



# General Assembly

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## Human Rights Council

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Agenda item 5

Human rights bodies and mechanisms

### Note by the United Nations High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the members of the Human Rights Council the report of the seventeenth meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council, which took place in Geneva from 28 June to 2 July 2010.

## **Report of the seventeenth meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council (Geneva, 28 June-2 July 2010)**

**Rapporteur: Shamsul Bari**

### *Summary*

The seventeenth annual meeting of special procedures was held in Geneva from 28 June to 2 July 2010. A list of the special procedures of the Human Rights Council and mandate holders attending the seventeenth annual meeting appears in the annex.

Participants elected Ms. Najat Maalla M'jid Chair of the seventeenth annual meeting and of the Coordination Committee. Mr. Shamsul Bari was elected Rapporteur for the meeting and a member of the Committee. Ms. Catarina de Albuquerque, Mr. Githu Muigai, Ms. Mirjana Najcevska and Ms. Raquel Rolnik were endorsed as members of the Committee selected by the Chair.

Mandate holders held exchanges of views with the Deputy High Commissioner, the President of the Council and members of the Bureau, the former President of the Council, and with States. Participants held discussions with participants in the eleventh Inter-Committee Meeting of treaty bodies, as well as with representatives of United Nations entities, field presences of the Office of the High Commissioner for Human Rights, representatives of non-governmental organizations and national human rights institutions.

Discussions focused on the independence and effectiveness of the special procedures, harmonization of working methods, and the approach of the system of special procedures to the Human Rights Council review. Participants stressed the importance of strengthening the special procedures system through the review and emphasized the importance of according them the possibility to participate in the process as equal partners. They agreed on a proactive role to be assumed by the Coordination Committee and mandate holders in the review process. They also discussed the role of special procedures in early warning and natural disasters and coordinated follow-up to the work of human rights mechanisms, including special procedures, treaty bodies and the universal periodic review. They noted the appointment of 11 new mandate holders during the thirteenth and fourteenth sessions of the Council, welcomed new mandate holders participating in the annual meeting for the first time, and paid tribute to outgoing mandate holders.

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### Annex

List of special procedures mandate holders of the Human Rights Council and other mandate holders invited to attend the seventeenth meeting

## **I. Introduction**

1. Annual meetings of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Commission on Human Rights and the Human Rights Council have been held 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 I), para. 95).

2. During the meeting, mandate holders held exchanges of views with the United Nations Deputy High Commissioner for Human Rights, the President of the Human Rights Council and members of the Bureau, the former President of the Council, and with States. Participants met with participants in the eleventh Inter-Committee Meeting of treaty bodies, representatives of United Nations entities, field presences of the Office of the High Commissioner for Human Rights (OHCHR) and with representatives of non-governmental organizations (NGOs) and national human rights institutions (NHRIs).

## **II. Organization of work**

3. The meeting was opened by Mr. Santiago Corcuera, Chair of the sixteenth annual meeting and Chair of the Coordination Committee (Committee) of special procedures.

4. On 28 June 2010, Ms. Najat Maalla M'jid, Special Rapporteur on the sale of children, child prostitution and child pornography, was elected Chair of the seventeenth annual meeting and of the Committee, and Mr. Shamsul Bari, independent expert on the situation of human rights in Somalia, was elected Rapporteur of the meeting and a member of the Committee. On 1 July, Ms. Catarina de Albuquerque, independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation; Mr. Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Ms. Mirjana Najcevska, Chair-Rapporteur of the Working Group of Experts on People of African Descent; and Ms. Raquel Rolnik, 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, were endorsed as the four other members of the Committee selected by the Chair.

5. On 28 June 2010, the meeting adopted the agenda and the programme of work.

## **III. Activities of the Coordination Committee**

6. The former Chair of the Coordination Committee briefed participants on the activities of the Committee in 2009/2010 and made suggestions on how to strengthen the special procedures system. He thanked all mandate holders for their valuable contributions, as well as for their encouragement and confidence throughout the year.

7. The former Chair recalled that there had been numerous developments in relation to the mandate, role and functions of the Committee since 2005, and that the Committee had taken a more proactive role to facilitate the interaction between special procedures, States and the Council, and to increase collaboration and information-sharing between mandates to reinforce the system of special procedures. The Manual of Operations of the Special Procedures of the Human Rights Council had been revised; a more systematic approach to situations, especially in the context of crises, where collective responses by special procedures could be justified and desirable had been developed, and an increasing number

of joint activities were being implemented. The Code of Conduct had been addressed through the Internal Advisory Procedure on practices and working methods, which allows any stakeholder, including States and mandate holders, to bring issues to the attention of the Committee for advice and guidance.

8. The former Chair informed participants that during 2009/2010 action had been taken in relation to the following issues: the selection procedure of new mandate holders; orientation sessions for new mandate holders; participation of special procedures in special sessions of the Council; facilitation of dialogue among mandate holders and States; guidance on working methods, including implementation of the Code of Conduct and the Internal Advisory Procedure; coordination of joint statements, including press releases; interaction with the President of the Human Rights Council, the members of the Consultative Group, other stakeholders and OHCHR in relation to a number of other thematic and country-related issues; and preparation of the annual meeting of mandate holders. It was noted that between 2009 and 2010 the Internal Advisory Procedure had been activated on two occasions by mandate holders. The outcome of the process had been communicated to those mandate holders, as well as to the President of the Council.

9. Participants expressed deep appreciation for the work of the former Chair and other members of the Coordination Committee and wished the new Committee well. They agreed that when the next Committee would be constituted, there would be a call for expressions of interest. They noted the need for regular and strengthened engagement by the Committee with the Council over the next year and referred to the upcoming Council review as an opportunity for the Committee. They stressed the importance of strengthening the special procedures system through the forthcoming review, and discussed concerns regarding the application of the Code of Conduct, in particular allegations of violations considered unjustified or unsubstantiated. The linkages between the special procedures system and the universal periodic review were also highlighted, in particular the positive impact of the universal periodic review in cases where mandates had been given access to countries for official visits. Participants encouraged the new Committee to explore substantive involvement and participation by special procedures in the second cycle of the universal periodic review.

10. The former Chair thanked the Special Procedures Branch of OHCHR for its support to the Committee and for keeping mandate holders informed about developments at the Council throughout the year.

#### **IV. Exchange of views with the Deputy High Commissioner**

11. Participants held an exchange of views with Ms. Kyung-wha Kang, United Nations Deputy High Commissioner for Human Rights. Ms. Kang emphasized the importance of the work of special procedures and reiterated the commitment of OHCHR to provide the system of special procedures with substantive and administrative support necessary for the effective discharge of the mandates. She indicated that the Office was available to assist special procedures to expand their scope of action with regard to early warning, which would enhance the capabilities of the Human Rights Council in that area. She noted that OHCHR would continue to support special procedures in their interaction with States in relation to follow-up to their recommendations, including through its field presences. She acknowledged the challenges that the special procedures faced in promoting follow-up to their recommendations and fulfilling additional mandates or carrying out additional activities within existing resources. She also suggested that consideration be given to the need to address lack of cooperation by some States, and situations of unjustified or unsubstantiated criticism.

12. Ms. Kang made clear that the Council review in 2011 was an opportunity for special procedures to suggest ways to strengthen that body. She suggested constructive engagement through concrete and practical proposals in relation to issues such as the role of special procedures in early warning, and in rapid response to urgent situations and cases of grave human rights violations, and emphasized the enhancement of interactive dialogues and follow-up by the Council to the work of the special procedures. She highlighted the synergies between the universal periodic review and the special procedures, with the outcome of the universal periodic review being an additional entry point for mandates to engage in dialogue at the national level. Special procedures could also suggest ways of enhancing the universal periodic review. As regards linkages with the human rights treaty bodies, the Deputy High Commissioner mentioned opportunities for further systematization of cooperation with, and the need to effectively follow up on the results of all the mechanisms through, other United Nations entities, OHCHR field offices and stakeholders. Ms. Kang commended the Coordination Committee for its work, including with regard to harmonized working methods and the challenges experienced by special procedures mandate holders. She also noted that she looked forward to the proposals of mandate holders relating to enhancing cooperation, dialogue and effectiveness in working methods and relations of mandate holders and the Office. OHCHR would work with the Coordination Committee on required follow-up.

13. Mandate holders expressed appreciation for the support that the Office provided to the special procedures and emphasized the importance of action with OHCHR on issues relating to the independence of mandate holders, cooperation by States, and follow-up on their work. The limited resources available negatively impacted on the capacity of mandates to enhance follow-up, conduct country visits and undertake other activities, including in relation to individual communications. The need to ensure adequate resources and their allocation in a transparent and equitable manner, and to involve mandate holders in that process, was underlined. Participants indicated the need to further enhance the transfer of knowledge to new mandate holders. A working group guided by the Coordination Committee Chair was established to identify issues of concern and suggested actions, including in respect of the relationship of mandate holders and OHCHR.

## **V. The Human Rights Council and the special procedures system**

### **A. Exchange of views with the former President of the Human Rights Council**

14. Mr. Alex van Meeuwen, Permanent Representative of Belgium to the United Nations Office at Geneva and former President of the Human Rights Council, highlighted the increased participation of special procedures in the work of the Council in panel discussions and special sessions, but suggested that it could be further enhanced through a more active contribution to the universal periodic review. He also stressed the importance of the proactive participation of mandate holders in the review of the Human Rights Council. The review provided an opportunity for mandate holders and others to reflect on the forms of cooperation of the Council with the special procedures, as well as the tools that needed to be strengthened or created to better communicate with States. He mentioned the need to continue engaging in a constructive dialogue with States, while safeguarding mandates and their independence.

15. Participants thanked Mr. Van Meeuwen for the support he gave to the special procedures during his presidency. They raised concerns with regard to States' allegations of

breaches of the Code of Conduct by mandate holders. Participants also raised issues regarding cooperation on country visits, and the selection and appointment of new mandate holders.

## **B. Exchange of views with the President of the Human Rights Council and members of the Bureau**

16. Participants had an exchange with the President of the Human Rights Council, Mr. Sihasak Phuangketkeow (Permanent Representative of Thailand to the United Nations Office at Geneva), and members of the Bureau, Ms. Bente Angell-Hansen (Permanent Representative of Norway), Mr. Arcanjo Maria Do Nascimento (Permanent Representative of Angola), Mr. Fedor Rosocha (Permanent Representative of Slovakia), and Mr. Juan Quintanilla, representing Mr. Rodolfo Reyes Rodríguez (Permanent Representative of Cuba).

17. The President indicated that his presidency would focus on nurturing a constructive, inclusive and transparent dialogue among all stakeholders, including States, civil society and mandate holders. The challenge of the upcoming Human Rights Council review provided opportunities and challenges, and he indicated that he was considering the proposal of his predecessor on the modalities of the review, including the meetings of the working group.

18. The President emphasized that the special procedures were a vital component of the United Nations human rights system. He would therefore strive to work with mandate holders to ensure a more productive and enhanced constructive dialogue between them and the Council. The President and Bureau members noted the need for an environment of mutual respect and assured special procedures of their support. Mandate holders called for support for their independence and cooperation by States, as well as for greater follow-up to their work. They proposed the enhancement of interactive dialogues and suggested their work should be more integrated into the Council, especially with regard to the universal periodic review.

## **C. Exchange of views with States**

19. Mandate holders thanked States for the opportunity to engage in an open dialogue, and assured States of their intention to contribute to the improvement of the work and functioning of the Council, in particular with regard to enhancing the interaction and cooperation between special procedures and the Council. Mandate holders emphasized the importance of according them the possibility of participating in the Council review process as equal partners.

20. States stressed the importance of having direct exchanges with mandate holders in addition to interactive dialogues during Council sessions, and expressed support for the work of special procedures. Participants stressed the importance of preserving the independence, objectivity and impartiality of special procedures. Strategies to enhance cooperation between States and mandate holders were discussed, including: standing invitations; country visits; responses to communications, which should be both timely and substantive; follow-up to recommendations contained in thematic and country reports; and interactive dialogues between mandate holders and States. It was acknowledged that mandate holders faced a challenging task in fulfilling their mandates given available resources and capacity, and that continued and increased support was required from all stakeholders to achieve the promotion and protection of human rights on the ground for all.

21. State representatives and mandate holders agreed that the Human Rights Council review process afforded an opportunity for greater cooperation and collaboration among special procedures and States, and the creation of a working group of special procedures to interact with the Council in the review process was suggested.

#### **D. Review of the Human Rights Council**

22. Participants discussed the role and approach of special procedures to the review of the Council. In its resolution 60/251 on the Human Rights Council, the General Assembly decided to review the status of the Council within five years, and that the Council would review its work and functioning five years after its establishment and report to the General Assembly.

23. Participants were briefed on the developments relating to ongoing formal and informal discussions on the review. They were informed that the General Assembly had appointed Mr. Christian Wenaweser, Permanent Representative of Liechtenstein, and Mr. Mohammed Loulichki, Permanent Representative of Morocco, to serve as co-facilitators for the consultations on the Council's status review in New York. In its resolution 12/1, the Human Rights Council had created an open-ended intergovernmental working group on the review of the work and functioning of the Council to facilitate the process in the Council. It was noted that the modalities and schedule for the review were being discussed by States; the first session of the open-ended working group was scheduled for October 2010. Issues which had been raised in relation to special procedures included cooperation by States, enhancement of working methods, ensuring compliance with the Code of Conduct, and financial and other support for special procedures.

24. Mandate holders were informed that the former President of the Human Rights Council had initiated consultations with States and presented a proposal for a road map and schedule for the review of the Council. The development of the road map was now in the hands of the incoming President. Some States had suggested the review follow the logic and order of resolution 5/1 of the Human Rights Council, including all mechanisms of the Council; others had suggested that the review consider and evaluate the scope of protection of human rights accorded to the Council at present under General Assembly resolution 60/251.

25. Participants discussed the need for States and special procedures to take a more active role on the follow-up to recommendations. They stressed that the review of the Council relate to the work and functioning of the Council itself and that discussions should focus on how the Council could strengthen the system and enhance its most flexible and independent tools. The Council review should unequivocally support the independence of the special procedures, including by ensuring mandates' independent determination of workplans and activities. In particular, participants called for enhanced use by the Council of the work of the special procedures, in particular in relation to early warning about emerging or particularly serious situations. The need for greater independence and transparency of the appointment procedure was stressed. A better distribution of work during Council sessions, enhanced interactive dialogues and space for special procedures in the universal periodic review were also recommended. Greater cooperation of States with special procedures was encouraged, with emphasis placed on the Coordination Committee and steps that could be taken to strengthen it. It was also suggested that the Council and States should prevent reprisals against individuals or groups that cooperated with special procedures. Participants agreed that discussions on the review of the Council would be proactively contributed to by the special procedures, and a position paper would be prepared, guided by the Coordination Committee, and in consultation with all mandate holders.

## **VI. Thematic issues and working methods**

### **A. Strengthening the effectiveness of the special procedures: a joint report on communications**

26. OHCHR briefed participants on the preparation of a joint communications report under the guidelines suggested by the Secretariat, pursuant to the decision of the sixteenth annual meeting of special procedures.<sup>1</sup> The first report, to be submitted to the Council in 2011, would contain summaries of communications, and statistical information would be disaggregated according to country, mandate, number of communications sent and responses received. The joint report would aim to harmonize working methods, to ensure consistency in reporting of communications to the Council, and to avoid duplication of work.

27. Participants highlighted the value added of the joint report. It was stressed that information contained in communications could be used for early warning and fed into the universal periodic review process more efficiently. Challenges in receiving substantive State responses in good time were highlighted. Participants stressed the need to build on good practices, and to keep sources and victims informed about developments, including State responses. While supporting the joint report, several participants noted that they might continue making observations on communications in their annual reports. It was suggested that an evaluation of State responses could be included in the report.

### **B. Integration of gender perspectives in the work of special procedures: recent and forthcoming thematic institutional developments**

28. Participants were briefed on developments relating to the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and attention was drawn to the follow-up to the 15-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action, the implementation of Security Council resolution 1888, and the forthcoming tenth anniversary of Security Council resolution 1325 on women, peace and security, with special procedures being encouraged to contribute to these processes.

### **C. The role of special procedures in early warning, including the responsibility to protect; and the protection of human rights in the context of natural disasters**

29. The Representative of the Secretary-General on the human rights of internally displaced persons and the Independent Expert on the situation of human rights in Haiti, presented information on developments relating to human rights in the context of natural disasters. They noted that allegations of human rights violations, such as sexual abuse and discrimination of minority groups, tended to be reported immediately after the occurrence of natural disasters and in the recovery process. In the aftermath of the January 2010 earthquake in Haiti, allegations of sexual violence and trafficking in human beings were reported.

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<sup>1</sup> See the report of the sixteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council (A/HRC/12/47), para. 26.

30. A protection gap was noted by the mandate holders in terms of policy, legal and implementation frameworks. It was observed that pre-existing patterns of discrimination exacerbated, not intentionally but as a result of bad planning, the limited focus on vulnerable groups, and the inadequacy of national laws to address natural disasters. Preparedness and recovery mechanisms were often not rights-based and accordingly the promotion and protection of all human rights for all without discrimination were frequently not prioritized. The Representative of the Secretary-General on the human rights of internally displaced persons had submitted a report to the Council setting out recommendations for a legal framework to address human rights in natural disasters and rebuilding exercises (A/HRC/10/13/Add.1). Guidelines on incorporating the human rights-based approach into recovery and rebuilding processes after natural disasters were being drafted.

31. It was proposed that a paradigm shift in responses to natural disasters was required to move from a needs-based approach to a rights-based approach. It was agreed that rebuilding and recovery processes should be transformative. Strategies should include provision in the legal system to address natural disasters when they occur, and the avoidance of implementing strategies that might lead to or perpetuate human rights violations. Consideration should be given to historical dimensions that perpetuated discrimination against vulnerable persons, such as persons of African descent in Haiti.

32. Special procedures needed to demonstrate the value added of the rights-based approach and they also should provide conceptual guidance, from a practical perspective, on ways of addressing immediate needs such as food, water and housing, and on the incorporation of rights-based considerations into short- and long-term planning. Humanitarian agencies mostly employ a needs-based approach, and collaboration and coordination could be enhanced on how to implement the rights-based approach, with due regard being given to addressing immediate needs and the lack of resources in the aftermath of a natural disaster. Issues of addressing sexual violence and the provision of security by multinational private military and security companies remain problematic.

33. Participants emphasized the importance of finding innovative ways of promoting and protecting human rights in the context of natural disasters that went beyond the current methods of work, such as requesting a visit to the country. Coordination among mandates should be enhanced. Expertise and information on the promotion and protection of human rights during pre- and post-recovery, and on coordination with humanitarian agencies, should be collected and made available to all.

#### **D. Coordinated follow-up to the work of human rights mechanisms: discussion with OHCHR field presences and headquarters staff on good practices and strategies**

34. Representatives of the OHCHR Regional Offices for South-East Asia (Bangkok), Central Africa (Yaoundé), the Middle East and Northern Africa (Beirut) and for Europe (Brussels) and from the OHCHR Office in Colombia briefed participants on their interaction with mandate holders, including assistance provided during country visits, and on their efforts to follow up on recommendations. It was noted how the engagement of mandates could generate synergies with national Governments and create opportunities for local/regional offices, including in the lead-up to and after visits. It was also noted that recommendations of special procedures, treaty bodies and the universal periodic review are valuable for field presences as they allow them to reinforce and advocate for policy change to address human rights issues.

35. OHCHR field presences informed participants about initiatives to give greater visibility to United Nations human rights mechanisms recommendations, such as through publications and databases to track the implementation of those recommendations. Two databases were presented: that of the OHCHR Regional Office in Bangkok, which systematically registered information relating to the implementation of recommendations and follow-up activities; and that of the OHCHR-Colombia country office, developed jointly with the Government to assist authorities to respond better to special procedures communications. Mandate holders were briefed on the role of the recently established Regional Office for Europe in assisting mandate holders to engage with European institutions on issues relating to their mandates.

36. Mandate holders welcomed the valuable political guidance and substantive and logistical support received before, during and after missions to countries where OHCHR had a field presence. OHCHR field presences staff noted that different levels of support could be expected by OHCHR field presences or United Nations country teams depending, inter alia, on the size and type of the United Nations field presence. The preparations and conduct of missions to countries that had few or very limited United Nations presences were noted as challenges.

37. The need to cooperate with regional and subregional human rights mechanisms was stressed, and joint missions with special rapporteurs of the Inter-American and African human rights protection systems were encouraged. The participation of mandate holders in promotional human rights events organized by OHCHR field presences was suggested. It was noted that these events allowed for informal contacts with States. The need to develop joint strategies for the dissemination of information, such as end-of visit statements and mission reports, as well as their translation into the national language was emphasized. Mandate holders were also encouraged to make greater use of the increased interest of regional media networks on human rights issues.

38. Mandate holders encouraged OHCHR field presences to provide them with more information about human rights issues that might require their attention or that should be assessed in more detail by fact-finding missions. OHCHR field representatives also called on mandate holders to stand ready to provide advice on draft legislation or engage in other types of technical cooperation, including that organized by OHCHR field presences, and by other parts of the United Nations system.

## **VII. Consultation with stakeholders**

### **A. United Nations entities**

39. Mandate holders held an exchange of views with United Nations entities (Joint United Nations Programme on HIV/AIDS, United Nations Population Fund, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund and World Food Programme) and the International Committee of the Red Cross. Participants welcomed the cooperation of United Nations entities in the preparation of or during country visits. Their institutional knowledge of the different regions was acknowledged. However, it was noted that there was often insufficient human rights mainstreaming and lack of special procedures and human rights protection systems, resulting in a limited support for the preparation of country missions. Participants encouraged United Nations entities to increase staff awareness and training on human rights-based approaches for enhanced coordination.

40. Representatives of United Nations entities appreciated the special procedures' unique ability to convey issues to international audiences. Special procedures' capacity to

expand the protection and promotion of human rights to areas where human rights were not well developed was commended. Special procedures were called on to undertake missions in a more systematic and coordinated manner.

41. Concern was raised about the protection of witnesses who risked their lives to provide information to special procedures and the United Nations in general. Participants called for increased and concerted efforts in addressing the rights and liberties of those and other human rights defenders.

42. Representatives of United Nations entities encouraged special procedures to further the cooperation by exploring entry points into United Nations entities, while particular emphasis was placed on deepening working relationships and enhancing professional working methods between the special procedures and United Nations entities. Efficient and effective information sharing, including background briefings prior to country missions, was highlighted as a good practice, and further identification of additional good practices was highly encouraged.

## **B. Consultations with non-governmental organizations and national human rights institutions**

43. Mandate holders acknowledged that the contribution of NGOs and NHRIs was essential to their country visits, to the preparation of thematic reports and to assisting victims with the submission of communications. They also commended NGOs and NHRIs for making the system of special procedures mandate holders well known. NGO and NHRI representatives encouraged special procedures to enhance their role in early warning and to consider ways to bring urgent matters to the attention of the Human Rights Council. The importance of urgent appeals for protection, institutionalized collaboration with civil society, collaboration with regional mechanisms, and integration of gender perspectives into the work of special procedures was also stressed.

44. Special procedures' reports were considered as essential for civil society advocacy. Special procedures communications could be enhanced to strengthen the protection of victims. The capacity of mandate holders to call attention to sensitive topics and situations was stressed. Mandate holders called for better coordination of civil society meetings which are convened during country visits to allow for more efficient use of time and resources. Concern was raised about States failing to honour standing invitations. The centrality of the safety and protection of witnesses was emphasized, with deep concerns being expressed at the impunity enjoyed by those who violated the rights of human rights defenders.

45. NGOs and NHRIs saw the Council review as an opportunity for the United Nations human rights machinery to be reinforced. They called for the strengthening of the special procedures guarantees of their independence. Concerns were raised that there had been a decline in the quality of interactive dialogues between special procedures and the Council. Proposals were made to enhance these dialogues, including through the provision of more time in the Council and opportunities for informal interaction between States and mandate holders. It was deplored that in debates in the Council, States were increasingly resorting to unsubstantiated or unjustified allegations of violations of the Code of Conduct. No support was expressed for proposals to create a body to oversee compliance with the Code by mandate holders, and increased use of the Internal Advisory Procedure on practices and working methods was encouraged. The accountability of States in respect of implementation of special procedures recommendations was emphasized and it was proposed that there should be a mechanism to ensure transparency and cooperation. The Coordination Committee was also encouraged to engage with the process of the review of

the Council so that the views of the special procedures could be integrated throughout the process.

46. Participants noted the lack of resources available to special procedures and called for increased support from States to enable them to undertake additional activities. They also made clear that national-level NGOs should be supported financially and their capacity strengthened so that the special procedures system could be fully accessible to those who need protection.

## **VIII. Cooperation with human rights treaty bodies**

47. A joint meeting between mandate holders and participants of the eleventh Inter-Committee meeting focusing on follow-up to the recommendations of human rights mechanisms was led by the respective Chairs. The follow-up procedure of the Committee against Torture was described by the Rapporteur for follow-up to concluding observations of that Committee, while the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions provided information on the development of follow-up mechanisms in relation to their mandates.

48. The meeting discussed and agreed on recommendations to be implemented jointly. Coordinated and systematic follow-up to the recommendations and conclusions of treaty bodies and special procedures and enhanced collaboration between the two mechanisms were regarded as crucial. Cross-referencing of their recommendations and conclusions was essential for follow-up, as was identifying and sharing priority recommendations and conclusions. Special procedures mandate holders and treaty body experts recalled that the inclusion of their recommendations and conclusions in the universal periodic review had reinforced the weight of their respective recommendations and conclusions. Follow-up could be enhanced by specific, measurable, achievable, realistic and time-bound recommendations and conclusions.

49. Participants emphasized the comparative advantages and complementarities of both mechanisms: the flexibility of special procedures, including their capacity for immediate action and to undertake country visits was underlined, as was the cyclical and regular review of States parties' reports by treaty bodies. Special procedures were encouraged to reiterate treaty bodies' recommendations during visits. The recommendation of some treaty bodies to invite relevant mandate holders was considered to be a good practice. Participants called for more joint meetings, including briefings. More effective information management of the vast documentation produced by the United Nations human rights mechanisms, including periodic updates and newsletters, as well as greater use of the Universal Human Rights Index was recommended. It was suggested that OHCHR prepare a compilation on good practices of cooperation between treaty bodies and special procedures.

50. Sustained follow-up at both the global and local levels was emphasized as critical to ensure the implementation of recommendations. Responsibility for follow-up rested with the State, and the Human Rights Council and the General Assembly had a responsibility to remind States of that and their human rights obligations. At the local level, stronger linkages with stakeholders were recommended through, inter alia, enhanced dissemination and translation of recommendations, round-table discussions, effective media strategies, and facilitation of visits by treaty body and special procedures experts. Activities by United Nations country teams and OHCHR field offices were considered important in ensuring follow-up.

## Annex

### List of special procedures of the Human Rights Council and other mandate holders invited to attend the seventeenth meeting

#### I. Thematic mandates

1. 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  
Rachel Rolnik (Brazil)\*
2. Chair-Rapporteur of the Working Group of Experts on People of African Descent  
Mirjana Najcevska (The former Yugoslav Republic of Macedonia)\*
3. Chair-Rapporteur of the Working Group on Arbitrary Detention  
El Hadji Malick Sow (Senegal)\*
4. Special Rapporteur on the sale of children, child prostitution and child pornography  
Najat Maalla M'jid (Morocco)\*
5. Independent expert in the field of cultural rights  
Farida Shaheed (Pakistan) \*
6. Special Rapporteur on the right to education  
Vernor Muñoz Villalobos (Costa Rica)\*
7. Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances  
Jeremy Sarkin (South Africa)\*
8. Member of the Working Group on Enforced or Involuntary Disappearances and Chair of the Coordination Committee of Special Procedures 2009/2010  
Santiago Corcuera (Mexico)\*
9. Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights  
Cephas Lumina (Zambia)\*
10. Special Rapporteur on extrajudicial, summary or arbitrary executions  
Philip Alston (Australia)\*
11. Independent expert on the question of human rights and extreme poverty  
María Magdalena Sepúlveda (Chile)\*
12. Special Rapporteur on the right to food  
Olivier De Schutter (Belgium)\*

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\* Attended the meeting.

13. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression  
Frank William La Rue Lewy (Guatemala)\*
14. Special Rapporteur on freedom of religion or belief  
Asma Jahangir (Pakistan)\*
15. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health  
Anand Grover (India)
16. Special Rapporteur on the situation of human rights defenders  
Margaret Sekaggya (Uganda)\*
17. Special Rapporteur on the independence of judges and lawyers  
Gabriela Knaul (Brazil)\*
18. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people  
James Anaya (United States of America)\*
19. Representative of the Secretary-General on the human rights of internally displaced persons  
Walter Kälin (Switzerland)\*
20. Chair-Rapporteur of the 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  
José Luis Gomez del Prado (Spain)\*
21. Special Rapporteur on the human rights of migrants  
Jorge Bustamante (Mexico)\*
22. Independent expert on minority issues  
Gay McDougall (United States of America)\*
23. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance  
Githu Muigai (Kenya)\*
24. Independent expert on human rights and international solidarity  
Rudi Rizki (Indonesia)\*
25. Special Rapporteur on contemporary forms of slavery, including its causes and consequences  
Gulnara Shahinian (Armenia)\*

26. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism  
Martin Scheinin (Finland)\*
27. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment  
Manfred Nowak (Austria)\*
28. Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights  
Okechukwu Ibeanu (Nigeria)
29. Special Rapporteur on trafficking in persons, especially women and children  
Joy Ngozi Ezeilo (Nigeria)\*
30. Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises  
John Ruggie (United States of America)
31. Special Rapporteur on violence against women, its causes and consequences  
Rashida Manjoo (South Africa)\*
32. Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation  
Catarina de Albuquerque (Portugal)\*

## **II. Country mandates**

33. Independent expert on the situation of human rights in Burundi  
Akich Okola (Kenya)\*
34. Special Rapporteur on the situation of human rights in Cambodia  
Surya Prasad Subedi (Nepal)\*
35. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea  
Vitit Muntarbhorn (Thailand)\*
36. Independent expert on the situation of human rights in Haiti  
Michel Forst (France)\*
37. Special Rapporteur on the situation of human rights in Myanmar  
Tomás Ojea Quintana (Argentina)\*
38. Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967  
Richard Falk (United States of America)
39. Independent expert on the situation of human rights in Somalia  
Shamsul Bari (Bangladesh)\*
40. Special Rapporteur on the situation of human rights in the Sudan

Mohamed Chande Othman (United Republic of Tanzania)

**III. Other**

1. Special Adviser to the Secretary-General for the Prevention of Genocide  
Francis Deng
  2. Special Representative of the Secretary-General on violence against children  
Marta Santos Pais\*
  3. Special Representative of the Secretary-General for Children and Armed Conflict  
Radhika Coomaraswamy
  4. Special Rapporteur on disability of the Commission for Social Development  
Shuaib Chalklen (South Africa)
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