatives of the High Commissioner; the desirability that the entire Office provide substantive and intellectual support to special procedures on specific thematic issues; the need to ensure equal level of support and opportunities of cooperation to all mandate-holders; the desirability of special procedures and OHCHR devising joint strategies on specific situations; the need to take into account special procedures’ views in the formulation of country engagement strategies and programmes. It was also pointed out that often coherence depends on outside factors such as the procedure to appoint mandate-holders and the resources available to them. The support of the High Commissioner on these and similar issues was encouraged.

63. The High Commissioner reiterated that she cheered the institutional independence and personal liberty of special procedures, as well as that of her Office and stressed the need to preserve the prerogative for both of them to use their professional judgement in all situations. On these premises, the High Commissioner stressed that there was scope for mutual support and cooperation in many areas. To this end there was a need to ensure the existence of an established system of communication between special procedures and the OHCHR at large. The High Commissioner referred to current efforts to strengthen the thematic expertise of the Office which would also support the work of special procedures. The High Commissioner further stressed that the UPR should be embraced and efforts not be spared to make it a very meaningful addition to the system of promotion and protection of human rights. The High Commissioner said she was committed to enhance the visibility and impact of the work of special procedures.

b) Exchange with the Deputy High Commissioner and senior officials of OHCHR

64. Participants had an opportunity to meet with OHCHR's senior management. During this session mandate-holders were provided with an opportunity to ask questions and raise issues with: the Deputy High Commissioner, Mehr-Khan Williams; the Chief of the Treaty and Commission Division, Bacre Ndiaye; the Chief of the Special Procedures Branch, Soussan Raadi-Azarakhchi; the Chief of the Capacity Building Branch, Fabrizio Hochschild; Ibrahim Wani, Chief of the Research and Right to Development Branch; Susan Curran, the Chief of the Communication Unit; and Michael Fruhling, the Chief of the Policy, Planning Monitoring and Evaluation Unit.

65. Among the issues raised by mandate-holders were: explanations on the rationale for regrouping all thematic mandates under one Branch; the need to ensure that support to mandates be even; the desirability of looking at ways in which OHCHR could give follow-up to special procedures' recommendations and findings; the need to strengthen the communication capacity of OHCHR and its media outreach to raise the visibility of special procedures' findings and make sure that reports do not "sink without trace"; the need to ensure that the special procedures' individual web-pages be more personalized and the information in it contained more easily accessible; the role of field presences in raising awareness and disseminating special procedures' findings and recommendations at the national level, as well as in

providing advice to special procedures on countries to prioritize; the importance of translation of reports into local languages; the need of the intellectual leadership of the Office.

66. The Deputy High Commissioner emphasized the need for better communications between mandate-holders and OHCHR, so as to increase the understanding of each other's capacities and create an environment conducive to strengthened cooperation. The Strategic Management Plan of OHCHR was a result-based, two-year plan which addressed many of the issues raised by special procedures.

67. Recently a Communication Unit had been created and more human resources would be devoted to it to strengthen its capacity. Consultations would be undertaken by the Communication Unit with mandate-holders through the CC to envisage ways to respond to the need of ensuring better outreach and dissemination of their work, as well as understanding of their role and functions. Efforts to strengthen the web-site were underway, but for the time-being OHCHR had a limited capacity in this regard.

68. It was stressed that the transfer of all thematic procedures to the Special Procedures Branch would ensure even and coherent support to all procedures and cross-fertilization between different mandates. Efforts were under way to ensure the same level of human resources to all mandates, although the recruitment process had been slow. OHCHR was also expanding its geographic desks and field presences, especially regional ones. This would ensure better cooperation in the preparation and conduct of, and follow-up to, special procedures' country visits. The country engagement process would ensure the dissemination of special procedures' recommendations and findings and would facilitate their implementation. Furthermore, technical substantive interaction would be organized between mandate-holders and substantive staff of the Office to identify thematic areas where the Office could be of support to special procedures.

Annex I

**LIST OF SPECIAL PROCEDURES OF THE COMMISSION ON
HUMAN RIGHTS AND THE MANDATE HOLDERS INVITED TO ATTEND THE 13TH
MEETING**

I. THEMATIC MANDATES

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| 1. | Working Group on Enforced or Involuntary Disappearances | Member, Mr. S. Corcuera * |
| 2. | Working Group on Arbitrary Detention | Chairperson-Rapporteur
Ms. L. Zerrougui* |
| 3. | Working Group on Mercenaries | Chairperson-Rapporteur
Ms. A. Benavides de Pérez* |
| 4. | Special Rapporteur on extrajudicial, summary or arbitrary executions | Mr. P. Alston* |
| 5. | Special Rapporteur on the independence of judges and lawyers | Mr. L. Despouy* |
| 6. | Special Rapporteur on the question of torture | Mr. M. Nowak* |
| 7. | Representative of the Secretary-General on the human rights of internally displaced persons | Mr. W. Kälin |
| 8. | Special Rapporteur on religious intolerance | Ms. A. Jahangir* |

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| 9. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression | Mr. A. Ligabo* |
| 10. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance | Mr. D. Diène * |
| 11. Special Rapporteur on the sale of children, child prostitution and child pornography | Mr. J.M. Petit* |
| 12. Special Rapporteur on violence against women, its causes and consequences | Ms. Y. Ertürk* |
| 13. Special Representative of the Secretary-General on Children and Armed Conflict | Ms. R. Coomaraswamy* |
| 14. Special Representative of the Secretary-General on the situation of human rights defenders | Ms. H. Jilani* |
| 15. Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes | Mr. O. Ibeanu* |
| 16. Special Rapporteur on the human rights of migrants | Mr. J. Bustamante* |
| 17. Independent expert on economic reform | Mr. B.A. Nyamwaya Mudho* |

policies and foreign debt

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| 18. | Special Rapporteur on the right to education | Mr. V. Muñoz* |
| 19. | Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living | Mr. M. Kothari* |
| 20. | Special Rapporteur on the right to food | Mr. J. Ziegler* |
| 21. | Independent Expert on minorities | Ms. G. McDougall* |
| 22. | Special Adviser of the Secretary-General | Mr. J. Mendez |
| 23. | Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people | Mr. R. Stavenhagen* |
| 24. | Independent expert on the question of human rights and extreme poverty | Mr. A. Sengupta |
| 25. | Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health | Mr. P. Hunt* |
| 26. | Working Group on People of African Descent | Chairperson-Rapporteur:
Mr. P. Kasanda* |
| 27. | Special Rapporteur on trafficking in persons, especially in women and children | Ms. S. Huda* |

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| 28. | Special Rapporteur on terrorism | Mr. M. Scheinin* |
| 29. | Independent expert on solidarity | Mr. R. Rizki |

II. COUNTRY MANDATES

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| 1. | Special Representative of the High Commissioner on the situation on human rights in Cuba | Ms. C. Chanet |
| 2. | Special Rapporteur on the situation of human rights in Myanmar | Mr. P.S. Pinheiro* |
| 3. | Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 | Mr. J. Dugard* |
| 4. | Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo | Mr. T. F. Pacéré |
| 5. | Independent expert on Burundi | Mr. A. Okola* |
| 6. | Special Representative of the Secretary-General for human rights in Cambodia | Mr. Y. Ghai |
| 7. | Independent expert on the situation of human rights in Somalia | Mr. G. Alnajjar* |

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| 8. | Independent expert on the situation of human rights in Haiti | Mr. L. Joinet* |
| 9. | Independent expert on technical cooperation and advisory services in Liberia | Ms. C. Abaka* |
| 10. | Independent expert on the situation of human rights in the Sudan | Ms. S. Samar* |
| 11. | Special Rapporteur on the Democratic People's Republic of Korea | Mr. V. Muntarbhorn * |
| 12. | Special Rapporteur on the situation of human rights in Belarus | Mr. A. Severin * |
| 13 | Independent Expert on the situation of human rights in Uzbekistan | Ms. M. Picard * |

* Attended the meeting.

Annex II

Statement of the annual meeting of Special Procedures' mandate-holders on the occasion of the establishment of the Human Rights Council

We, the mandate-holders of the Special Procedures, welcome the establishment of the Human Rights Council. We see the establishment of this new institution as a window of opportunity to reinvigorate efforts to promote and protect the global human rights system. We look forward to contributing actively to this collective effort.

As the Secretary-General recalled in his statement on the first session of the Human Rights Council “[t]hese mechanisms -- most of which take the form of individual people, chosen for their expertise and serving without pay -- constitute the frontline troops to whom we look to protect human rights, and to give us early warning of violations. By raising the alarm and then investigating, they keep the spotlight of world attention focused on many of our most pressing human rights dilemmas”. Special Procedures “give a voice to the voiceless victims of abuses, and their reports provide a starting point for discussion on the concrete measures that governments need to take to put a stop to violations, and to ensure that human rights are protected in future”.

Over the years, that voice has brought credibility and integrity to the human rights machinery providing daily protection to victims of human rights violations in all parts of the world and working with Member States to make human rights protection more effective.

The mechanism of Special Procedures – that encompasses “Special Rapporteurs”; “Special Representatives of the Secretary-General”; “Representatives of the Secretary-General”; “Representatives of the Commission on Human Rights”; “Independent Experts”; and Working Groups - was created by the United Nations human rights system to bring objectivity, expertise and credibility to the process of monitoring human rights protection.

Their independence from external political or other influence is the crucial element which enables them to fulfil their functions with true impartiality. To retain this unique quality, it is important that potential mandate-holders are in no way perceived to be partisan. Therefore it is required that independent

human rights experts appointed as these Special Procedures are not in decision-making positions within the executive or legislative branches of their Governments. Special Procedures include thematic mandates which investigate the situation of human rights in all parts of the world. Other mandates deal with the overall human rights situations in a specific country. This requires them to take the measures necessary to monitor and respond quickly to allegations of human rights violations against individuals or groups, either globally or in a specific country or territory, and to report on their activities to the United Nations.

We note that cooperation with Special Procedures was a factor taken into account in the elections of the present Members of the Human Rights Council. We encourage the Council to further strengthen this approach by calling on its current and future members to extend full cooperation to Special Procedures, including by extending standing invitations to visit the country. We welcome the ongoing collaboration and constructive dialogue between Special Procedures and current members of the Council - 17 of which have extended standing invitations to all Special Procedures. We hope that the remaining Member States of the Council will consider doing so. We strongly urge that all those countries that have failed altogether to respond to requests for visits, including those which have extended standing invitations, should do so as a matter of priority.

We urge that political commitment is now transformed into substantive action. On our part, we have collectively and individually resolved to take up the challenge of ensuring that the work of the Special Procedures is even more effective and that values of human rights reach every corner of the world. In this setting, we strongly urge the Council to play its lead role and provide the maximum space for all human rights mechanisms to flourish in an enabling system that may be visualised for the future.

We welcome the General Assembly Resolution 60/251 on the Human Rights Council that has called for the maintenance of a system of Special Procedures and we wish to be actively involved with the process of review, called for by the Resolution, that will take place this year. This should lead, among others, to the strengthening of the Special Procedures system and to a greater synergy between the latter and the rest of the United Nations system for the protection of human rights.

Any review should start with a full conceptualization of which role the Special Procedures should play as independent experts advising and supporting the new Human Rights Council, above all in the Universal Periodic Review, to “address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon” and to “respond promptly to human rights emergencies” (General Assembly Resolution 60/251, Op. 3 and 5 f). Only then should a review of the present mandates be undertaken which could cover some of the following issues: selection process designed to ensure independence of action, complementarity and gaps, capacity to fulfil the mandate and related resources, enhancement of follow-up mechanisms, emerging new issues in human rights, etc.

Through consultations over the past year both at our annual meeting and during the informal consultations held in Geneva in October 2005 we have committed ourselves to enhance and strengthen our methods of work in order to carry out our mandates in the most effective way.

We are committed to continue enhancing our working methods in an open and transparent manner. We have two concrete examples illustrating this commitment: 1) we established a Coordination Committee of Special Procedures last year at our annual meeting and 2) we updated the manual on our working methods. We will post the current draft on the internet and invite comments from all our partners before its finalisation and adoption. Both these initiatives can facilitate the involvement and active participation of Special Procedures in defining the designs for reinforcement of Special Procedures and in the process of review of mandates that follows, as well as in the Universal Periodic Review to be undertaken by the Council

At this moment of change, challenges and hope within the international human rights community, we call upon the Council to recognize the essential role of the Special Procedures in strengthening human rights protection by taking the following steps:

- 1) Recognize the Special Procedures system as an indispensable mechanism for the promotion and protection of human rights**

- 2) Provide an opportunity to Special Procedures to directly and effectively interact with the Council by**

- a) **Expediently acknowledging and responding to the mission reports submitted by mandate-holders;**
 - b) **Responding swiftly to early warnings of impending egregious violations and systematically involving Special Procedures mandates holders in the Council's early warning initiatives as well as in thematic debates and emergency sessions;**
 - c) **Providing, during its plenary sessions, for at least one-hour interactive dialogues with each mandate-holder;**
 - d) **Encouraging its members to respond to each specific recommendations made by Special Procedures mandates holders in their reports.**
- 3) **Make the work of the Special Procedures central to the system of Universal Periodic Review, which will be undertaken by the Human Rights Council by**
- a) **Focusing the Universal Periodic Review on assessing States' effective implementation of the findings and recommendations of independent expert bodies, rather than duplicating their efforts;**
 - b) **Making the findings and recommendations of the Special Procedures and Treaty bodies (monitoring committees established by human rights treaties) an essential element of the Universal Periodic Review;**
 - c) **Ensuring that the measure of cooperation given to Special Procedures is a central criterion used to assess States in the spirit of cooperation and constructive dialogue called for in General Assembly Resolution 60/251 on the Human Rights Council;**
 - d) **Involving effectively Special Procedures mandates holders in the process of Universal Periodic Review.**
- 4) **Encourage States to strengthen cooperation with Special Procedures by calling on States to extend invitations to Special Procedures; to promptly provide substantive replies to their communications; to promptly respond to requests for country visits, facilitating access to victims, rights-holders and non-governmental organizations; and to implement the recommendations submitted after the visit.**

- 5) Become an active participant in urging States' implementation of recommendations emerging from mandate-holders mission reports and communications, including enhancement of follow-up mechanisms.**

- 6) Ensure the active participation of Special Procedures in the review of mechanisms through the participation of the Coordination Committee which serves as the contact group with the mandate-holders on issues of collective nature and should be associated *ab initio* and with a consultative status to all reforms undertaken.**

- 7) Request the Secretary General in cooperation with the High Commissioner for Human Rights to provide Special Procedures with human, material and financial resources that will enable them to respond actively to the challenges and expectations that arise in the context of the reform process.**
- 8) Recognize the fundamental role of NGOs, regional and national human rights institutions as key partners of the Council and Special Procedures. We urge that civil society access and participation is maintained and enhanced as an indispensable element of the Council's effectiveness.**

We believe that all of these elements are essential for States to fulfil the great expectations they have raised by creating this new body. They are now expected to take advantage of the pool of experience and knowledge that existed in the former Commission on Human Rights and at the same time of shedding the approach which often undermined the Commission's work. Special Procedures stand ready to take up the challenge to respond to these increased expectations for the benefit of all, in particular the victims of human rights violations, in all parts of the world who continue to look upon them for effective protection of their rights.
