

Developments at the Human Rights Council since June 2008

Note by the Secretariat

I - Review of mandates

The review process of special procedures mandate holders continued through the ninth session of the Human Rights Council (HRC) in September 2008 and resulted in the extension of all thematic mandates. A new mandate on cultural rights was created in March 2009.

Four country mandates were discontinued in the last two years. The Council has adopted different practices in relation to the extension of remaining country mandates: the Burundi mandate was extended until the establishment of a national human rights commission; the Sudan mandate was extended for nine months until June 2009; and the Somalia mandate was extended for six months until September 2009.

II - Selection procedure

HRC Resolution 5/1 laid out a new selection procedure for special procedures mandate holders. Mandate holders should meet the following criteria according to decision 6/102:

1. Qualifications: relevant educational qualifications or equivalent professional experience in the field of human rights. Good communication skills in one of the UN languages.
2. Relevant expertise: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations work in the area of human rights; proven work experience in the field of human rights.
3. Established competence: nationally, regionally or internationally recognized competence related to human rights.
4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

The members for June 2008 to June 2009 of the Consultative Group, comprised of one member nominated by each regional group, are the Ambassadors of Bulgaria, Senegal, Spain, Sri Lanka and Uruguay serving in their personal capacity. The Consultative Group submitted lists of proposed candidates to the President who undertook further consultations with relevant stakeholders, and at the ninth and tenth sessions, on 1 September 2008 and 25 March 2009 respectively, the Council approved the appointments of five new mandate holders for four mandates. Four of these mandate holders took up their functions on 1 November 2008¹ and one mandate holder on 1 May 2009².

¹ Ms. Monorama Biswas (representative for the Asian Group) and Ms. Mirjana Najcevska (representative from the Eastern European Group), Working Group on people of African Descent; Mr. Olivier de Frouville (representative from Western European and other States Group), Working Group

The Consultative Group made recommendations to the President for the appointment of five new mandate holders³ at the eleventh session of the Human Rights Council in June 2009.

III - Special Sessions

Between June 2008 and April 2009, the Human Rights Council held three special sessions. At the eighth special session, on the Democratic Republic of the Congo, held on 28 November and 1 December 2008, the Council adopted a resolution inviting “all the thematic special procedures mentioned in its resolution 7/20 to urgently examine the current situation in the east of the Democratic Republic of the Congo with a view to providing a comprehensive report to the Council at its tenth session on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo”. The mandate holders subsequently presented a joint report to the tenth session of the Council.

At the ninth special session, on the human rights situation in the Occupied Palestinian Territory, held on 9 and 12 January 2009, the Council adopted a resolution requesting “all relevant special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, to urgently seek and gather information on violations of the human rights of the Palestinian people and submit their reports to the Council at its next session”. The mandate holders presented a joint report to the tenth session of the Council in March 2009.

At the tenth special session, on the global economic and financial crisis, held on 20 and 23 February 2009, the Council adopted a resolution inviting “relevant thematic Special Procedures, within their respective mandates, building on the deliberations of this special session, to consider any of the impacts of the global economic and

on Enforced or Involuntary Disappearances; and Ms. Catarina de Albuquerque, Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation

² Mr. Surya Prasad Subedi, Special Rapporteur on the situation of human rights in Cambodia

³ Representative from the Western European and other States Group, Working Group on people of African Descent; Representative from the Western European and other States Group, Working Group on Arbitrary Detention; Representative from the Asian Group, Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on violence against women, its causes and consequences.

financial crises on the realization and effective enjoyment of all human rights particularly economic social and cultural rights, and to integrate their findings in this regards in their regular reports presented to the Human Rights Council, with special attention to non-discrimination and to ways and means to ensure respect for and protection of the human rights of vulnerable and marginalized groups, particularly women, children, migrants, migrant workers and their families, indigenous peoples, and people living in poverty, and on the elimination of acts of racism and xenophobia and promoting greater harmony and tolerance in all societies”.

On 28 November 2008, the Chair of the Coordination Committee of Special Procedures sent a letter to the President of the HRC asking him to consider inviting, through the Coordination Committee, a representative of the special procedures mandate holders to participate in future special sessions convened by the Council. The President responded positively to this request. As a result of this open invitation, arrangements have been made to have special procedures represented at all recent special sessions.

The resolutions emanating from Special Sessions have also required committing human and financial resources to their implementation. To date, the Council has expected that such commitments are met from within existing resources. This matter has been brought to the attention of the President and Member States and will require appropriate strategies.

IV - Panels

The holding of substantive thematic panels is becoming a hallmark of the Council. Special procedures are increasingly engaging as experts in such panels which in 2008/9 have dealt with issues such as the the integration of gender perspectives, the rights of children, the global food crisis, the rights of women, and climate change. This has increased the visibility of special procedures. Measures are being taken to address the need for additional resources related to their participation.

V - Universal Periodic Review

The third, fourth and fifth sessions of the Human Rights Council Working Group on the Universal Periodic Review (UPR) were held from 1 to 15 December 2008, 2 to 13 February 2009 and 4 to 15 May 2009. Sixteen countries were reviewed at each session.

Special procedures recommendations and other information were included in the compilation reports prepared by OHCHR. Several were referred to by countries during the interactive dialogue with the States under review. A number of recommendations - notably to issue invitations to all or specific mandate holders, to implement recommendations made by special procedures following country visits, or to cooperate in other ways - were included in the reports of the sessions. Some were accepted by the States under review. Four States (Chile, Monaco, Republic of Korea, and Zambia) issued standing invitations to special procedures either before or after their review in 2008 or 2009.

VI - Durban Review Conference

The Durban Review Conference took place in Geneva from 20 to 24 April 2009. It evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001. The outcome document was adopted by consensus on 21 April 2009.

The CC Chair delivered a statement on behalf of all mandate holders on 24 April 2009. In the statement, mandate holders condemned racism, racial discrimination, xenophobia and related intolerance everywhere and welcomed “the attention and focus that has been given to these issues globally and the progress that has been achieved to-date as a result of the Durban process”. The CC Chair underlined that “as human rights mandate holders we are deeply invested in the enormous challenge of eliminating racism worldwide. We believe that this common goal has significant implications for the protection and promotion of all human rights for all people, everywhere. Racism, racial discrimination, xenophobia and related intolerance impact on all of the mandates entrusted to us by the Human Rights Council” and she urged the Conference to give due consideration in its work to the many concerns raised by the independent experts.

Several mandate holders also participated in the general debate at the Durban conference, including the Special Rapporteur on racism, the Independent Expert on minority issues, the Special Rapporteur on freedom of expression, the Special Rapporteur on religion, the Special Rapporteur on migrants and the Special Rapporteur on slavery. A number of special procedures mandate holders participated in the side events organized by OHCHR and other stakeholders.

VII - Advisory Committee

The Human Rights Council Advisory Committee (AC) held its first session from 4 to 15 August 2008. The AC adopted five recommendations submitted to the Human Rights Council on publication of studies completed by the Sub-Commission on the Promotion and Protection of Human Rights, on new bodies established by the Human Rights Council, on the right of peoples to self determination, and on Sub-Commission studies. At its second session held from 26 to 30 January 2009, the AC adopted seven recommendations submitted to the Human Rights Council at its tenth session: on human rights education and training, on missing persons, on gender mainstreaming, on subsidiary bodies of the Human Rights Council, on elimination of discrimination against persons affected by leprosy and their family members, on protection of civilians in armed conflict, and on the right to food. Special procedures mandate holders may contribute to the thematic studies to be developed by members of the Advisory Committee, or may follow-up on them.

VIII - Social Forum

The 2008 Social Forum took place from 1 to 3 September 2009. A number of experts supported the Forum that focused *inter-alia* on the eradication of poverty in the context of human rights and the social dimension of the globalization process. The

Independent Expert on human rights and extreme poverty, the Independent Expert on foreign debt and the Special Rapporteur on the right to food participated in the Forum addressing the normative framework for the elimination of poverty, the interplay between foreign debt and poverty and the food crisis and the right to food, respectively, and provided recommendations on the future activities of the Forum.

IX - Forum on Minority Issues

The inaugural Forum on Minority Issues was held on 15 and 16 December 2008 on the thematic issue of “Minorities and the Right to Education”. The Independent Expert on minority issues was required under Council resolution 6/15 to guide the work of the Forum and prepare its annual meetings. A series of thematic recommendations on minorities and the right to education were developed in the Forum and reported on to the Human Rights Council in March 2009 by the Independent Expert.

X - Expert mechanism on Indigenous Peoples

The expert mechanism on the rights of indigenous peoples, established to provide the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council, held its first session from 1 to 3 October 2008. The Special Rapporteur on Indigenous People participated in that session and cooperates closely with the expert mechanism.