



General Assembly

Distr.
GENERAL

A/HRC/10/24
17 November 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Note by the United Nations High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights has the honour to transmit to the members of the Human Rights Council the report on the fifteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council, held in Geneva from 23 to 27 June 2008.

**REPORT ON THE FIFTEENTH MEETING OF SPECIAL RAPORTEURS/
REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS
OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Geneva, 23-27 June 2008

Rapporteur: Olivier de Schutter

Summary

The fifteenth annual meeting of special procedures was held in Geneva from 23 to 27 June 2008.

Participants elected Asma Jahangir Chairperson of the fifteenth annual meeting and of the Coordination Committee. Olivier de Schutter was elected Rapporteur of the meeting and member of the Coordination Committee. Cephas Lumina, Maria Magdalena Sepúlveda and Gulnara Shahinian were elected members of the Coordination Committee. The former Chairperson, Gay McDougall, will remain an ex-officio member.

Mandate-holders had exchanges of views with the Deputy High Commissioner, the former President of the Human Rights Council, the Council President and members of the Council Bureau. Participants met with representatives of non-governmental organizations and national human rights institutions, and held a joint meeting with participants of the twentieth meeting of persons chairing the human rights treaty bodies.

Participants focused their discussions on the harmonization of their working methods and the adoption of relevant procedures. They also discussed the outcome of the review of special procedures mandates and the universal periodic review. They welcomed the appointment of 16 new mandate-holders.

Mandate-holders adopted their revised manual and their internal advisory procedure to review practices and working methods.

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I. INTRODUCTION

1. Annual meetings of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and the Human Rights Council have been organized since 1994. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 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 (A/CONF.157/24 (part II), para. 95).
2. The fifteenth annual meeting of special procedures was held in Geneva from 23 to 27 June 2008. Participants had before them a provisional annotated agenda and a series of documents prepared by mandate-holders, the Secretariat and other sources.
3. During the meeting, mandate-holders held exchanges of views with the Deputy High Commissioner, the former President of the Council, the current President and members of the Council Bureau. Participants also met with representatives of non-governmental organizations and national human rights institutions, and held a joint meeting with participants of the twentieth meeting of persons chairing the human rights treaty bodies.

II. ORGANIZATION OF WORK

4. The meeting was opened by the Chairperson of the fourteenth annual meeting and Chairperson of the Coordination Committee of Special Procedures, Gay McDougall. The outgoing Chairperson of the Committee gave an explanation of the process of nominations to the Committee that was undertaken by e-mail in advance of the meeting.
5. Participants elected Asma Jahangir Chairperson of the fifteenth annual meeting and of the Committee, and Olivier de Schutter Rapporteur of the meeting and member of the Committee. The three remaining members elected by consensus on 26 June were Cephas Lumina, Maria Magdalena Sepúlveda and Gulnara Shahinian. The former Chairperson will be an ex-officio member of the Committee.
6. Meeting participants expressed deep appreciation for the work carried out throughout the year by the outgoing Chairperson and the other members of the Committee, in particular in connection with the process of review of mandates conducted by the Council and the selection of new mandate-holders. The outgoing Chairperson also thanked the Special Procedures Division for its support for the Committee and for keeping mandate-holders informed about Council developments throughout the year. Mandate-holders approved the agenda as revised.
7. A number of parallel events were organized outside the formal agenda of the meeting, and were attended by several mandate-holders. They included discussions on child rights perspectives and working with the media. Mandate-holders held individual meetings with the Chief of the Travel Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

III. ACTIVITIES OF THE COORDINATION COMMITTEE

8. The outgoing Chairperson briefed participants on the activities of the Committee under her chairpersonship. She outlined a number of challenges that the new Committee had addressed since the previous annual meeting and that the special procedures were facing. These included the institution-building process under Council resolution 5/1, the implementation of the code of conduct adopted by the Council in its resolution 5/2, the revision of the manual of special procedures, the development by the Committee of an internal advisory procedure and the facilitation of an increasing number of joint activities.

9. The first thread of activities of the Committee related to interaction with the Council and other stakeholders with regard to the review of special procedures mandates by the Council. The aim was to ensure that the review of mandates would result in a more effective and strengthened system of special procedures. The second thread of activities related to the selection and appointment procedures mandate-holders; the Committee had submitted a letter to the President of the Council reflecting its views regarding the technical requirements for eligible candidates for mandate-holders. In that regard, at the sixth and seventh sessions of the Council, the Chairperson of the Committee held meetings with the High Commissioner for Human Rights, the President of the Council, members of the consultative group, the coordinators of regional groups and representatives of non-governmental organizations. Through these meetings, the Committee had focused on the independence of the special procedures while articulating its views and trying to help develop confidence in the system of special procedures as a whole.

10. It was noted that the President's statement adopted by the Council on 18 June 2008 on the terms of office of mandate-holders referred to compliance of mandate-holders with the code of conduct. It also acknowledged the Committee as a body representing the special procedures. Participants stressed that the new procedure would need to be applied transparently, fairly and non-selectively, consistent with the independence and the integrity of the special procedures as a whole, and that these same purposes were served by the internal advisory procedure set up under the auspices of the Committee.

11. The third thread of activities concerned the finalization of the special procedures manual. A draft was prepared by a task force and the Committee taking into account the comments submitted by stakeholders as well as the code of conduct adopted by the Council. It was sent to all mandate-holders for their comments. A final draft was prepared incorporating all comments received for discussion at the fifteenth annual meeting with a view to its adoption by all mandate-holders.

12. The Committee held some meetings in Geneva and telephone conferences about every six weeks. Mandate-holders had been consulted by e-mail, telephone and other means on various occasions, with a view to facilitating cooperation and a common response to issues that arose during the year.

IV. HUMAN RIGHTS COUNCIL AND SPECIAL PROCEDURES SYSTEM

A. Update on recent developments: review of mandates, universal periodic review mechanism, selection of mandate-holders

13. The Secretary of the Council briefed participants on recent developments, including the first two sessions of the universal periodic review, interactive dialogues, the complaint procedure, thematic panels, special sessions and the Advisory Committee. He recalled the contribution of the special procedures to universal periodic review reports, panels and special sessions.

14. Expanding on the universal periodic review process, he stated that it had brought positive changes to the human rights machinery by making the consideration of country situations by the Council a regular and universal feature, avoiding the risks of selectivity among States. A total of 192 States would have to interact with the Council in the next four years. Conclusions and recommendations of special procedures had been taken up in many review deliberations. Some States under review had welcomed the work of the special procedures and committed to invite them, with a few pledging to issue a standing invitation. A positive development for the special procedures was that their recommendations constituted half of the review reports, thereby complementing the concluding observations and views of the treaty bodies. The methodology developed by OHCHR to assess each country also drew upon existing regional mechanisms, such as the African Peer Review Mechanism.

15. Participants discussed the question of time allocated to their interactive dialogue at Council and special sessions on thematic issues, including on the negative impact on the realization of the right to food, at the initiative of the Special Rapporteur on the right to food, as well as panels, including on maternal mortality at the initiative of the Special Rapporteur on the right to health.

B. Exchange of views with the former Council President

16. The former Council President and Permanent Representative of Romania, Ambassador Romulu Costea, focused his address on recent developments at the Council that had an impact on the special procedures system and on its relationship with the universal periodic review. He noted that the special procedures system was the backbone of the human rights machinery and underlined the need to preserve the independence and autonomy of mandate-holders in the fulfilment of their mandates. He referred to the President's statement adopted by the Council at its eighth session regarding the terms of mandate-holders. He stated that, while the statement aimed to settle an issue raised by some Member States, it was also intended to preserve the independence of mandate-holders as a condition of the credibility of special procedures, and indeed, of the Council itself. In relation to the selection procedure, he referred to the substantial work undertaken by the Consultative Group and the Secretariat. He stated that one of the challenges for the special procedures remained the implementation of Council resolution 5/2 on the code of conduct and the role of mandate-holders and the Committee in that regard.

17. He stated that the universal periodic review covered various human rights mechanisms, including special procedures, and complemented them. The review and how special procedures could better contribute to it required further discussion. As to the review, rationalization and

improvement of mandates, different views had been expressed by Member States on the way the review of mandates should be conducted and a rolling checklist had been issued as a guidance note.

18. The former President noted that, together, the full cooperation from States and the compliance of mandate-holders with the code of conduct would help to protect the system and advance the implementation of human rights. He also noted that sufficient time needed to be granted to mandate-holders to have a real dialogue with the Council. Referring to availability as one of the criteria for the selection of mandate-holders, he advised mandate-holders to be present at Council sessions whenever their presence was required and to the fullest extent possible, but acknowledged that cases of force majeure could prevent this and noted that the programme of work of the Council should in future be more predictable.

19. In the ensuing discussion, participants raised issues on lessons learned from special sessions, the contribution of special procedures to the universal periodic review process, the predictability of reporting by special procedures, the holding of interactive dialogues with the Council, the implementation of the code of conduct, the translation of reports and the need to further strengthen the work of mandate-holders. The former Chairperson of the Committee took the opportunity to thank the former President of the Council for his work and his openness to several issues raised by the Committee with regard to special procedures.

C. Exchange of views with the Council President and members of the Bureau

20. Participants had an exchange with the President of the Council, Ambassador Martin Ihoeghian Uhomobhi, and with members of the Council Bureau, representatives of Canada (Ambassador Terry Cormier), the Philippines (Ambassador Erlinda Basilio), Argentina (Minister Raul Palaez), and Azerbaijan (Second Secretary Mammad Talibov).

21. Referring to an earlier discussion with the current and former Chairpersons of the Coordination Committee, the President welcomed the possibility of meeting all mandate-holders during their annual meeting. Assuring the special procedures of his continuous support and engagement, the President hoped for close cooperation with mandate-holders in the year to come. He warmly thanked the Committee for its input to the institution-building process, which had been extremely valuable, to shape a strengthened system of protection and promotion of human rights. He encouraged the special procedures to remain engaged in related discussions and to have an open discussion on future cooperation.

22. Participants welcomed the possibility of meeting with the current President of the Council and the members of its Bureau, which would strengthen the relationship between the Council and its special procedures for the benefit of human rights promotion and protection. Participants suggested giving more space to thematic reports during mandate-holders' interactive dialogues. The Council should pay greater attention to special procedures reports, in particular to recommendations that set human rights standards or that provide for concrete operational measures. Some participants expressed satisfaction at the fact that the universal periodic review gave due consideration to special procedures' recommendations. It was felt that the review was a landmark achievement which would allow the Council to move towards the implementation phase. It was noted that the Council considered the code of conduct a tool to help the special

procedures maintain the highest standards of independence and integrity. It was felt that reinforced cooperation had materialized with the outcome of the first thematic special session on the global food crisis.

D. Universal periodic review mechanism and special procedures

23. The Secretariat briefed participants on the universal periodic review and its relevance to the special procedures. It was recalled that the final outcome of the review comprised the Working Group report, the State response to the recommendations in the report and a technical decision adopted by the Council.

24. The contribution of special procedures had proved to be a major part of United Nations compilation reports prepared by OHCHR for consideration by the Council in the universal periodic review process. Overall, the findings and recommendations of special procedures had been referred to frequently during the review. On many occasions, States accepted or supported recommendations relating to issues raised by special procedures. In those cases, the State under review frequently invoked the existing national framework. In a few circumstances, States explicitly rejected recommendations relating to issues raised by special procedures, particularly where specific recommendations were made to amend or repeal legislation or to establish institutions.

25. With regard to recommendations that invitations be extended to special procedures, some countries indicated that they would consider such requests favourably. Some States took the opportunity offered by the universal periodic review to announce their willingness to invite special procedures mandate-holders to visit.

26. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, shared with participants his observations on the universal periodic review and its relevance to his mandate. The question of follow-up to review recommendations by the special procedures was raised. It was noted that, just as the universal periodic review could contribute to the effectiveness of special procedures by encouraging States to cooperate and by referring to recommendations made by the special procedures, the special procedures usefully refer to certain pledges and commitments made by the States in the review process: thus, although the two mechanisms were independent from one another, they could to a certain extent strengthen each other.

27. Participants also suggested that more information should be shared regarding the different purposes served by special procedures and the universal periodic review. It was suggested that the inclusion of special procedures recommendations be monitored in the final review reports.

V. WORKING METHODS

A. Draft revised manual of special procedures mandate-holders

28. Participants discussed the draft revised manual of special procedures mandate-holders. The manual is a mechanism developed in 1999 at the initiative of mandate-holders, a living document that is subject to regular revision. In 2006, a draft revised version was circulated for comment from Governments, non-governmental organizations and other stakeholders. In 2007,

mandate-holders set up a Committee task force in charge of revising the manual further in order to reflect the changes in working methods brought about by the code of conduct and other new developments in the Council.

29. The revised manual presented by the task force integrated comments received on the draft from Governments and civil society organizations. Substantive changes related to the appointment of mandate-holders, as laid out in Council resolution 5/1; the criteria for taking action on communications and the transmission of urgent appeals to concerned Governments through diplomatic channels, unless agreed otherwise, as provided for by the code of conduct; Government responses to be appended to mission reports; and the sharing of public statements with concerned Governments sufficiently in advance of their release.

30. In the discussion that followed, several additions to the manual were proposed by participants, who suggested that the manual should clearly mention that conclusions and recommendations were addressed to Governments as well as to international organizations, civil society and other stakeholders. It was felt that the manual should refer to public statements instead of just press statements, so as to use a terminology consistent with that of the code of conduct. The meeting agreed that the Manual was an operational and living document and that it would be updated whenever necessary. Participants acknowledged the value of the manual in providing guidance to mandate-holders in the course of their work, so as to assist them in fulfilling their mandate in compliance with the code of conduct. It was proposed that the manual include a reference to types of communications other than letters of allegation or urgent appeals, such as letters relating to draft legislation or ongoing international negotiations, in order to reflect the full range of working methods.

31. Participants conveyed their appreciation to the task force for its work and adopted the draft revised manual ad referendum by consensus. An editorial team composed of five mandate-holders would finalize the manual for publication within six weeks of the closing of the annual meeting.

B. Code of conduct and internal advisory procedure to review practices and working methods

32. The Chairperson introduced the interim internal advisory procedure for consideration and adoption by the fifteenth annual meeting. She reminded the mandate-holders that the aim of the procedure was to facilitate the implementation of the code of conduct and the manual of the human rights special procedures, with a view to enhancing the effectiveness and independence of the special procedures system as a whole and of its individual mandate-holders, as well as to providing assistance to all stakeholders where questions relating to the implementation of the code of conduct or to the manual were raised.

33. At the fourteenth annual meeting, the Committee was authorized to give appropriate consideration to any matter concerning the working methods of mandate-holders that might be brought to its attention. In the discussion concerning the role of the Committee under the internal advisory procedure, it was stressed that the procedure could contribute to enhance the core principle of independence of mandate-holders, and should ensure that any failure by

mandate-holders to act in conformity with the code of conduct or the recommendations of the manual were addressed at the earliest stage possible. The meeting decided to adopt the internal advisory procedure by consensus.

C. Strengthening the effectiveness of special procedures: communications and follow-up

34. The outgoing Chairperson introduced a paper on communications prepared by the Secretariat, noting that communications constituted a fundamental part of the regular dialogue of special procedures with Governments. Most mandate-holders respond to human rights violations by either sending urgent appeals or letters of allegations to Governments, depending on the degree of urgency of the case brought to their attention. Depending on the characteristics of their mandate, some experts address more general concerns, whether on structural or legislative issues. The outgoing Chairperson pointed out that, even though the system of communications had greatly evolved over the years with a higher percentage of joint communications along with streamlined working procedures within the Secretariat, some issues deserved further reflection. They included the relatively low rate of responses from Governments, the protection of witnesses, feedback to sources and the issuance of a periodic common report on communications.

35. The proposal that a common report on communications collated on a country-by-country basis be issued was supported, as it would prevent inconsistencies between mandate-holders reporting on the same communications to the Council; avoid unnecessary duplication of work and reduce mandate-holders' workload and rationalize their documents; allow the examination of cross-cutting human rights issues; and ensure that the content of communications and any follow-up given to them would feed into the universal periodic review process more effectively.

36. Participants also discussed the impact of special procedures communications. It was noted that Government responses to communications were not the only indicator for assessing the effectiveness of the work of special procedures. The desirability of further reflecting on criteria to assess the impact of the work of special procedures and on improving the cooperation of States in the communications procedures was flagged. The question of joint communications between country and thematic rapporteurs was also discussed. While the usefulness of comparing approaches and developing common strategies was noted, it was stressed that any decision to take action on a case or situation remained at the discretion of the mandate-holder in the light of his or her mandate and of the criteria laid out in the code of conduct.

37. The Secretariat briefed participants on follow-up practices that had been developed and streamlined over the years by many mandate-holders. They encompassed the variety of measures taken to encourage, facilitate and monitor the implementation of recommendations by any of the special procedures. The different procedures involved diverse methods of work; appropriate methods of follow-up varied according to factors such as whether the mandate was thematic or geographic; the potential contribution of technical cooperation to addressing the issue raised by the communication; and the cooperation and goodwill of the Government(s) concerned. As follow-up activities are essential to assess the effectiveness of special procedures, it was recommended that mandate-holders should continue enlarging their range to techniques to ensure adequate follow-up and share their experiences with other mandate-holders.

D. Cooperation with regional human rights mechanisms

38. The Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, presented the activities undertaken over the past year in relation to cooperation with regional mechanisms. The former mentioned his participation in an OHCHR mission to the Inter-American Commission on Human Rights. He regarded such encounters as beneficial, as they provided a better mutual understanding of each organization's structures, objectives and activities. It also gave him and OHCHR the opportunity to brief key staff members of the Commission on the special procedures.

39. The Special Rapporteur on the independence of judges and lawyers suggested that exchange of information on communications and country visits be strengthened between the special procedures and the "rapporteurships" of the Inter-American Commission on Human Rights specialized in the following thematic areas: freedom of expression; women's rights; migrant workers and members of their families; human rights defenders; human rights of indigenous people; and human rights of persons deprived of liberty. A positive development was the establishment of focal points. With regard to country visits, the Commission and the special procedures were encouraged to use and compile each other's information relating to individual cases, reports and recommendations. The Special Rapporteur suggested that identification and choice of mandate-holders' visits be coordinated in advance with the Commission.

40. The Special Rapporteur on torture referred to his regular exchanges with the African Commission on Human and Peoples' Rights, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of American States (OAS). He was regularly invited to attend sessions of these regional bodies, which were an opportunity to coordinate current activities. They also gave the opportunity to each player to harmonize points of view and opinions so as to mutually strengthen each mechanism. Of particular importance was the careful planning of country visits between regional human rights mechanisms to avoid duplication or to mutually reinforce their impact by ensuring follow-up visits. The Special Rapporteur regretted that a joint mission to Togo with the Special Rapporteur on prisons and conditions of detention of the African Union could not take place owing to lack of funding.

41. The Secretariat of OHCHR updated participants on three missions carried out by staff members of the Special Procedures Division at the end of 2007 to meet with representatives of regional human rights organizations. In October 2007, an inter-branch OHCHR mission travelled to the Inter-American Commission on Human Rights to identify ways to improve coordination between the inter-American human rights system and United Nations human rights mechanisms. Division staff members participated in the forty-second ordinary session of the African Commission on Human and Peoples' Rights, held from 15 to 28 November 2007 in Brazzaville. The main objective of their participation in that session was to identify concrete areas for effective cooperation between OHCHR, the Commission Secretariat and with non-governmental organizations. In November 2007, a group of OHCHR representatives from all branches, including the Special Procedures Division, undertook a mission to the Council of Europe in Strasbourg, France, to examine possible ways of increasing cooperation and making use of

synergies in the work of the respective organizations. Participants, in particular new mandate-holders, were encouraged to strategize their interaction in this field. Participants asked for continued Secretariat support to develop and facilitate cooperation.

42. Participants shared their experiences, including an expert meeting organized at OAS headquarters, to work on a draft inter-American convention against racism and all forms of discrimination and intolerance. They also discussed developments in the Asia-Pacific region, and it was suggested that cooperation with political and economic regional organizations and United Nations offices be fostered in the absence of a full-fledged Asian human rights mechanism. It was suggested their cooperation with regional organizations should be strengthened to follow-up on reports and findings of special procedures mandate-holders.

43. A representative of the Council of Europe reiterated the Council's satisfaction at the ongoing cooperation with the United Nations on human rights, particularly regarding gender equality, the fight against racism and xenophobia, minority rights and torture. She stated that the Council planned to publish a yearbook on human rights with summaries of conclusions and recommendations of European monitoring bodies. The document would provide information on the situation of all 47 States members of the Council of Europe and would be a useful tool for special procedures, also in the context of the universal periodic review. She noted that issues of migration were of concern to the Council, which was considering the preparation of a new convention on naturalization, particularly with a view to facilitating the naturalization of migrant children.

E. Cooperation with the United Nations system: engagement with United Nations country teams and United Nations agencies, programmes and funds

44. The Special Rapporteur on the right to education, Vernor Muñoz Villalobos, introduced the discussion on cooperation with the United Nations system, including United Nations country teams, United Nations agencies, funds and programmes. He emphasized the importance of country teams for special procedures' country missions and the implementation of recommendations.

45. In the ensuing discussion, participants shared their insights on good practices, how to improve cooperation, and challenges during country missions. Participants made some concrete proposals in order to enhance and capitalize on this cooperation. The Secretariat also informed participants on the discussion held by the Policy Committee of the Secretary-General on 20 May 2008, which reaffirmed the centrality of human rights in the development work of the United Nations. The Policy Committee stressed the universality of human rights and the important role of senior officials, including Resident Coordinators, in mainstreaming human rights at the country level.

46. A representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) described his positive experience with special procedures, particularly in relation to the right to education, the fight against racism, minority rights, poverty reduction strategies and migrant workers' rights. He also reaffirmed the willingness of UNESCO to assist and cooperate with special procedures.

F. Developing a common approach to special crisis situations

47. Participants started a discussion on the development of a common approach to serious crisis situations. The former Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, introduced a background paper on this issue.

48. As the previous five years had seen an increase in joint activities by mandate-holders in the form of joint communications, joint missions and joint statements, the former Special Rapporteur suggested that collective responses by mandate-holders should be systematized, distinguishing between preventative work by mandate-holders in cases where certain situations could spiral into grave human rights violations, and collective work in cases of emergency situations. A number of joint initiatives that the special procedures could take were identified, including the formulation of recommendations to relevant neighbouring countries, the international community or United Nations agencies to assist the country concerned. Requesting the Human Rights Council to hold a special session on a crisis situation and playing, wherever possible, a mediatory role in ensuring that dialogue took place among actors responsible for the crisis were also mentioned as potentially valuable tools.

49. Thanking the former Special Rapporteur for his contribution, the Chairperson of the annual meeting added that collective action by the special procedures should take place under well-defined circumstances, such as the existence of an emergency; a threat to peace and security; the imminent or pending character of a humanitarian crisis; the threat of a genocide, war crimes or crimes against humanity; or the existence of a risk of widespread or systematic human rights violations (see paragraph 54 below).

50. A participant stressed that disaster and post-disaster situations should be of particular concern to the special procedures as it was important to determine appropriate human rights frameworks timely and to remind Governments of their international obligations relating to their responsibility to protect populations in situations of humanitarian crisis. Mandate-holders should also play a role in advocating for human rights protection with United Nations or aid agencies while distributing humanitarian aid. Participants stressed that the special procedures were uniquely placed to act as an early warning system in relation to situations involving serious human rights violations thanks to their ability to monitor the situation in any country of the world in the context of their specific mandates. It was also mentioned that the elaboration of general comments or guidelines by several mandate-holders on the requirements of human rights in the context of reactions to humanitarian crises could be developed.

G. Legal issues: amicus curiae briefs and other

51. The Assistant Secretary-General for Legal Affairs, Larry D. Johnson, briefed mandate-holders on the issue of submitting amicus briefs before courts or participating in judicial proceedings in another capacity, particularly in relation to the scope of their immunities and privileges.

52. The Assistant Secretary-General reminded mandate-holders that, while the submission of briefs in legal procedures before national courts was a useful and important tool, they needed to be carefully considered to advance the law incrementally. Without prejudice to the independence

of the special procedures system, the Assistant Secretary-General and the OHCHR Legal Adviser, Mona Rishmawi, reminded participants that amicus briefs should be carefully worded and that a disclaimer should be issued explaining that mandate-holders were expressing their own views, which did not necessarily reflect those of the United Nations or those of the Secretary-General. The latter, through the Office of Legal Affairs, should also be informed about any briefs submitted. The Assistant Secretary-General noted that, when submitting amicus curiae briefs, special procedures were considered “experts on mission”. They are accorded immunity from personal arrest and detention; they are also granted immunity in respect of words spoken or written and acts by them in the course of the performance of their mission; and immunity from legal process of every kind. However, they should be careful not to be drawn into situations where their participation in certain legal procedures could be interpreted as a waiver of those privileges and immunities. Should a question arise as to their privileges and immunities, mandate-holders were encouraged to always seek the advice of the Office of Legal Affairs.

H. Procedures for unusual but vital reporting

53. Mandate-holders discussed a number of situations for which follow-up through reporting or public statements by special procedures acting collectively was considered important, including secret places of detention, the situation of migrants and serious human rights violations in countries for which no geographic mandate had been established. The Chairperson proposed that, in the light of past practice, an agenda item should be added to the forthcoming meetings of special procedures in order to discuss similar topics.

54. Participants discussed the procedure to bring special situations to the attention of the annual meeting. They agreed that any situation of concern should be first brought to the attention of the Committee, which would decide on further action in the light of the guidelines agreed on at the fifteenth annual meeting. The Committee would examine the case and put the matter on the agenda of the annual meeting when the criteria for common action (see paragraph 49 above) are met.

VI. EXCHANGE OF VIEWS WITH THE DEPUTY HIGH COMMISSIONER

55. Addressing the annual meeting of the special procedures mandate-holders on behalf of the High Commissioner, the Deputy High Commissioner underlined their crucial role in the universal human rights protection system. She noted that special procedures had been faced over recent years with a number of challenges that had triggered a collective, fruitful reflection on enhancing their effectiveness. She stressed the impact of the establishment of a committee on the increased effectiveness and coordination of the special procedures.

56. The Deputy High Commissioner welcomed the appointment of mandate-holders under the new selection procedure. She thanked the Committee and OHCHR staff members supporting it for their engagement. Noting the termination of three country mandates, the Deputy High Commissioner mentioned the creation of two new thematic mandates - contemporary forms of slavery, including its causes and consequences, and the right to access to safe drinking water and sanitation - which would undoubtedly help to fill existing protection gaps.

57. In relation to the institution-building process and the changes in working methods that it had incurred, the Deputy High Commissioner was of the view that the code of conduct, if universally, fairly and not selectively applied, was a tool for building greater trust with stakeholders and strengthening the system. Referring to the President's statement on the terms of office of mandate-holders, which provides for an avenue through which cases of alleged persistent non-compliance could be examined, the Deputy High Commissioner advised mandate-holders to make themselves available, through the Committee, for the implementation of that new procedure.

58. The Deputy High Commissioner stated that another priority for the special procedures was their cooperation with the universal periodic review, as it offered a unique political forum to follow up their work. Special procedures could make strategic use of its outcomes. She stated that the special procedures could rest assured of the support and engagement of OHCHR.

VII. INTEGRATING HUMAN RIGHTS APPROACHES AND MECHANISMS INTO THE WORK OF THE SPECIAL PROCEDURES

A. Enhancing the integration of a gender perspective

59. Regarding the integration of a gender perspective in the work of special procedures, the Chairperson shared her experience and outlined the need to consider particular violations against women or specific contributions of women to the promotion of human rights.

60. The Coordinator of the OHCHR Women's Rights and Gender Unit updated mandate-holders on efforts made in this area, particularly the jurisprudential analysis for improving States' way to approach women's rights. Major areas of concern included laws discriminating against women, sexual violence and socio-economic rights. Special procedures could take advantage of the international normative framework, including Security Council resolutions, to advocate for women's rights. There were positive experiences in integrating gender issues in the work of the Special Rapporteur on torture and the Special Rapporteur on adequate housing. For example, the Special Rapporteur on torture devoted a thematic report to and organized a seminar on gender issues and torture. He was also preparing a joint visit with the Special Rapporteur on violence against women. Participants agreed that a holistic approach was needed while considering gender issues.

B. Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

61. Under this agenda item, participants were briefed by the Secretariat on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto that were adopted on 13 December 2006 and entered into force on 3 May 2008. The Conference of States Parties will be convened by the end of 2008, at which States parties will elect the members of the new treaty body established under the Convention. OHCHR will serve as the Secretariat of the future committee.

62. Examples of cooperation between the Secretariat and the special procedures to mainstream the rights of persons with disabilities into mandate-holders' activities were shared. For example,

the Special Rapporteur on education actively participated in the 2006 OHCHR expert seminars on the right to education of persons with disabilities; in 2007, the Special Rapporteur on torture took part in the expert seminar on freedom from torture and other cruel, inhuman and degrading treatment and punishment and persons with disabilities. Subsequently, both Special Rapporteurs had devoted special attention to the rights of persons with disabilities within their mandates, including in the drafting of thematic reports and in their fact-finding missions. Mandate-holders welcomed the briefing by the Secretariat and underlined the need for close cooperation and coordination.

C. Follow-up to the study on violence against children

63. The Secretariat briefed participants on the follow-up to the study on violence against children. General Assembly resolution 62/141, in which the Assembly established the mandate of the Special Representative of the Secretary-General on violence against children, specifically provides that United Nations mechanisms should cooperate with the Special Representative and provide information, where appropriate, on the measures adopted to ensure and respect the rights of children to be protected from violence. The Assembly also requested human rights mechanisms to consider how to use their respective mandates most effectively to contribute to the elimination of violence against children. It was stressed that, while violence against children was an obvious subject of concern for some thematic mandates, such as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on trafficking in persons, especially women and children, all mandate-holders had a role to play in addressing its different manifestations, causes and consequences.

64. The Secretariat presented a number of concrete suggestions to help strengthen special procedures' work in this area, including devoting thematic reports to specific manifestations of violence against children or to violence in specific contexts/circumstances or against specific groups and drafting specific recommendations in the reports concerning children. It was also suggested that meetings be scheduled with children rights non-governmental organizations during mandate-holder missions and consultations organized with children and young people during them. More regular exchanges and interaction with the Committee on the Rights of the Child could also be facilitated as an important means to promote greater attention to children's rights and violence against children under specific mandates.

65. Mandate-holders shared their experience with regard to their work on violence against children. Areas of concern included social exploitation against children, child violence and national criminal system, places where children are deprived of liberty, violence against children in connection to arbitrary detention, education and adoption. Mandate-holders supported the need to strengthen their engagement and contribution to address violence against children.

D. United Nations Declaration on the Rights of Indigenous Peoples

66. The Secretariat briefed participants on the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 on 13 September 2007. The Declaration constitutes a landmark for indigenous people. The Declaration affirms the basic rights of indigenous peoples in a number of areas of special concern for these peoples, whose right to self-determination it recognizes. The Declaration includes references to the right to equality and non-discrimination; the right to cultural integrity;

the rights over lands, territories and natural resources; the right to self-government and autonomy; the right to free, prior and informed consent; and others. The Declaration specifically provides that States shall promote respect for and full application of the provisions of the Declaration and follow up its effectiveness.

67. There was agreement that the rights of indigenous peoples are a cross-cutting issue that concerns all thematic and geographic mandates and that the work of all special procedures mandate-holders is important for the promotion and protection of the rights of indigenous peoples. It was underlined that a number of recommendations of special procedures mandate-holders addressed the concerns of indigenous peoples, although there was a need to strengthen follow-up in the implementation of those recommendations. Participants shared their experiences and good practices in this regard. Mandate-holders agreed that the effective implementation of the Declaration constituted a major challenge ahead, and decided to strengthen their efforts in that regard.

VIII. COOPERATION WITH HUMAN RIGHTS TREATY BODIES

68. Participants had an opportunity to meet with the chairpersons of treaty bodies and to exchange views on questions relating to the follow-up to special procedures and treaty bodies recommendations, including in the context of the universal periodic review. The meeting was co-chaired with the Chairperson of the Committee on the Elimination of Racial Discrimination, Fatimata-Binta Victoire Dah.

69. Participants concurred that the universal periodic review complemented the work of the treaty bodies and the special procedures. The chairpersons of the treaty bodies noted that they would consider including universal periodic review recommendations in their country examinations, including the pledges made by States during the review process, although that would only constitute one of the sources for the identification of issues arising in the examination of countries.

70. Representatives of both special procedures and treaty bodies agreed to raise the existing level of mutual cooperation and coordination. The need to ensure greater interaction was stressed, including through relevant mandate-holders addressing the treaty bodies directly on the occasion of the review of reports of States. This was considered crucial, especially in cases where there were no State reports. Ensuring exchange of information between treaty bodies and special procedures was highlighted. In preparing general comments on the interpretation of treaties which they monitor, human rights treaty bodies consult with the relevant special procedures. It was decided that this practice should be continued.

71. The importance of building on each other's recommendations was stressed by many participants. One mandate-holder explained that he was able to engage in serious dialogues with Governments by basing his country recommendations on treaty body observations and recommendations. The Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, suggested that the Committee on Economic, Social and Cultural Rights could consider preparing a general comment on the impact of counter-terrorism measures on economic, social and cultural rights, and that, similarly, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women could also consider special general comments on the impact of counter-terrorism

measures on the rights of women and children. The possibility for special procedures mandate-holders to schedule their visit to a country prior to the consideration of that country by a treaty body monitoring issues falling under their mandate was flagged by one mandate-holder.

72. It was recommended that consultations should be held in advance on common procedural and thematic issues to be discussed by the joint meeting of treaty bodies and special procedures the following year.

IX. CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS AND NATIONAL HUMAN RIGHTS ORGANIZATIONS

73. Participants had an open discussion with representatives of non-governmental organizations and national human rights organizations, who were invited to discuss increased interaction to strengthen follow-up to the work of the special procedures.

74. Appreciation was expressed by civil society organizations for the professionalism and effectiveness with which the Committee and other mandate-holders had participated in the institution-building process. The non-governmental organization representatives expressed the hope that the Committee would work closely with the President in the following year. Several civil society representatives welcomed the adoption of the internal advisory procedure to review practices and working methods and the manual of the United Nations human rights special procedures, as they constituted sound guidelines that would help mandate-holders to uphold the highest standards of effectiveness and integrity.

75. All non-governmental organizations expressed their strong support for the special procedures system. They agreed that the cooperation of non-governmental organizations was of paramount importance in ensuring follow-up and implementation of mandate-holders' recommendations. Some civil society organizations shared good practices in following up on mandate-holders' recommendations. The organization of follow-up seminars relating to country recommendations or guidelines further to the thematic reports of special rapporteurs was mentioned. Several non-governmental organizations supported the idea of a joint communications report to the Council.

76. Non-governmental organizations indicated how the work of special procedures is used to further advocacy, promoting greater respect for human rights, especially at the national level. They made suggestions about how the work of special procedures could be followed up. In that regard, they particularly referred to the universal periodic review as an important entry point for building on the recommendations of special procedures. Communications by special procedures were highlighted as an important tool, and recommendations were made to further improve it. Joint activities by special procedures, including country visits and follow-up reports, were mentioned as positive developments. The organizations also noted the important role played in monitoring implementation of special procedures' recommendations at the country level. Thematic issues that cross different mandates, including children's rights, gender, sexual orientation and drug abuse, were also raised. The need to identify and fill protection gaps was noted. While neither the Committee nor the special procedures as a whole saw their role as being to review protection gaps, particularly in order to identify the need to establish new special procedures, individual mandate-holders were free to make observations in that regard in the fulfilment of their respective mandates.

77. A representative of the International Coordinating Committee of National Human Rights Institutions emphasized the importance of mandate-holders organizing meetings with national human rights institutions in the context of their country visits and work with them to follow-up on recommendations made during a country visit. An example was provided concerning the Ugandan National Human Rights Commission and the role it played during the mission of the Special Rapporteur on the right to health to the country, and in following up on his recommendations. This was seen as a good practice. In order to obtain or renew their accreditation in accordance with the Paris Principles, national human rights institutions now have to show the steps that they have taken to cooperate with international human rights mechanisms, including implementation of recommendations of special procedures. This was a new and welcome development.

78. Mandate-holders expressed deep appreciation for the work of non-governmental organizations and recognized that they played an important role in supporting the special procedures system, citing several examples of where that relationship had been particularly successful. They highlighted that their discussions held during the week had included consideration of how to improve their impact through communications and their other activities. With regard to the universal periodic review, they noted the need to track progress in implementation during the years between reviews. The role of the Committee was also reaffirmed, with a commitment to continue working with the President of the Council and with the Council itself to address issues of concern to the special procedures system. Several of the new mandate-holders took the opportunity to introduce themselves to the non-governmental organizations.

ANNEXES

Annex I

LIST OF SPECIAL PROCEDURES OF THE HUMAN RIGHTS COUNCIL AND OTHER MANDATE-HOLDERS INVITED TO ATTEND THE FIFTEENTH MEETING

I. THEMATIC MANDATES

1. Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
Raquel Rolnik (Brazil)*
2. Chairperson-Rapporteur of the Working Group on People of African Descent
Peter Kasanda (Zambia)
3. Chairperson-Rapporteur of the Working Group on Arbitrary Detention
Manuela Carmena Castrillo (Spain)*
4. Special Rapporteur on the sale of children, child prostitution and child pornography
Najat M'jid Maala (Morocco)*
5. Special Rapporteur on the right to education
Vernor Muñoz Villalobos (Costa Rica)*
6. Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particular economic, social and cultural rights
Cephas Lumina (Zambia)*
7. Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances
Mr. Santiago Corcuera (Mexico) - represented by Darko Göttlicher, member (Croatia)*
8. Special Rapporteur on extrajudicial, summary or arbitrary executions
Philip Alston (Australia)
9. Independent expert on human rights and extreme poverty
Maria Sepúlveda (Chile)*
10. Special Rapporteur on the right to food
Olivier de Schutter (Belgium)*

* Attended the meeting.

11. Special Rapporteur on the promotion and protection of the freedom of opinion and expression
Ambeyi Ligabo (Kenya)*
12. Special Rapporteur on freedom of religion or belief
Asma Jahangir (Pakistan)*
13. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Paul Hunt (New Zealand)
14. Special Rapporteur on the situation of human rights defenders
Margaret Sekaggya (Uganda)*
15. Special Rapporteur on the independence of judges and lawyers
Leandro Despouy (Argentina)*
16. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
James Anaya (United States of America)*
17. Representative of the Secretary-General on the human rights of internally displaced persons
Walter Kälin (Switzerland)
18. Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
Alexander Nikitin (Russian Federation)*
19. Special Rapporteur on the human rights of migrants
Jorge Bustamante (Mexico)*
20. Independent expert on minority issues
Gay McDougall (United States of America)*
21. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Doudou Diène (Senegal)*
22. Independent expert on human rights and international solidarity
Rudi Rizki (Indonesia)*
23. Special Rapporteur on contemporary forms of slavery, including its causes and consequences
Gulnara Shahinian (Armenia)*
24. Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism
Martin Scheinin (Finland)*

25. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Manfred Nowak (Austria)*
26. Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
Okechukwu Ibeanu (Nigeria)
27. Special Rapporteur on trafficking in persons, especially women and children
Sigma Huda (Bangladesh)
28. Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises
John Ruggie (United States of America)
29. Special Rapporteur on violence against women, its causes and consequences
Yakin Ertürk (Turkey)

II. COUNTRY MANDATES

30. Independent expert on the situation of human rights in Burundi
Akich Okola (Kenya)
31. Special Representative of the Secretary-General for human rights in Cambodia
Yash Ghai (Kenya)
32. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
Vitit Muntarbhorn (Thailand)*
33. Independent expert appointed by the Secretary-General on the situation of human rights in Haiti
Louis Joinet (France)*
34. Independent expert on technical cooperation and advisory services in Liberia
Charlotte Abaka (Ghana)*
35. Special Rapporteur on the situation of human rights in Myanmar
Tomás Ojea Quintana (Argentina)*
36. Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
Richard Falk (United States of America)*
37. Independent expert on the situation of human rights in Somalia
Shamsul Bari (Bangladesh)*
38. Special Rapporteur on the situation of human rights in the Sudan
Sima Samar (Afghanistan)*

III. OTHER

39. Special Representative of the Secretary-General for Children and Armed Conflict
Radhika Coomaraswamy (Sri Lanka)
40. Special Adviser on the Prevention of Genocide and Mass Atrocities
Francis Deng (Sudan)

Annex II

**DECISION TAKEN AT THE FIFTEENTH ANNUAL MEETING
OF SPECIAL PROCEDURES**

Procedure to bring special situations to the attention of the annual meeting

The meeting agreed that any situation of concern should be first brought to the attention of the Coordination Committee that will decide upon further action in light of the guidelines agreed upon by the fifteenth annual meeting. The Committee will examine the case and will put the matter on the agenda of the annual meeting when the criteria for common action* are met.

* See A/HRC/10/24, para. 48.

Annex III

INTERNAL ADVISORY PROCEDURE TO REVIEW PRACTICES AND WORKING METHODS

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 (part II, para. 95). The independence of special procedures mandate-holders is the cornerstone of their integrity and nothing should be allowed to undermine that independence. At the same time, however, mandate-holders agree to discharge their functions and regulate their conduct in a manner totally in keeping with the objective of promoting and protecting human rights.

In the case of the special procedures, the assumption of self-regulation is both appropriate and essential as long as it does not prejudice the observations and the neutrality of the mandate-holders. The principle of self-regulation is crucial to the coherence and viability of a system premised upon independence.

Mandate-holders should draw upon standards set out in the manual of special procedures on human rights, as updated to be in consonance with the code of conduct, as guidance in aligning their individual practices, conduct and methods of work with their ultimate responsibilities to safeguard the potential victims of human rights violations. This is the professional responsibility of each mandate-holder.

To facilitate this process, to enhance the effectiveness and preserve the integrity of the system of special procedures, an internal advisory procedure has been established to provide a standing mechanism for continuous consideration of the practices and working methods of the special procedures. This procedure seeks to seize the earliest opportunity to take action when issues are raised regarding how mandate-holders have met agreed upon standards in the performance of their duties. The emphasis of the process is on issuing guidance notes on the appropriate interpretation of the manual to reflect an evaluation of actual practices and conduct. The procedure will also serve to record innovative methods and document best practices.

The internal advisory procedure does not apply to the substantive assessments made by mandate-holders with regard to country situations or thematic issues. Matters of substance are within the sole purview of each mandate-holder, in accordance with their mandate, impartiality and the highest degree of integrity.

When and what: When a matter is brought to the attention of the Coordination Committee that either (a) calls for an examination of the effectiveness or appropriateness of the methods of work as detailed in the manual; (b) calls for a consideration of whether specific acts or practices align with best practices as presented in the manual; or (c) could be considered a practice prejudicial to the integrity, independence, and impartiality of the system of special procedures or to the protection of human rights.

Who: States Members of the United Nations, OHCHR, other mandate-holders and other relevant stakeholders.

How: By written communication directly to the Chairperson of the Special Procedures Coordination Committee. The communication must be signed, dated and contain the information necessary to contact the author of the communication. If the subject of the communication relates to a specific event or activity, the communication must be timely. Substantial delay may make fair consideration of the matter impossible or moot.

Review procedure: When a communication is received, the Chairperson will first review it for the purpose of determining whether (a) appropriate corrective action has been or can be taken without the necessity for a broader inquiry; (b) intervening events have made action on the communication unnecessary; (c) the basis of the communication is directly related to substantive determinations made by a mandate-holder within the scope of their mandate; (d) the situation described in the communication is on its face either clearly irreproachable or plainly without veracity and/or any other reason that review of the matter should be deemed inappropriate a priori. If any of these apply, then the Chairperson will communicate the same to the author of the communication orally or in writing.

If none of the above descriptions apply, and if the communication relates to the conduct of an individual mandate-holder, the Chairperson will forward the communication to the mandate-holder and request a response. That response and the original communication will then be distributed to the entire Coordination Committee. If the communication is of a more general nature, it will be immediately distributed to the other members of the Coordination Committee for their consideration and comment.

When the matter under consideration is the conduct of an individual mandate-holder, the communication and the subsequent procedure must be treated as a matter of utmost confidentiality. However, the Chairperson may communicate orally or in writing with the author of the communication, the subject mandate-holder and other stakeholders who may have knowledge of the matter, and may review any relevant documents. Neither the Chairperson nor the Committee will undertake to make findings of fact about any matter that is reasonably in dispute.

Outcomes: In addressing matters brought before it as communications, the Committee will be guided solely by its interest in preserving and strengthening the system of special procedures based on integrity, independence and impartiality. The powers of the Committee are limited by its mandate to enhance and facilitate the work of mandate-holders.

In addressing communications, then, the Committee may undertake one or more of the following actions: prepare a guidance note that will be distributed to all mandate-holders and the author of the communication, which sets forth the relevant issues and facts, an explanation of the thinking of the Committee on the matter and, where necessary, a recommendation that the manual be amended to give guidance to all mandate-holders on how such situations might best be handled in the future. The guidance note will not include the name of the author of the communication or of the subject mandate-holder, if individual conduct is in question. Recommended changes to the manual will be vetted by the entire body of special procedures.

In an egregious case, where the Committee finds that the conduct of the subject mandate-holder threatens the integrity of the system of special procedures as a whole, the Committee will inform and provide additional guidance to the subject mandate-holder by private communication in case she or he wishes to take appropriate action. The Committee will also submit its findings to the President of the Human Rights Council.

The Chairperson of the Committee will report to the President of the Council on actions taken under this procedure. The OHCHR Secretariat will give the customary support to the Committee in exercising their functions under this procedure.
