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**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE
ON HUMAN RIGHTS**

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Note by the United Nations High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of the tenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, which took place in Geneva from 23 to 27 June 2003.

**REPORT OF THE TENTH MEETING OF SPECIAL RAPPORTEURS/
REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS
OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE
COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY
SERVICES PROGRAMME
(GENEVA, 23-27 JUNE 2003)**

Rapporteur: Mr. Paul Hunt

Summary

The tenth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme was held in Geneva from 23 to 27 June 2003. Twenty-seven mandate-holders participated and discussed a variety of issues, including measures that could be taken to enhance their effectiveness in accordance with the Secretary-General's reform agenda, the challenges that the current international climate and the fight against terrorism pose for the protection and promotion of human rights, globalization and ways of improving cooperation with the Commission on Human Rights, human rights treaty bodies and non-governmental organizations.

The participants held meetings with the Deputy High Commissioner, Officer in Charge of the Office of the High Commissioner for Human Rights (OHCHR), with the Chairperson and the Expanded Bureau of the fifty-ninth session of the Commission, the chairpersons of the human rights treaty bodies and with interested non-governmental organizations. In the context of the discussions of the Secretary-General's reform agenda, the participants welcomed the steps taken by OHCHR to improve the servicing of the mandates and enhance their effectiveness. They recommended that efforts be made to improve links between their mandates and the Secretariat, in particular with the Secretary-General, and to improve cooperation with United Nations country teams. Also, it was felt that more needed to be done by all partners to disseminate information about the work of special rapporteurs; the participants stated that relations with the press could be important in this regard. The meeting also welcomed the steps taken to increase interaction between, and cooperation with, human rights treaty bodies.

The participants also reiterated their concerns about violations of human rights in the context of counter-terrorism measures and the need to continue to monitor developments in this area. The participants issued a joint statement at the end of the meeting on this issue. Finally, the participants welcomed the efforts made to strengthen their participation in the work of the Commission. They encouraged the Expanded Bureau of the Commission to actively encourage the issuance of standing invitations by States and recommended that steps be taken to continue to strengthen the interactive dialogue. For the full text of the conclusions and recommendations see chapter VIII of this report.

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Introduction

1. Since 1994, annual meetings of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the advisory services programme of the Commission on Human Rights (hereafter annual meeting of special procedures) have been organized as a follow-up to the World Conference on Human Rights. The Vienna Declaration and Programme of Action underlined the importance of preserving and strengthening the system of special procedures and specified that the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings (Part II, para. 95).
2. The tenth annual meeting of special procedures was held in Geneva, from 23 to 27 June 2003. It had before it a provisional annotated agenda and a series of documents prepared by the secretariat.
3. A list of the special procedures of the Commission on Human Rights and those attending the tenth annual meeting appears in annex II.
4. Following past practice, representatives of the Bureau of the fifty-ninth session of the Commission were invited to participate in the meeting to consult with participants. Pursuant to a recommendation made at the seventh annual meeting, participants also held a joint meeting with participants at the fifteenth meeting of chairpersons of the human rights treaty bodies.

I. ORGANIZATION OF WORK

A. Opening of the meeting and address by the Chairperson of the ninth meeting

5. The meeting was opened by Mr. Enrique Bernales Ballesteros, the Chairperson of the ninth meeting. In his introductory statement, Mr. Bernales Ballesteros highlighted the main activities that he had undertaken as Chair, as well as other issues of common interest for all rapporteurs that were raised during the past year. He noted particularly the submission of a detailed report on the ninth meeting to the one-day informal meeting of the Commission in September, the holding of an interactive dialogue at the fifty-ninth session of the Commission and the proposed reform agenda of the Secretary-General.
6. In connection with the recent efforts made to strengthen the work of the special procedures, Mr. Bernales Ballesteros made particular reference to the need for an appropriate assessment and evaluation of the needs of special procedures mandates created by the Commission. For example, whilst the interaction with the Commission had improved this year, with more time allotted for dialogue and a better exchange with States, there were still problems with the restrictions on the length of reports and the deadlines for submission. Similarly, whilst there had been improvements in the sending of urgent appeals, there was a need to improve follow-up to them and also to the recommendations following from country visits.

B. Opening statement by the Deputy High Commissioner for Human Rights

7. In his opening statement, the Deputy High Commissioner welcomed the participants to Geneva and expressed his deep gratitude for the service, commitment and devotion that they bring to the protection of human rights. He highlighted their role as the first-line protection actors in today's United Nations. The Deputy High Commissioner also paid special tribute to Radhika Coomaraswamy (Special Rapporteur on violence against women), Param Cumaraswamy (Special Rapporteur on the independence of judges and lawyers) and Louis Joinet (Chairperson-Rapporteur of the Working Group on Arbitrary Detention) whose tenures were ending.

8. The Deputy High Commissioner noted that it had been a significant year for the special procedures of the Commission with a growing international recognition of the vital role that they played in protecting and promoting human rights and a reaffirmation of the need to find ways of continually supporting and strengthening their activities. However, the year had also been characterized by an unprecedented level of criticism with several issues being raised by Member States.

9. The Deputy High Commissioner also highlighted the action points identified in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change" which the General Assembly had endorsed in resolution 57/300 of 20 December 2002. With respect to special procedures (action 4 of the Secretary-General's report), the General Assembly requested the Commission to review the system of special procedures in order to rationalize their work and enhance their effectiveness and also requested the High Commissioner to support this exercise. In connection with this request, the Office of the High Commissioner for Human Rights (OHCHR) provided the Commission with a summary of action taken in recent years to strengthen the special procedures system (E/CN.4/2003/124).

10. In response to the Secretary-General's report, the Deputy High Commissioner stated that an in-depth brainstorming process had been initiated within OHCHR to come up with a series of recommendations to present to the Secretary-General. The process was ongoing and had identified a number of issues that were currently under discussion. These issues included appointment processes; induction and periodic exchange of information; operational standards; urgent appeals and follow-up; relations with the media; interaction between special rapporteurs/representatives, independent experts and working groups (hereafter rapporteurs) and various bodies including the Commission, the General Assembly, the Secretariat and United Nations country teams; standing invitations, dissemination of information, strengthening recommendations and follow-up thereto; and implementation at the national level. The Deputy High Commissioner invited the participants to see the meeting as an opportunity to share experiences on these and any other relevant issues and to contribute to the internal OHCHR process.

11. The Deputy High Commissioner also drew attention to a number of other changes that had occurred throughout the year. A Special Procedures Branch had been established within OHCHR, in line with a recommendation contained in the Management Review of OHCHR conducted by the Office of Internal Oversight Services (see A/57/488). At the fifty-ninth session of the Commission an interactive dialogue meeting had been held for the first time. This resulted

in, on average, half an hour of time devoted to the consideration of the reports of each special procedure. Further, the situation on documentation had continued to improve with the majority of reports available in their final version in advance of their consideration by the Commission.

12. Lastly, the Deputy High Commissioner referred to the annual report submitted to the fifty-ninth session of the Commission by the High Commissioner for Human Rights. The central theme of the report was the need to find ways of more effectively protecting human rights, through the establishment and effective operation of national protection systems anchored in the rule of law. The Deputy High Commissioner stressed the important role that special procedures played in this regard with their ability to directly protect individuals from violations of their human rights, and to investigate and evaluate existing protection frameworks. The Deputy High Commissioner encouraged the participants to consider seriously, as an ongoing process, the importance of reviewing their methods of work and the ways in which they interacted to ensure that they achieved in the most effective manner the protection of the vulnerable and the prevention of future human rights violations.

C. Election of officers

13. Ms. Hina Jilani (Special Representative of the Secretary-General on the situation of human rights defenders) was elected Chairperson and Mr. Paul Hunt (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) was elected Rapporteur of the tenth meeting.

D. Adoption of the agenda

14. The meeting adopted the following agenda:

1. Organization of work:
 - (a) Introductory statement by the Chairperson of the ninth annual meeting;
 - (b) Election of officers;
 - (c) Adoption of the agenda.
2. Enhancing the effectiveness of the special procedures system and capacity-building.
3. Consultations with non-governmental organizations.
4. Consultations with the Expanded Bureau of the Commission on Human Rights.
5. Exchange of experiences and information among special procedures mandate-holders.
6. Cooperation with the human rights treaty bodies.

7. Support services:
 - (a) Administrative and financial matters;
 - (b) Conference services;
 - (c) Public information and communications;
 - (d) Security.
8. Adoption of the report on the tenth annual meeting.

II. ENHANCING THE EFFECTIVENESS OF THE SPECIAL PROCEDURES SYSTEM AND CAPACITY-BUILDING

15. Under this agenda item there were two main themes of discussion. Participants took the opportunity to respond to the considerations raised in the opening statement of the Deputy High Commissioner in relation to the Secretary-General's reform agenda. In particular, a significant amount of time was devoted to a discussion of issues relating to interaction between mandate-holders and the press. The second issue related to the current international political climate, particularly with respect to actions taken in response to alleged terrorist activities, and its implications and impact on the work of special procedures and the respect for human rights more generally. Because of the many connections between these issues and the issues to be discussed under agenda item 5, participants decided to consider these two agenda items together.

16. With respect to the issues raised in the statement of the Deputy High Commissioner, most participants responded with comments of a preliminary nature and emphasized that more time should be provided for reflection. The Chairperson supported this position and suggested that participants should consider the issues raised by the Secretary-General and provide comments in writing to her, which she would consolidate and present to OHCHR for its consideration. The participants also thanked OHCHR for its support and welcomed the establishment of the Special Procedures Branch. Some felt that it should be expanded to include all special procedures mandates. It was pointed out that all mandates had common problems that should be addressed together. Others emphasized that changes were going to be difficult without a substantial increase in resources, both human and material.

17. On the issue of the appointment procedure, some participants felt that the procedure had become less transparent and more politicized in recent years. It was felt that if criteria were established to guide the appointment process, they should not be too restrictive as to the precise qualifications required by the candidate and should also identify certain criteria that would make a candidate ineligible for consideration. It was emphasized that efforts should be undertaken to improve the transparency of the process. The importance of induction training was highlighted with participants emphasizing its usefulness as a means for more experienced rapporteurs to share their experiences with new ones.

18. Urgent appeals were felt to be a core part of the activities of rapporteurs. Participants appreciated the recent efforts by OHCHR to improve the efficiency and the coordination of the sending out of urgent appeals through the establishment of a quick response desk. With the

increasing numbers of urgent appeals being sent out, some participants expressed concern that perhaps they were becoming too routine, while others emphasized their fundamental importance and their nature as humanitarian interventions, not accusations.

19. The participants welcomed improvements in the quality of interaction with the Commission, resulting from the introduction of an interactive dialogue which provided a base from which to continue to improve in future years. Participants noted that the interactive dialogue that some rapporteurs had with the Third Committee of the General Assembly was very good and provided a model. However, they also noted that the Third Committee had less time constraints. Some concern was also expressed about the possibility that the work of the Commission was becoming more politicized and the potential negative impact that this could have on its future work. The limits on documentation still concerned some rapporteurs who felt it decreased the effectiveness of their work.

20. Many participants emphasized the need to strengthen the dissemination of information about the special procedures. Although the official reports and statements of rapporteurs were placed on the OHCHR web site and made publicly available, it was felt that there was a substantial lack of awareness about the activities of many rapporteurs and a lack of understanding about their methods of work. The importance of OHCHR's disseminating more widely information about the activities of special procedures was considered essential to ensuring their continuing effectiveness. It was suggested that an annual report or a yearbook on human rights could be published similar to those produced by the World Bank or the World Health Organization, which would provide a country-by-country guide to the activities of OHCHR, the special procedures and treaty bodies in a given year. Other participants thought that such a yearbook should be an evaluation of the situation of human rights in each country in the world.

21. A substantial amount of discussion took place on the issue of relationships with the media. Most rapporteurs had established working methods which guided their use of the press. For example, the holding of a press conference at the end of an in situ visit was a common practice which enabled a special rapporteur to provide his/her preliminary conclusions on the results of the mission to concerned parties. All rapporteurs emphasized the importance of being able to publicize their work through various media, including the written and broadcast press. This was considered essential in terms of being transparent and open about their activities. The issuance of press releases was considered to be particularly important as they had a strong protection function and enhanced the effectiveness of rapporteurs' work.

22. As a starting point, the participants universally agreed that their ability to establish relations with the press and to use it to further their mandates was an aspect of their independence and their ability to determine their methods of work. Therefore, the decision to pursue a particular press option or take action in a particular circumstance was solely within their discretion. OHCHR or other United Nations agencies assisted in the organization of press conferences or the issuance of press statements, but the responsibility for the substance of any statement rested solely with the individual rapporteur. It was also mentioned that Governments used the press to publicize their activities and their cooperation with special procedures.

23. The participants agreed that no general rules could be established that would dictate when a press release would be issued, and that each would have to be evaluated in terms of the particular circumstances and the belief that it could assist in an appropriate resolution of the situation. However, some care had to be exercised with respect to interactions with the press as there was a potential for misrepresentation. The participants did agree, however, that the press activities should be guided by the principles of transparency and courtesy.

24. The participants also discussed the issuance of statements or other forms of press activities in their home countries. One rapporteur raised the fact that the International Court of Justice had decided that rapporteurs of the Commission were permanent experts on mission during their tenure and were therefore able to make public statements on issues within their mandates in their own countries.

25. The second general theme related to the current international political climate and the negative impact that this was having with respect to their mandates and the general human rights situation. A discussion of human rights violations resulting from the adoption of anti-terrorism measures provided a framework for this discussion, in particular the implications of the perception of the need to trade off liberty for security.

26. The meeting addressed the fact that the anti-terrorism measures adopted by some States could include elements, or have unintended consequences, that undermined respect for fundamental human rights. Various rapporteurs raised concerns about the increase in arbitrary detention, the practice of torture, forced evictions, discrimination, the existence of double standards for the import and export of substances that could be used by terrorists, access to information, the undermining of due process standards and the independence of the judiciary. Particular concern was expressed about the practice of transferring individuals to jurisdictions where there was a deficiency in the legal framework or where torture was practised. Some groups had been specifically targeted, such as migrants, asylum-seekers or members of particular national, racial or religious groups.

27. The fight against terrorism had on occasion also been used as an excuse to cover up or justify other human rights violations, such as the suppression of opposition groups. There was also the feeling that there had been a regression with respect to certain non-derogable human rights norms, for example, court-sanctioned torture and failure to respect the requirements for the declaration of a state of emergency. Particularly disturbing in this regard were actions by States that had previously professed support for human rights. This was felt by participants to affect their cooperation with rapporteurs and also to undermine human rights activities in all parts of the world. Because of this deterioration, the meeting felt it necessary to issue a statement on this situation (annex I) as some special rapporteurs had done in December 2001.

28. Participants expressed interest in the work of the Counter-Terrorism Committee (CTC) established by the Security Council to monitor the implementation of Security Council resolution 1373 (2001) of 28 September 2001. Interest was expressed, for example, in holding a joint meeting with the members of CTC. The participants were informed about the exchanges between CTC and the Human Rights Committee, but the former had not addressed human rights in its consideration of State reports.

29. It was suggested that OHCHR should also undertake activities to protect human rights in the context of the fight against terrorism, particularly on the subjects of security versus liberty and the non-derogability of certain human rights. In this connection, the secretariat made a presentation on the activities undertaken by OHCHR on the issue of terrorism. A project had been established to focus the Office's activities in this area through the establishment of a reference/focal point to improve cooperation, to produce a digest of both regional and international jurisprudence on the protection of human rights while combating terrorism, and to develop jurisprudence and provide technical cooperation to Member States in this field.

30. The strengthening of relationships with United Nations country teams (UNCTs) was emphasized as being particularly important for the conduct of, and follow-up to, missions. Whilst generally acknowledging the support given by UNCTs and OHCHR field presences, some participants raised concerns about experiences where UNCT assistance was not as strong and effective as could be desired and mentioned that some UNCTs did not speak with one voice, making it more difficult for special procedures to cooperate with them.

31. During the consideration of these agenda items, participants were also briefed on the secretariat's activities to implement action 2 of the Secretary-General's reform agenda on the development of a draft plan to strengthen human rights-related activities at the country level. The "draft guidelines on a human rights approach to poverty reduction strategies" were an example of the activities foreseen under the draft plan of action. Participants were informed that the draft plan incorporated the idea that human rights were the collective responsibility of the United Nations system and not only OHCHR; the plan involved support and cooperation at the national level and, therefore, national capacity-building. The United Nations system needed to respond better to requests for assistance in strengthening national human rights protection and promotion systems; this required building the capacity of the United Nations system itself. Special procedures and treaty bodies were important in this process and the draft plan emphasized the importance of facilitating dialogue, links and cooperation between UNCTs and special procedures.

32. Concerning the draft guidelines, participants were informed that in recent years most United Nations agencies had identified the reduction of poverty as their priority for their development work, however, human rights were not initially considered as part of this activity. In 2001, the Commission having decided in 1998 to appoint an independent expert on the question of extreme poverty, the Committee on Economic, Social and Cultural Rights issued a statement on poverty and human rights in order to identify the conceptual links between the two. As a result, OHCHR held a series of consultations and a workshop on the basis of which the draft guidelines were developed in order to guide the formulation and content of poverty reduction strategies at both the international and national levels, including the development of appropriate accountability measures. The draft guidelines were still a work in progress and were being piloted in several countries. In connection with the broader debate, a participant suggested that there was a relationship between extreme poverty, inequality and terrorism.

III. CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

33. Participants met on two occasions with representatives of several non-governmental organizations to exchange views, in particular on the interaction between the special procedures mandate-holders and the Commission.

34. Several themes came up in the discussions. NGOs were generally concerned by counter-terrorism legislation, especially in connection with the jurisdiction of military tribunals, refugees and asylum-seekers and the lack of cooperation and support from Governments. The potential implications for special procedures of the ongoing process of reform was another subject of discussion. NGO representatives were pleased with the interactive dialogue during the Commission and made a number of suggestions and proposals regarding the preparation of documents to be submitted to the Commission. They also proposed the development of a table on the implementation of recommendations and the establishment of in-country mechanisms for the assessment of visits by special procedures.

35. Mandate-holders expressed their appreciation for the work done by NGOs in connection with their mandates and reiterated their opinion that the present international situation was particularly unfavourable for human rights and human rights activists. A number of suggestions were made for future action and for improving coordination. For instance, NGOs could contribute more to the follow-up of field visits, through ensuring that recommendations were considered and implemented. Also, better coordination between international and national NGOs on country missions could result in benefits. NGOs could also address strategic issues such as counter-terrorism legislation, migration policies and, in general, economic, social and cultural rights in a more consistent manner. Finally, NGOs should be more reactive on the issue of justiciability, a major subject in the future of human rights.

36. While agreeing with mandate-holders on the difficult times human rights and human rights activists were facing, NGOs suggested that mandate-holders could provide more information on their future plans, especially on forthcoming field missions. They also felt that an improved approach vis-à-vis the media would benefit both NGOs and special procedures. In general, all rapporteurs should include consideration of economic, social and cultural rights, and extreme poverty, in the implementation of their mandates. Finally, NGOs raised the issue of input by special procedures into the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and to the work of CTC.

IV. CONSULTATIONS WITH THE EXPANDED BUREAU OF THE COMMISSION ON HUMAN RIGHTS

37. Participants held a meeting with the Expanded Bureau of the fifty-ninth session of the Commission on Human Rights. The Chairperson of the Commission, H. E. Ms. Najat Al-Hajjaji, opened the meeting and welcomed the opportunity to exchange views once again with rapporteurs. She referred to special procedures as the “eyes and ears” of the Commission. On behalf of the Expanded Bureau, she outlined the events at the last session of the Commission, which was characterized by a high level of time pressure and resource constraints, but noted that better organization, including the establishment of a high-level segment for dignitaries, the continued use of electronic voting, better time management and the introduction of an interactive

dialogue with rapporteurs, had resulted in improvements on which it would be possible to build. The Chairperson emphasized that the interactive dialogue had increased the quantity of time devoted to the consideration of the reports of special procedures as well as the quality of the ensuing dialogue.

38. With respect to other developments in the Commission, the Chairperson highlighted the political backdrop of the events in Iraq and in the occupied Palestinian territories, but felt that the level of open confrontation in the Commission had decreased compared to the previous year, although these divisions still remained its principal challenge. The ending of a number of mandates was noted as well as the recommendations for the renewal of several others. The substantial improvement in the availability and accessibility of documentation was recognized as being of primary importance.

39. The Chairperson raised a number of issues which she hoped could be discussed during the meeting. The issues included the fine-tuning of the interactive dialogue; the consideration of how special procedures could play a role in healing some of the divisions that existed in the Commission; examining the issue of reporting to the General Assembly; considering ways of better disseminating the work of special procedures and of improving interaction between special procedures and other mechanisms.

40. In response, all participants welcomed the improvements introduced in the Commission, particularly the interactive dialogue. However, some felt that the interactive dialogue could be improved further and that time limitations were still a significant hindrance to their work. In particular, it was felt that less time should be spent on other aspects of the Commission's work, in particular the high-level segment. Some participants suggested limiting the time available to dignitaries.

41. Another matter raised by participants related to the production of an annual report or yearbook on human rights. This was in connection with the perception that the Expanded Bureau needed to do more to encourage the dissemination of the work of special procedures. There was no general agreement as to the form which such a document could take nor on its precise content, but it was considered that the work of the special procedures and the treaty bodies should be at its core.

42. Finally, some rapporteurs expressed concern about the politicization of the work of the Commission and encouraged the Commission to be more vocal in its support for the independence of special procedures and to be more active with respect to follow-up and in seeking the cooperation of, and the issuance of standing invitations by, Member States.

43. In response, members of the Expanded Bureau acknowledged that the Commission had changed significantly in recent years, but stated that this was a product of its success, with many more non-governmental organizations, national human rights institutions, treaty bodies, as well as Member States wishing to participate in its activities. The Expanded Bureau also considered that the fact that many government dignitaries desired to speak before the Commission was also an indication of its importance and not something that they could restrict. It was necessary to ensure a balance in the time available to all stakeholders and to ensure that time was used carefully and productively. With respect to the publication of a yearbook or annual report on

human rights, concern was expressed that it would be a complex exercise, with significant resource implications. It was important to ensure that if the idea were pursued it would lead to more cooperation between special procedures and Governments. Members of the Expanded Bureau emphasized their support for maintaining a dialogue with rapporteurs outside the confines of the Commission.

44. In conclusion, the Chairperson spoke strongly in support of special procedures and the participants requested that her comments (as interpreted from Arabic) be reflected in the report of the meeting:

“I would like to exhort all of you to continue your work. Speak freely as you have done in the past. Continue to do so in the interests of truth, of justice, irrespective of the pressure that is brought to bear upon you by Governments. Even if what you say is contrary to the interests of the Government, there are thousands, millions, of victims who look upon the Commission, the special procedures, as the conscience of humanity, of mankind. So I would just like to exhort you once again, urge you, to continue We must see to it that the special procedures remain independent. So I would call upon all of you to continue your work ... no matter what pressure is brought to bear upon you. Stand firm, let nothing stand in the way of the truth. Thank you.”

V. EXCHANGE OF EXPERIENCES AND INFORMATION AMONG SPECIAL PROCEDURES MANDATE-HOLDERS

45. Participants decided to discuss items 2 and 5 of the agenda together (see the section under item 2 for a summary of the discussion).

VI. COOPERATION WITH HUMAN RIGHTS TREATY BODIES

46. The meeting with the chairpersons of the treaty bodies was co-chaired by Ms. Hina Jilani and Mr. Jacob Egbert Doek (Chairperson of the Committee on the Rights of the Child). Discussion in the joint meeting began with a presentation by Mr. Pinheiro, the independent expert appointed by the Secretary-General to lead the study on violence against children. Mr. Pinheiro described the consultative process he was undertaking in the preparation of the report and the major themes it would address. Experts and chairpersons highlighted the importance of addressing violence against children in the context of economic, social and cultural rights, the link between environmental problems such as trade in toxic wastes and violence against children, the cultural and spiritual context and the effect of globalization on violence against children. One expert also suggested that Mr. Pinheiro should take account of the international expert consultation on violence prevention and human rights that the Commission, in its resolution 2003/28 of 23 April 2003, had invited OHCHR, the World Health Organization and other relevant United Nations entities to convene, while another expert encouraged Mr. Pinheiro to submit a report that was practical, not academic.

47. The meeting then considered the question of globalization. The secretariat presented a background paper on the question of globalization and human rights that outlined some of the processes of globalization and identified some of the entry points through which human rights could enter the process, with a view to making globalization work for all. Many experts then

took the floor. Several highlighted the need to emphasize the effects of globalization on the enjoyment of cultural rights, noting that globalization could threaten cultural diversity. Similarly, globalization had negative effects on political rights, with democracy diminishing as decision-making occurred at the global, not the domestic, level. Other experts stressed that the events of 11 September 2001 had altered the course of globalization and that a discussion on globalization now had to be broadened to include issues of counter-terrorism and threats to multilateralism in decision-making. Some experts indicated the need for the various processes of globalization, such as trade and investment liberalization, to explicitly acknowledge and respect human rights norms and standards, while other experts noted that transnational corporations should recognize their responsibilities towards the promotion and protection of human rights. One expert warned against defining globalization too broadly as this could reduce the relevance of the debate.

48. Several experts considered the need for action in response to globalization. Some experts indicated a need to develop modalities for human rights impact assessments that could be used by special rapporteurs, independent experts and treaty bodies. Several experts suggested the possibility of developing a code of conduct on human rights in the context of globalization. The Chairperson of the joint meeting summarized the discussion and also opened the floor for suggestions on themes for next year's joint meeting. Experts suggested the question of counter-terrorism measures and their impact on human rights and the rule of law.

VII. SUPPORT SERVICES

A. Administrative and financial matters

49. The Chief of Administration at OHCHR provided participants with a note outlining United Nations rules and procedures concerning travel authorizations. She also gave a brief outline of the current financial situation, emphasizing the fact that regular budget funding received for special procedures was in the form of a lump sum. Voluntary funding could be donated for a particular mandate, but OHCHR discouraged the earmarking of funds by donors. No mandate was allocated a specific amount of money, but was entitled to the funding of a certain number of core activities, including a limited number of missions and consultations.

50. Participants thanked the Chief of Administration for her presentation and OHCHR for its efforts to improve the financial situation and the procedures governing their activities in recent years. Several specific issues were raised concerning the conduct of missions. In general, it was emphasized by Administration that it was very important to have advance warning of any particular problems that occurred in rapporteurs' work and that OHCHR would do its utmost to find an appropriate solution. Also, if any particular problems arose during a field visit, in terms of logistical support, it was important that rapporteurs inform OHCHR and efforts would be made to improve the quality of service.

B. Conference Services

51. The Chief of the Central Planning and Coordination Service, the Chief of the Documents Management Section and the Chief of the Interpretation Service of the United Nations Office at Geneva (UNOG) briefed participants on the issues of documentation and the provision of interpretation services. With respect to documentation, a number of changes had resulted in a significant improvement in the timeliness of the submission of documents, resulting in their issuance sufficiently in advance of their consideration by the Commission. This was noted as a very welcome, and indeed an almost unprecedented, event. The rules were being strictly and even-handedly applied and the participants' attention was drawn to a new publication of the Conference Services Division which set out the guidelines for the preparation and submission of documentation.

52. Several participants raised concerns about the non-issuance of mission reports in all official United Nations languages and the suggestion that a one-month rule for the submission of a mission report be applied. A representative from the OHCHR Documents Processing Unit indicated that the initial priority had been to produce the reports in time, but as a result of the recent improvements in the processing and submission, the translation of documents into all official languages would be reconsidered. The OHCHR editor indicated that many ad hoc solutions had been adopted to ensure that reports were produced on time and that it was important to attempt to spread out the submission of documents in order to facilitate that process.

53. The Chief of the Interpretation Service made a presentation highlighting the principles upon which the provision of its services was based. He emphasized that the regular budget for interpretation services was provided as a lump sum and not itemized for each individual mission. The preference was in all cases to use permanent United Nations staff members to provide interpretation services, for reasons of confidentiality and cost-effectiveness. If a particular language skill was not available within the United Nations, then freelance interpreters would have to be recruited and, in this circumstance, it is necessary to have sufficient warning in advance to enable planning in the use of resources. The Chief also emphasized that late cancellations of missions might result in a substantial loss of money as freelance interpreters must still be paid if a mission is cancelled less than one month before its starting date.

54. All participants thanked the representatives for their efforts to facilitate the processing of documentation and the provision of interpretation services, particularly as many of them went beyond the call of duty to ensure the effectiveness of special procedures work.

C. Public information and communications

55. The Senior Adviser to the High Commissioner and Head of Communications made a brief presentation on the development of the OHCHR's communication strategy. It was emphasized that the purpose of the strategy was not to create new areas of substance, but to focus and gather existing information, to package it appropriately and to deliver the OHCHR's message in a manner that was comprehensible. This would require the use of various types of media, including audio and visual, and as a potential starting point the distribution of a monthly or bimonthly newsletter on OHCHR activities.

56. Participants noted the importance of better disseminating information about the work of special procedures. Some highlighted the fact that there was a substantial amount of information available on the web site already, but it was necessary to disseminate it in different forms to reach a wider audience. It was also felt necessary to have some way of tracking the activities or strategies of special procedures in order to evaluate their effect.

D. Security

57. The Chief of the OHCHR Security Unit gave an overview of the United Nations Security Management System. The main task of the Security Unit was to facilitate the work of all staff, including experts on mission, and to ensure that it was done in conditions of safety. The participants were informed about their insurance coverage during missions and related conditions, such as security clearance, equipment and basic security training. To this end, an electronic training package on security matters was provided to participants. The Security Unit emphasized that it was available to provide information on security-related issues before country missions and that it needed to be kept informed about itineraries and any changes in mission details in order to ensure the best possible assistance.

58. Participants welcomed recent developments and acknowledged the assistance received. However, there were some concerns regarding security assessments, the use of local airlines, the lack of training on the use of security equipment, the decrease in the number of local security officers in some countries and, more generally, of security officers with deep knowledge of a local situation. The Chief emphasized that United Nations security officers were available where the local security situation was considered by the Office of the Security Coordinator in New York to be unsatisfactory. All security staff were regularly briefed on security developments.

VIII. ADOPTION OF THE REPORT ON THE TENTH ANNUAL MEETING

59. The participants welcomed the efforts of OHCHR to implement the recommendations of the ninth meeting. On the basis of its discussions, the meeting formulated the following conclusions and recommendations for inclusion in the report on the tenth annual meeting.

Organization of work

60. At the request of the Chairperson, participants discussed the dates for the next meeting. It was agreed that the meeting should be held during the last half of June 2004.

61. Regarding the agenda of the eleventh meeting, it was agreed that it should be prepared by the secretariat in close consultation with the Chairperson and the Rapporteur.

Enhancing the effectiveness of the special procedures system

62. The importance of taking a collective stand on specific human rights issues was agreed by mandate-holders. The participants agreed to further strengthen their joint initiatives, including by continuing to send joint urgent appeals and communications with other thematic and/or country mandate-holders as relevant, and requested the secretariat to assist them in this regard. In this connection, it was decided that a joint statement would be issued by mandate-holders prior to the sixtieth session of the Commission.

63. With respect to the Secretary-General's reform programme, the meeting welcomed the briefing given by the secretariat on the procedure so far and its request to rapporteurs to consider ways of enhancing their contribution to the process. It was decided that participants who wished to provide written comments should send them to the Chairperson of the meeting by the end of July 2003. She would then compile them and provide the comments to OHCHR.

64. The meeting agreed on the value and importance of new mandate-holders being briefed and provided with induction material. Particularly important was the provision of the Manual for special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, the guiding principles regarding the working relations between special procedures mandate-holders and OHCHR staff, the regulations governing the status, basic rights and duties of officials other than secretariat officials and experts on mission, and the *Guidelines on the Preparation and Submission of Documentation*. The meeting requested the secretariat to organize briefing sessions for new mandate-holders.

65. The document containing a compilation of the methods of work of special procedures was welcomed as a useful exercise that enabled a comparison between mandates. The participants recommended that it be expanded to include geographic mandates.

66. Cooperation with the United Nations Secretariat is essential for ensuring appropriate awareness of the activities of special procedures and for maximizing their potential. In this respect the meeting felt that it was necessary to improve links between the Secretary-General and the special procedures. The meeting requested OHCHR to explore, in conjunction with the Office of the Secretary-General, ways in which closer links could be established. The meeting also welcomed the improved cooperation between the different branches of OHCHR. The participants felt that it would be useful for special procedures desk officers to systematically debrief geographic desk officers after a country visit. Desk officers should play a role in facilitating and monitoring the implementation of recommendations of rapporteurs.

67. The meeting emphasized the important role that UNCTs played in facilitating in situ visits, in follow-up to recommendations and in the dissemination of information concerning the activities of rapporteurs. It was recommended that efforts should be made to continue to strengthen cooperation with UNCTs, particularly with respect to the follow-up to recommendations. The participants highlighted the fundamental role that UNCTs played in the evaluation and strengthening of national protection systems and recommended that support to their activities be emphasized in measures undertaken to implement action 2 of the Secretary-General's agenda for further change.

68. The participants concluded that more efforts needed to be undertaken to enhance the dissemination of information about their mandates and activities. In particular, it was felt that the production of an annual yearbook on human rights, which could be, at its most basic level, a compilation of information emanating from special procedures and treaty bodies, was particularly important in this regard. It was decided that the Special Rapporteur on the question of torture would consider this issue, with input from interested parties, and prepare a document on its feasibility for submission to the next annual meeting.

69. With respect to press releases, participants reaffirmed the importance of being able to speak freely on human rights issues within their respective mandates. The ability to do so was an essential aspect of their independence. The issuance of a press release, or the undertaking of any other press activity, was solely within the discretion of the mandate-holder based on his/her assessment of the appropriateness of the intervention. The participants recommended that consideration be given to the holding of a press briefing or conference at the end of the next annual meeting.

70. The participants concluded that the current international climate represented a serious challenge to the promotion and protection of human rights. The participants particularly deplored the actions taken by some States in the fight against terrorism that violated human rights and expressed concern about the perception that liberty needed to be sacrificed in order to guarantee security. It was decided to issue a joint statement on this issue, which is included in annex I to this report. The participants also requested that it be transmitted to CTC.

71. Mandate-holders reiterated their conclusion from the ninth meeting of the urgent need to monitor developments in relation to terrorism and human rights. The meeting agreed on the importance of rapporteurs' joining international efforts aimed at reinforcing the international human rights protection system, as well as on the necessity of ensuring that universally recognized human rights prevail in a challenging contemporary context. In this respect, it was recommended that OHCHR should explore ways of enhancing cooperation between rapporteurs and CTC, including exploring the possibility of holding a joint meeting. The participants also welcomed the establishment of a focal point within OHCHR on counter-terrorism-related matters and the development of a project to provide technical cooperation to Member States on this issue. It was suggested that OHCHR should design initiatives to protect international norms in relation to terrorism and human rights, particularly on the issues of non-derogability, due process, and liberty and security. It was concluded that further efforts needed to be taken to strengthen United Nations action in this field.

72. In order to enhance the discussion of common issues of interest by the special procedures mandate-holders, the participants requested that sufficient time be allocated at the next meeting to a thorough exchange between mandate-holders on their methods of work, experiences, or any other issue of interest that they might wish to share with each other.

Consultation with non-governmental organizations

73. Participants appreciated the opportunities provided to them for consultations with representatives of NGOs. They noted with interest the recommendations of NGOs on the relations between rapporteurs and the Commission. Rapporteurs agreed on the value and importance of their exchange with the NGOs and recommended that this practice be continued.

74. Participants recognized that input from, and cooperation with, NGOs were extremely useful to rapporteurs and encouraged NGOs to continue to cooperate closely with them, in particular with respect to follow-up to recommendations.

Consultations with the Expanded Bureau of the Commission on Human Rights

75. The participants welcomed the strong support of the Expanded Bureau for the independence of the special procedures and the statement emphasizing their role as the “eyes and ears” of the Commission. The participants requested the Expanded Bureau to be more active in encouraging Member States to issue standing invitations. The mandate-holders also welcomed the introduction of interactive dialogues. It was recommended that further steps should be taken to continue to strengthen and improve the manner in which the interactive dialogues were conducted. It was further recommended that participants should consider the inclusion of a list of issues in the summaries of their reports to the Commission in order to stimulate discussion.

Cooperation with human rights treaty bodies¹

76. Participants welcomed the briefing and discussion on the study on violence against children and on the impact of globalization on the enjoyment of human rights, and encouraged systematic interaction between special procedures and treaty bodies. Participants decided that the theme of the discussion at next year’s joint meeting would be “Counter-terrorism measures and their impact on human rights and the rule of law”.

Support services

77. Participants expressed their sincere thanks for the steps taken to improve the funding of special procedures and for the assistance of the secretariat on all administrative matters, particularly with respect to editing, documentation and interpretation services.

78. With respect to documentation, the meeting requested the OHCHR Document Processing Unit, in light of the improvement in the submission and production of documentation, to reconsider the question of translating mission reports into all official United Nations languages. Support was also expressed by all participants for the use of creative and innovative solutions for

¹ See also the recommendation of the persons chairing the human rights treaty bodies, adopted at their fifteenth meeting (Geneva, 23-27 June 2003), that the treaty bodies consider appointing a liaison for relevant special rapporteurs in order to enhance collaboration (report forthcoming).

the issuance and dissemination of reports to the Commission. Participants also committed themselves to address their methods of work concerning the preparation of documentation and to examine the possibility of submitting some reports earlier.

79. With respect to interpretation services, participants recognized the implications of late cancellations of missions for the financial situation of the UNOG Interpretation Service and the need to provide in advance sufficient warning of missions which would require the provision of interpretation services in a language other than an official United Nations language, in order to maximize the use of scarce resources.

80. Participants welcomed the establishment of the External Relations Branch and the development of strategies to more adequately disseminate information concerning OHCHR, treaty body and special procedures human rights activities.

81. The meeting welcomed the briefing given on the United Nations Security Management System. The participants agreed that given the nature of their mandates, it was important that they be assisted on security-related matters in a timely and effective manner, as needed, in particular during their missions to the field. Rapporteurs requested OHCHR to ensure that funding to support these activities was secured and made available, as needed.

82. The participants adopted the present report at the final meeting, held on 27 June 2003.

Annex I

JOINT STATEMENT BY PARTICIPANTS AT THE TENTH ANNUAL MEETING

The special rapporteurs/representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, meeting in Geneva from 23 to 27 June 2003, express alarm at the growing threats against human rights, threats that necessitate a renewed resolve to defend and promote these rights. They also note the impact of this environment on the effectiveness and independence of special procedures.

Although they share in the unequivocal condemnation of terrorism, they voice profound concern at the multiplication of policies, legislation and practices increasingly being adopted by many countries in the name of the fight against terrorism which affect negatively the enjoyment of virtually all human rights - civil, cultural, economic, political and social.

They draw attention to the dangers inherent in the indiscriminate use of the term "terrorism", and the resulting new categories of discrimination. They recall that, in accordance with the International Covenant on Civil and Political Rights and pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, certain rights are non-derogable and that any measures of derogation from the other rights guaranteed by the Covenant must be made in strict conformity with the provisions of its article 4.

The special rapporteurs/representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission and of the advisory services programme deplore the fact that, under the pretext of combating terrorism, human rights defenders are threatened and vulnerable groups are targeted and discriminated against on the basis of origin and socio-economic status, in particular migrants, refugees and asylum-seekers, indigenous peoples and people fighting for their land rights or against the negative effects of economic globalization policies.

They strongly affirm that any measures taken by States to combat terrorism must be in accordance with States' obligations under the international human rights instruments.

They are determined, in the framework of their respective mandates, to monitor and investigate developments in this area and call upon all those committed to respect for human rights, including the United Nations, to be vigilant to prevent any abuse of counter-terrorism measures.

Annex II

LIST OF SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND THE MANDATE-HOLDERS

I. THEMATIC MANDATES

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|-----|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1. | Working Group on Enforced or Involuntary Disappearances | Chairperson-Rapporteur
Mr. D. García-Sayán, represented by
Mr. I. Tosevski* |
| 2. | Working Group on Arbitrary Detention | Chairperson-Rapporteur
Mr. L. Joinet* |
| 3. | Special Rapporteur on extrajudicial, summary or arbitrary executions | Ms. A. Jahangir* |
| 4. | Special Rapporteur on the independence of judges and lawyers | Mr. P. Kumaraswamy*
(until end July 2003) |
| 5. | Special Rapporteur on the question of torture | Mr. T. van Boven* |
| 6. | Representative of the Secretary-General on internally displaced persons | Mr. F. Deng |
| 7. | Special Rapporteur on religious intolerance | Mr. A. Amor* |
| 8. | Special Rapporteur on the question of the use of mercenaries | Mr. E. Bernales-Ballesteros* |
| 9. | Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression | Mr. A. Ligabo* |
| 10. | Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance | Mr. D. Diène* |
| 11. | Special Rapporteur on the sale of children, child prostitution and child pornography | Mr. J.M. Petit* |
| 12. | Special Rapporteur on violence against women, its causes and consequences | Ms. R. Coomaraswamy
(until end July 2003) |

* Attended the meeting.

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| 13. Special Representative of the Secretary-General on children and armed conflict | Mr. O. Otunnu |
| 14. Special Representative of the Secretary-General on the situation of human rights defenders | Ms. H. Jilani* |
| 15. Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes | Ms. F.Z. Ouhachi-Vesely* |
| 16. Special Rapporteur on the human rights of migrants | Ms. G. Rodríguez Pizarro* |
| 17. Independent expert on structural adjustment and foreign debt | Mr. B.A. Nyamwaya Mudho* |
| 18. Special Rapporteur on the right to education | Ms. K. Tomasevski |
| 19. Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living | Mr. M. Kothari* |
| 20. Special Rapporteur on the right to food | Mr. J. Ziegler* |
| 21. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people | Mr. R. Stavenhagen |
| 22. Independent expert on the question of human rights and extreme poverty | Ms. A.-M. Lizin* |
| 23. Independent expert on the right to development | Mr. A. Sengupta* |
| 24. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health | Mr. P. Hunt* |
| 25. Working Group on People of African Descent | Chairperson-Rapporteur:
Mr. P. Kasanda |

II. COUNTRY MANDATES

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|-----|------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1. | Special Rapporteur on the situation of human rights in Afghanistan | Mr. K. Hossain*
(until end July 2003) |
| 2. | Special Rapporteur on the situation of human rights in Iraq | Mr. A. Mavrommatis* |
| 3. | Special Rapporteur on the situation of human rights in Myanmar | Mr. P.S. Pinheiro* |
| 4. | Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 | Mr. J. Dugard |
| 5. | Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo | Ms. I.A. Motoc* |
| 6. | Special Rapporteur on the situation of human rights in Burundi | Ms. M.-T. Kéïta-Bocoum* |
| 7. | Special Representative of the Secretary-General for human rights in Cambodia | Mr. P. Leuprecht* |
| 8. | Independent expert on the situation of human rights in Somalia | Mr. G. Alnajjar* |
| 9. | Independent expert on the situation of human rights in Haiti | Mr. L. Joinet* |
| 10. | Independent expert on technical cooperation and advisory services in Liberia | New mandate |
| 11. | Independent expert on the situation of human rights in Afghanistan | New mandate |
