

Note on the activities of the Coordination Committee of Special Procedures in 2009/2010

I. Introduction: Mandate, membership and working methods of the Coordination Committee of Special Procedures

The Coordination Committee (CC) of Special Procedures was established at the twelfth Annual Meeting of special procedures mandate holders in 2005. It was agreed that the CC's main function was to seek to assist coordination among mandate holders and to act as a bridge between them and the Office of the High Commissioner for Human Rights (OHCHR), the broader UN human rights framework, and civil society, and that consequently, it should, *inter alia*, play a role in enhancing the effectiveness and independence of mandate holders and facilitating their work; being available to mandate holders to share experience concerning methods of work; proactively identifying issues of concern to groups of mandates and facilitating joint action on cross-cutting issues or issues of shared concern; and structuring the exchange of information and keeping mandate holders informed of the activities carried out by colleagues (see E./CN.4/2006/4).

The CC is composed of five members elected at the annual meeting of special procedures mandate holders; the members' term of office is for one year, until the following annual meeting. The Chair of the previous CC remains as ex-officio member for another year or until her/his term as mandate holders expires. As per established practice, the elected Chair of the Annual Meeting serves as Chair of the CC, and the Rapporteur of the Annual Meeting becomes a member of the CC.

The CC conducts its work mostly through e-mail and telephone. It meets for its constitutive meeting on the margins of the annual meeting at which it is established, and has established the practice of holding its final meeting of the cycle on the day before the next annual meeting begins; other meetings are held as capacity of members and availability of funds for such meetings allow. The CC is supported in its work by the Information, Coordination and Management Unit of the Special Procedures Branch of the OHCHR, whose Head serves as its Secretary.

II. Development of the mandate, role and functions of the CC since 2005

The mandate of the CC was reviewed by mandate holders at the thirteenth Annual Meeting of special procedures in 2006. 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 Human Rights Council (HRC) and increase synergies between mandate-holders (see A/HRC/4/43).

At the fourteenth and fifteenth Annual Meetings in 2007 and 2008, respectively, mandate holders discussed and outlined a number of issues and challenges to be addressed by the CC, including: implementing the Code of Conduct (CoC); finalizing the draft revised Manual of special procedures; developing a common approach to special crisis situations; and facilitating an increasing number of joint activities (see A/HRC/7/29 and A/HRC/10/24). At the fifteenth meeting, mandate holders adopted

the Internal Advisory Procedure on practices and working methods (IAP) that allows any stakeholder, including States and mandate holders, to bring issues to the attention of the CC for advice and guidance. The IAP was put in place by the CC in 2007, in particular to enable it to address any issues raised under the CoC (A/HRC/RES/5/2).

At the fifteenth meeting, mandate holders also discussed developing their common approach to crisis situations. It was suggested that collective action by the special procedures should be guided by a number of criteria, including the existence of an emergency, a threat to peace and security, an imminent or pending humanitarian crisis, whether genocide, war crimes, or crimes against humanity are being committed or threaten to be committed; and whether there exists a risk of widespread or systematic human rights violations. Mandate holders discussed the procedure to bring special situations to the attention of the annual meeting, and agreed that any situation of concern should be first brought to the attention of the CC that would decide upon further action in light of these guidelines. The CC would examine the case and put the matter on the agenda of the annual meeting when the criteria referred to are met

At the sixteenth Annual Meeting in 2009, mandate holders noted the responsibility of all special procedures as mandated by the HRC to take effective measures to enhance the promotion and protection of human rights, and discussed guidance to the CC to develop a more systematic approach to situations where collective responses by special procedures could be justified and desirable, not pre-empting ongoing joint action by some mandate holders. The CC was requested to keep in mind that the situation should be a particularly serious one consisting of gross and systematic violations of human rights, including war crimes, crimes against humanity, or genocide, or the risk of such violations; or one in which other serious violations of human rights were being committed or threatened, cutting across a wide range of rights as provided in the Universal Declaration on Human Rights; or in cases where the ability of mandate-holders to pursue their work was being obstructed or their independence jeopardized (see A/HRC/12/47).

III. Members and Working Methods in 2009/10

The following special procedures mandate holders were elected as CC members by the sixteenth annual meeting, on 29 June and 1 July 2009, respectively: Mr. Santiago Corcuera Cabezut (Chair and Chairperson of the 16th Annual Meeting), Ms. Najat M'jid Maalla (Rapporteur), Ms. Joy Ezeilo, Mr. Frank La Rue, and Mr. Manfred Nowak. Ms. Asma Jahangir, former Chair, remained on the CC as ex-officio member.

The CC held meetings and telephone conferences and exchanged views through e-mail correspondence. The telephone conferences took place on 10 November and 8 December 2009; and on 26 January, 23 February, 21 April, and 4 June 2010. Minutes of telephone conferences were shared with mandate holders. As of early June 2010, a further meeting had been scheduled for 27 June 2010.

IV. Action taken by the CC since June 2009

1. Overview

The CC took action inter alia in relation to the following issues:

- Procedure for the selection of new mandate holders;
- Orientation for new mandate holders;
- Participation of mandate holders in special sessions of the HRC; Support for the independence of mandate holders and facilitation of discussions between mandate holders and States in relation to cooperation from States and alleged violations by mandate holders of the CoC
- Guidance on working methods, including the implementation of the CoC, and of the IAP;
- The role of special procedures in the context of the HRC review;
- Coordination of joint statements, including press releases on the occasion of specific events or on human rights situations; and
- Interaction with HRC President, members, observers, other stakeholders, and the OHCHR in relation to a number of other thematic and country-related issues; and
- Preparation of the annual meeting of mandate holders.

2. Matters related to the Human Rights Council

2.1 Meetings of the CC Chair

During the thirteenth session of the HRC in March 2010, the CC Chair held meetings with the President of the HRC and with members of the Consultative Group (CG). During these meetings, the CC Chair discussed and stressed notably the following:

- The CC's interest in active engagement with the CG and the President with regard to the selection procedure of mandate holders;
- The importance of having qualified candidates in the Public List, and the CC's consultations with mandate holders to increase outreach and take into account their views on qualifications and skills required by new mandate holders;
- The possibility for special procedures to play a more proactive role in relation to the Universal Periodic Review (UPR);
- The protection of witnesses and victims, in particular the protection of persons in contact with special procedures;
- The need for support to the independence of mandate holders and facilitate constructive dialogue between States and mandate holders, and in this context, concerns about action, including public statements, by some States that did not appear to facilitate constructive dialogue;
- The existence of a sufficient number of implementation tools for the CoC, and the availability of the CC to receive, including through its IAP, information from Member States, OHCHR, other mandate holders and other relevant stakeholders and to take action when issues are raised as to how mandate-holders have met agreed standards in the performance of their duties;
- The importance of safeguarding the role and achievements of the system of special procedures in the forthcoming HRC review process, and the need for enhancing, in this context, cooperation by States and interaction between mandate holders and the HRC, as well as the need for consultation with all relevant stakeholders, including special procedures, throughout the process.

2.2 Selection procedure and update of the Public List

On 13 November, 26 January and 18 February, the CC Chair sent letters to all mandate holders asking them to communicate information on the selection procedure for special procedures mandate holder vacancies to be filled at the thirteenth and fourteenth sessions of the HRC to their networks and interested individuals in order to ensure that suitable candidates could be placed on the Public List. He also asked mandate holders to share with the CC their views and provide information regarding candidates already contained in the list whom they considered as meeting the criteria required to carry out the functions of a special procedures mandate holder.

With the aim to constructively engage with the CG, the CC also asked outgoing mandate holders to provide information regarding the qualifications and skills they consider a new mandate holder must possess to carry out the respective mandate. The CC was pleased to have received responses from all outgoing mandate holders. Information received in relation to candidates for appointments at the thirteenth session of the HRC was shared with members of the CG before its members shortlisted candidates to be recommended to the HRC President. Also, responding to a specific invitation by the CG, on 13 August 2009, the CC Chair submitted views on qualifications required by the future mandate holder of a new mandate established in 2009, the Independent Expert in the field of cultural rights.

The CC Chair also informed mandate holders about the update of the Public List to be carried out by the OHCHR in June 2010, and asked them to reach out to their networks and candidates whom they had been encouraging or supporting.

2.3 Cooperation with special procedures and implementation of the Code of Conduct for mandate holders

The Chair and CC members discussed and raised the issue of cooperation with special procedures in different contexts and with different stakeholders. The CC remained concerned about vague or unsubstantiated allegations made by some States, including during interactive dialogues or general debates at HRC sessions to the effect that some mandate holders had not complied with the CoC. It recalls previous correspondence and discussions with the HRC President and States, including a letter of November 2008 in which the previous CC Chair had called upon the President to encourage States to engage in a constructive dialogue with special procedures mandate holders with a view to enhancing cooperation in the promotion and protection of human rights. It believes that the issue of cooperation will remain one of the CC's main concerns for the foreseeable future, and agrees that it should be addressed proactively by both the CC and individual mandate holders

Over the past year, the Chair offered his good offices to mandate holders and States. He did so, *inter alia*, in the context of a country visit by the Special Rapporteur on torture in October 2009. He sent a letter to the Permanent Representative of Zimbabwe to the United Nations in Geneva on 5 November 2009 and facilitated some discussions; he noted that he remained at the disposal of the parties to follow-up as necessary. The CC was also made aware of allegations of violations of the CoC in the context of the preparation and submission of a joint study on secret detention by four mandates, namely the Special Rapporteur on the protection of human rights while

countering terrorism, the Special Rapporteur on torture, the Working Group on arbitrary detention, and the Working Group on enforced or involuntary disappearances.

The CC was formally approached by two mandate holders with concerns relating to cooperation and the implementation of the CoC, namely by the Special Rapporteur on the protection of human rights while countering terrorism, and by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. The CC Chair and/or members dealt with issues raised under its IAP (see below under IV.4.1., Working Methods, IAP).

2.4 Participation in special sessions of the HRC

As a result of a standing invitation to mandate holders to participate in special sessions of the HRC, which had been agreed between the HRC President and the previous CC Chair in November 2008, arrangements have been made to have special procedures represented at all recent special sessions in 2009 and 2010.

On 14 October 2009, the CC sent a letter to the HRC President regarding the twelfth Special Session of the HRC on the human rights situation in the Occupied Palestinian Territory including East Jerusalem, which took place on 15 October 2009. The letter expressed the special procedures' interest and reaffirmed their commitment as independent experts to support the work of the HRC and remain at its disposal for any action that might be required. Mandate holders were not present at the special session.

On 27 January 2010, at the thirteenth Special Session of the HRC on the support to the recovery process in Haiti, the Independent Expert on the human rights situation in Haiti delivered a statement and conveyed a message of support of the CC.

2.5 Human Rights Council review

The CC was held a meeting on 4 June 2010 to discuss the role and approach of special procedures in the forthcoming HRC review, with a view to discussions to be held with all mandate holders at the 17th Annual Meeting. At an earlier telephone conference on 21 April 2010, the CC discussed various options for engagement, as well as current concerns and perceived future challenges, concluding that it was important to follow closely the various proposals made in the context of the informal discussions preceding the formal establishment and meeting of the HRC's intergovernmental working group on the review. In particular, it was noted that any establishment of a proposed body overseeing the implementation of the CoC could potentially have a major impact on the system of special procedures, and the CC would have to carefully analyze the pros and cons of its involvement in the discussion as well as of the contents of the proposals themselves.

3. Coordination in relation to thematic and country issues

3.1 Human Rights Day Statement 2009

The special procedures mandate holders issued a media statement on 9 December 2009 on the occasion of International Human Rights Day, 10 December. The CC-coordinated statement underlined that the struggle against discrimination must be intensified and given higher priority as a key human rights objective. Ethnic, cultural or religious differences should be acknowledged, valued and respected, not seen as a threat to unity as they too often are, but as a celebrated component of it. The experts pointed out that discrimination may affect all as people migrate, grow older or cope with illness or disability and other inevitable changes in their lives and circumstances. The joint statement highlighted the impact that discrimination has on the lives of millions affected every day and that it takes many forms. “For children deprived of an education because they are girls, their ethnicity, colour or their poverty, it is the denial of a future of opportunity and choice. For the woman or man humiliated or attacked simply because of their difference, because of who they are, it is a burden of fear that they daily endure. For those harassed, threatened or arrested because theirs is a different faith or belief, it is a constant reminder that they are not welcome. Discrimination silences those who most need a voice to speak out for their rights, and denies those who most need a place in the structures of society including in their decision making processes.” The special procedures reflected on their role in the global struggle, noting that within their thematic responsibilities they work to uphold all human rights throughout the world, to speak out uncompromisingly against violations, to work to assist States and civil society, and to support their vital efforts to ensure equality. The experts took hope from the strong re-affirmation provided at the Review Conference of the Durban World Conference Against Racism, that discrimination must and can be eradicated from all societies.

3.2 Situation in Haiti

The Independent Expert on the situation of human rights in Haiti and the CC Chair issued a joint statement on 13 January 2010, urging international support in the aftermath of the earthquake, and extending solidarity and condolences to the population of Haiti which had been deeply affected by a series of natural disasters in 2008. They also noted their concern for staff of the United Nations and other international organizations whose fate was still unknown at the time. Expressing support to the Government, the experts noted that they were aware that international solidarity is already in action and that the United Nations was responding through large-scale mobilization to provide the financial and other support that would be indispensable to help meet urgent needs.

As of early June 2010, a joint statement on the situation in Haiti by special procedures mandate holders drafted consultation with the CC was under preparation, to be delivered at the fourteenth session of the HRC under the agenda item on follow-up to special sessions.

4. Working Methods

4.1 Internal Advisory Procedure

The Internal Advisory Procedure to review practices and working methods (IAP) was adopted by consensus by mandate holders at the fifteenth Annual Meeting in 2008,

after it had been in operation, *ad interim*, since 2007. The aim of the procedure is to facilitate in particular the implementation of the CoC and the Manual, with a view to enhancing the effectiveness and independence of the special procedures system as a whole as well as of its individual mandate-holders, and with a view to providing assistance to all stakeholders where questions emerge relating to practices and working methods. The CC recalls that no formal communications were received under the IAP between 2007 and late 2009. Successive CC chairs have, at the request of mandate holders or other stakeholders, through their good offices, supported the informal resolution of issues or intervened with a view to mediating or preventing the de-escalation of situations (see also above under IV.2.3, Cooperation with special procedures and implementation of the CoC for mandate holders). Over the past year, the CC has become aware of the need to proactively address certain situations that might be of concern to the system as a whole, with due regard for the responsibility and scope of action of individual mandate holders.

The CC received a formal communication under the IAP from the Special Rapporteur on the promotion and protection of human rights while countering terrorism on 11 December 2009 to review and advise whether he had committed breaches against the CoC or other applicable rules and standards of conduct in preparing and presenting his most recent report to the General Assembly. The CC considered that in choosing to address gender issues in his report, the mandate holder neither breached the CoC nor acted outside his mandate as contained in the most recent resolution on the mandate, HRC resolution 6/28, which requests the Special Rapporteur to integrate a gender perspective throughout the work of his/her mandate. The CC considered that the mandate holder is entitled to interpret his own mandate within the framework delineated by the HRC. The CC noted that the IAP does not apply to substantive assessments made by mandate holders with regard to country situations or thematic issues, as matters of substance are within the sole purview of each mandate-holder, in accordance with their mandate, impartiality and the highest degree of integrity. Regarding other alleged violations of articles of the CoC, the CC had no competence since these alleged violations related to the substance of the report. The CC Chair communicated the outcome to the HRC President in a letter dated 26 February 2010.

The CC Chair received a formal communication under the IAP from the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 on 31 May 2010. At the time of drafting the present Note, the communication and a response were being considered.

4.2 Other guidance provided to mandate holders and other stakeholders

The Chair and CC received requests for guidance from a number of mandate holders. Notably, in May 2010, the CC dealt with a query from a country mandate holder in relation to visits of countries other than those directly covered by the mandate. The CC recalled that matters of substance remained within the sole purview of individual mandate holders, and advised that information-gathering activities from major credible sources of information, irrespective of their location, might enable the mandate holder to more fully exercise their mandate. It suggested that all relevant procedures should be followed, i.e. any trip should be organized independently to

ensure non-interference by external stakeholders; and concerned States should be duly notified before public reporting.

4.3 Orientation session for new mandate holders

In September 2009, an orientation session for the six new mandate holders who joined the system of special procedures in 2009 was carried out by the Chair of the CC, a former Chair, Mr. Vitit Muntarbhorn, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and Ms. Catarina de Albuquerque, Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, invited as a resource person. Mandate holders were familiarized with their roles and responsibilities, including under the CoC, and with working methods as stipulated in the Manual. The induction session also discussed questions of the independence of mandate holders, including the provision of support from the OHCHR and other stakeholders, and cooperation with States. The role of the CC was explained and mandate holders encouraged to coordinate with and among each other, and to bring any issues requiring guidance to the CC.

The CC Chair also met in November 2009 with Ms. Farida Shaheed, a new mandate holder appointed to the mandate of the Independent Expert in the field of cultural rights at the twelfth session of the HRC in October 2009.

The CC Chair sent letters to outgoing mandate holders whose terms ended in 2010, thanking them for their contributions to the work of the special procedures.

5. Other issues

On 5 February 2010, the Chair sent a letter of condolence to the brother of Mr. Ralston Nettleford, a member of the Working Group on people of African descent, who passed away while on mission to the United States of America in January 2010.

6. Cooperation with and support by the Office of the United Nations High Commissioner for Human Rights

The CC Chair held meetings with the Deputy High Commissioner for Human Rights and with the Director of the Human Rights Council and Special Procedures Division in March 2010. He also met several times with the Director of the Special Procedures Division (2009) / Chief of the Special Procedures Branch (2010), respectively. Apart from issues relating to cooperation/interaction with the HRC (see above under point IV.2.1), issues discussed at the meetings include the following:

- The importance of continued political support by the HC to enhance the independence of special procedures, encourage cooperation and constructive dialogue by States, and provide support in the context of criticism by some States relating to alleged violations of the CoC or other types of allegations against individual mandate holders;
- The importance of encouraging enhanced follow-up to recommendations of special procedures at the national, regional and international levels;

- The essential role of the HC in promoting the standing of the special procedures as a system within the broader framework of the United Nations and its human rights programme;
- The need to ensure that candidates recommended by the CG and whose appointment is approved by the HRC are qualified candidates with a human rights background;
- The interest and involvement of special procedures in the HRC review process;
- The need for the CC to proactively address issues raised under the CoC, including through its IAP, and through other ways of facilitating constructive dialogue between States and mandate holders.

V. Some proposals on the future role and activities of the CC

The role and functions of the CC as well as that of individual mandate holders and the system of special procedures will be discussed at the seventeenth Annual Meeting to be held in Geneva from 28 June to 2 July 2010. Discussions are likely to focus in particular on the independence of special procedures and cooperation by States, developments such as the forthcoming HRC review, and action on emerging issues and crisis situations. The CC submitted some proposals in its reports to the fourteenth, fifteenth and sixteenth Annual Meetings with a view to consolidating the CC's role in creating greater synergies within the system of special procedures, supporting their independence, enhancing cooperation and constructive dialogue by States with the special procedures, and ensuring their continued effectiveness and efficiency. Some of these proposals have been discussed at the annual meetings of special procedures and have been implemented; others have been taken up by the CC inter-sessionally. The CC would like to recall some suggestions and add others on a number of issues that it considers important:

- identifying ways and means to encourage cooperation by States and foster constructive dialogue between States and mandate holders, including through proactively addressing alleged violations of the CoC, and supporting mandate holders in taking responsibility for using agreed working methods;
- identifying cross-cutting issues or issues of concern to groups/clusters of mandates, and bringing these to the attention of the HRC and Member states, to facilitate action and follow up; in this context, proposing annual exchanges of views of the CC and the HRC on major issues of concern and those requiring follow up by the HRC or the special procedures;
- identifying and proposing thematic or country-related issues for special sessions and thematic debates of the HRC, collecting the views of mandate holders for input into special sessions or thematic debates and ensuring the involvement of mandate holders in such events;
- ensuring enhanced coordination of country visits, e.g. by facilitating regular and periodic advance joint planning of visits;
- ensuring enhanced coordination of public statements, e.g. by facilitating regular and periodic joint planning of media activities;
- enhancing follow-up of recommendations, e.g. by facilitating the exchange of information of current follow-up practices adopted by mandate holders;

- increasing direct outreach to the HRC, States, NGOs and other stakeholders through the use of more regular briefings as well as private meetings of the Chair and CC members with concerned stakeholders;
- ensuring that working methods are reviewed on a regular basis, taking into account the views of Member States, non-governmental organizations, OHCHR and other stakeholders.

The CC encourages mandate holders to discuss these and other potential suggestions for strengthening the role of the CC, while duly taking into account the responsibility and scope of action of individual mandate holders, and keeping in mind the capacity of members of the CC and of the OHCHR.

VI. Acknowledgements

The CC wishes to thank all mandate holders for their valuable contributions to its work, as well as for their encouragement and confidence expressed over the past year. The CC gratefully acknowledges the professional and efficient support provided by the Special Procedures Division (2009) / Branch (as of 2010) of the OHCHR, in particular its Information, Coordination and Management Unit.

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