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Report of the nineteenth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council (Geneva, 11-15 June 2012)

Note by the United Nations High Commissioner for Human Rights

Rapporteur: Gabriela Knaul

Summary

The nineteenth annual meeting of special procedures mandate holders of the Human Rights Council was held in Geneva from 11 to 15 June 2012.

The Independent Expert on the situation of human rights in Haiti, Michel Forst, was elected as Chairperson of the meeting and the Coordination Committee. The Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, was elected Rapporteur and member of the Coordination Committee. The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, the Special Rapporteur on the human rights of migrants, François Crépeau, and a member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Puvan J. Selvanathan, were endorsed as members of the Committee. Farida Shaheed, as former Chairperson, remains an ex officio member for the coming year.

Mandate holders exchanged views with the United Nations High Commissioner for Human Rights and the President of the Human Rights Council. Meetings with a number of stakeholders were held, including with representatives of States, the African Commission on Human and Peoples' Rights, non-governmental organizations and national human rights institutions. Human rights mainstreaming was among the principal thematic issues discussed.

Discussions focused on the independence of the special procedures, harmonization of working methods, and measures to enhance the engagement of mandate holders with various stakeholders to strengthen their effectiveness. The importance of increasing regular and extrabudgetary resources for special procedures was stressed. The participants noted

the creation of four new thematic and two country mandates by the Human Rights Council since the previous annual meeting, and welcomed the new mandate holders participating in the meeting for the first time.

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I. Introduction

1. The special rapporteurs, representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and the Human Rights Council have held annual meetings 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.¹

2. During the annual meeting, mandate holders exchanged views with the United Nations High Commissioner for Human Rights and the President of the Human Rights Council. Meetings were held with a number of stakeholders, including representatives of States, the African Commission on Human and Peoples' Rights, non-governmental organizations and national human rights institutions. Human rights mainstreaming was among the principal thematic issues discussed.

II. Organization of work

3. The meeting was opened by the Chairperson of the eighteenth annual meeting and Chairperson of the Coordination Committee of special procedures, Farida Shaheed. She welcomed the recently appointed mandate holders, and expressed appreciation to the outgoing mandate holders for their contributions.

4. The participants were welcomed by the Chief of the Special Procedures Branch, who provided an update on recent developments in the special procedures system. Since the end of June 2011, four thematic mandates had been established by the Human Rights Council: the Working Group on transnational corporations and other business enterprises (replacing the Special Representative of the Secretary-General on the issue); the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Independent Expert on the promotion of a democratic and equitable international order; and the Independent Expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment. New country mandates were created to address the situation in Côte d'Ivoire and the Syrian Arab Republic.² In sum, there are 46 mandates, including six five member working groups, bringing the number of mandate holders to 69.

5. In 2011, special procedures carried out 82 visits, while the number of States issuing a standing invitation for visits rose to 90, from 80 in 2010. During the past year, special procedures sent 604 communications, 75 per cent jointly, to States regarding concerns over specific individuals and situations. Unfortunately, the response rate by States remains low, at around 35 per cent.

6. Mandate holders were informed that, in 2011, the Office of the High Commissioner (OHCHR) adopted an internal gender policy, which included recognition of the long-standing commitment of special procedures to integrate women's rights and equality issues into their work. In almost all its resolutions relating to mandates, the Human Rights Council requested integration of gender aspects, and many special procedures had examined how

¹ A/CONF.157/24 (Part I), part II, para. 95.

² For the latter, the Special Rapporteur will commence his mandate when that of the commission of inquiry on the situation of human rights in the Syrian Arab Republic has ended.

issues falling within their mandates have a differential impact on the enjoyment by women of their human rights. OHCHR is analysing the work of mandate holders in this area in order to provide them with updated information.

7. Attention was drawn to the OHCHR Management Plan 2012 and the annual report for 2011. One of the six thematic strategies of OHCHR focuses specifically on strengthening human rights mechanisms, including the special procedures, while their work has also contributed to the development of the other thematic strategies of the Management Plan. Examples of special procedures activities and results included in these reports were highlighted.

8. The participants elected the Independent Expert on the situation of human rights in Haiti, Michel Forst, Chairperson of the meeting and the Coordination Committee. The Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, was elected Rapporteur and member of the Coordination Committee. The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, the Special Rapporteur on the human rights of migrants, François Crépeau, and a member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Puvan J. Selvanathan, were endorsed as members of the Committee. Farida Shaheed, as former Chairperson, will remain an *ex officio* member for the coming year.

9. The provisional agenda of the meeting was adopted as revised.

III. Activities of the Coordination Committee

10. The former Chairperson of the Coordination Committee briefed participants on the activities of the Committee in 2011/12, noting that it had focused on strengthening engagement with various stakeholders, including the Human Rights Council, States and regional human rights systems. Emphasis had also been placed on identifying situations and cross-cutting issues of common concern to mandate holders.

11. Pursuant to the standing invitation to mandate holders to participate in special sessions of the Human Rights Council, the outcome of a discussion between the President of the Council and the Coordination Committee Chairperson in November 2008, arrangements were made to facilitate contributions of special procedures at special sessions. Mandate holders presented statements on behalf of all special procedures at the special sessions on the situation of human rights in the Syrian Arab Republic, which were held on 22 August and 2 December 2011, and 1 June 2012. The Chairperson also presented a statement on behalf of all special procedures during the high-level panel discussion on mainstreaming human rights, convened during the nineteenth session of the Council.

12. The Chairperson and the Rapporteur met with the President of the Human Rights Council twice to discuss the interaction of mandate holders with the Council and exchange views on issues of mutual concern. The Chairperson met with representatives of various regional groups of States to strengthen dialogue between special procedures and States. Cooperation with the African regional system for human rights was strengthened. The Chairperson, together with eight other mandate holders, including two Coordination Committee members, participated in a dialogue between special procedures of the Council and of the African Commission on Human and Peoples' Rights in Addis Ababa on 17 and 18 January 2012, organized by OHCHR in cooperation with the African Commission on Human and Peoples' Rights and the African Union Commission. A working group of the special procedures of the United Nations and the African Commission on Human and Peoples' Rights was established.

13. No complaints of alleged misconduct of mandate holders were brought to the attention of the Coordination Committee, and no communications were submitted to the Committee under its Internal Advisory Procedure in 2011/12. The Committee remained ready to address situations considered to be of concern to the system as a whole proactively, with due regard for the responsibility of individual mandate holders.

14. OHCHR organized two induction sessions for new mandate holders, in October 2011 and May 2012, during which members of the Coordination Committee briefed participants on the Committee and participated as resource persons. With regard to follow-up to issues discussed at the eighteenth annual meeting, mandate holders now had access to individual generic e-mails, information-sharing had been facilitated through the establishment of an extranet and several administrative issues had been resolved. The consolidated communications report submitted to the Human Rights Council at each of its sessions since September 2011 was noted as particularly positive. The strengthening of coordination, notably with regard to country visits and priority issues across mandates, remained a principal objective for the coming year, as did raising the visibility of the system of special procedures and mainstreaming human rights. Informal interaction between the Committee and the President of the Council and regional groups should be continued.

IV. Exchange of views with the United Nations High Commissioner for Human Rights

15. The High Commissioner observed that the continued expansion of the special procedures system through the creation of new mandates bore testimony to the relevance of their work and their key position in the human rights machinery. She highlighted the valuable role played by special procedures in providing early warning and advocating for the prevention of human rights violations, as shown by their participation, facilitated by the Coordination Committee, through public statements at the special sessions of the Human Rights Council on the Syrian Arab Republic and the many communications and public statements on other situations. She also commended the special procedures for drawing attention to systemic issues affecting the international community, such as the challenges to sustainable development, the financial crises and globalization.

16. The High Commissioner emphasized how she consistently addressed cooperation with special procedures and follow-up to their recommendations in her interaction with States, reminding them of their commitments to issue invitations, facilitate country visits, respond to communications and protect those cooperating with special procedures from reprisals. She was pleased that, at the annual meeting, time had been dedicated to the discussion of human rights mainstreaming, given that working closely with United Nations entities heightened the impact of recommendations and improved follow-up with authorities on their implementation. She encouraged mandate holders to develop such partnerships further, and pointed out that OHCHR would continue to promote special procedures across the United Nations system. OHCHR currently had 58 field presences; wherever colleagues were present at the national level, they would always provide full support. The work of special procedures reinforced and complemented the work of OHCHR in the field, and played a valuable role in raising the profile of specific issues and situations.

17. The High Commissioner stated that regional human rights organizations were key partners and welcomed the strengthened cooperation of mandate holders with the special rapporteurs of the African Commission on Human and Peoples' Rights, seen in the road map adopted at the joint meeting held in Addis Ababa in January 2012. The implementation of the decision to prepare a consolidated communications report had

been positive, and although initially some States had expressed concern with regard to the report, none had been expressed since the report had been submitted to the Council at its nineteenth session. The High Commissioner deeply regretted the fact that reprisals continued against persons who had interacted with human rights mechanisms, and noted that, at recent Council sessions, the issue had attracted special attention. She, together with the President of the Council and several special rapporteurs, had condemned such acts. She stressed that she would continue to do her utmost to ensure that States respected their obligation to protect those who cooperate with human rights mechanisms, and that any suspected act of intimidation or reprisals were responded to vigorously and perpetrators held to account.

18. The mandate holders congratulated the High Commissioner on the extension of her mandate and expressed appreciation for the support provided by her Office, with several noting that continuity in staffing was important. It was observed that the visibility of special procedures had to be raised and that follow-up remained an area that required strengthening. Various mandate holders gave examples of their fruitful collaboration with OHCHR field offices in country visits, while a few suggested that this was an area that could be strengthened. The point was also made that there was potential for OHCHR to engage with the business sector, particularly transnational business corporations. The mandate holders pointed to the important role OHCHR played in the promotion of human rights mainstreaming in the United Nations system, and suggested that it would be useful to document the experience that special procedures had with United Nations country teams. With regard to the universal periodic review, some mandate holders observed that it would be useful for mandate holders who had recently visited countries under review to be present and participate in the review of those countries. On documentation issues, mandate holders expressed concern at the lack of available translations of their reports in official languages and editing practices concerning reports submitted to the General Assembly. Challenges in combining family life, particularly where mandate holders were parents of infants or young children with exercising a special procedures mandate, were noted, and it was suggested that relevant guidelines could be developed. The High Commissioner reaffirmed her commitment to continue to ensure financial support for special procedures, but observed that the current economic situation was unfavourable and that this had also affected the Office. She pledged her support with regard to of the issues concerning documentation and translation.

V. Human Rights Council and the special procedures system

19. The participants exchanged views with the President of the Human Rights Council, Laura Dupuy Lasserre, Permanent Representative of Uruguay to the United Nations Office at Geneva, the Chief of the Human Rights Council Branch of OHCHR and the Chief of the Universal Periodic Review Section of OHCHR.

20. The Chief of the Human Rights Council Branch underlined the recent positive developments in the Human Rights Council with regard to the participation of civil society and national human rights institutions, interaction with special procedures, joint and cross-regional initiatives by States and the new modalities that the Human Rights Council had devised to address thematic and country situations in a timely manner. He noted that the Council had created several new mandates, assigned new tasks to OHCHR, and convened numerous panel discussions on topical areas. The impact of Council activities on the workload and resources of OHCHR was highlighted.

21. The Chief of the Universal Periodic Review Section referred to the opportunities for cooperation with the universal periodic review. He emphasized the mutually reinforcing nature of special procedures and the review mechanism, and its capacity to raise awareness

of special procedures mandates and create an environment for dialogue with States and other actors. Noting that 31 of the 90 standing invitations to special procedures were linked to the universal periodic review, he stated that the input of special procedures was essential at the various stages of the review process, including the compilation of information, follow-up with States on implementation of recommendations and assessment of implementation. The participants appreciated the opportunities of the universal periodic review, but expressed some reservations, including that the review might overshadow other human rights mechanisms and undermine special procedures recommendations. Ways to strengthen the participation of special procedures in the review process, for example, through the attendance of country-specific mandate holders at the sessions of the Working Group on the Universal Periodic Review where those countries were being reviewed or where a thematic mandate holder had conducted a recent visit to the State under review or through mandate holders highlighting important concerns to be reflected in the compilation report, were suggested. Participants also stressed that lessons learned from the first cycle should be compiled.

22. The President of the Human Rights Council pointed to the achievements of, and the challenges confronting, the Council. She indicated that the Council had taken measures to facilitate interaction with national human rights institutions, including by providing for participation by means of video messages, a practice that would be introduced for non-governmental organizations. Cases of reprisal against human rights defenders following interaction with the Council, the special procedures and other human rights mechanisms had been reported. She and the Council Members had taken a strong stance against such actions. The participants praised the President for her response and agreed that more should be done to ensure that those cooperating with the United Nations in the field of human rights do not face intimidation and reprisals, including by further operationalizing the mandate of the Council and its mechanisms.

23. The President stated that human rights mainstreaming was an area where the Human Rights Council, with the help of special procedures, could be more proactive. She would propose that the high-level panel on mainstreaming to be convened at the twenty-second session of the Council focus on mainstreaming human rights in humanitarian contexts. Cooperating with other United Nations entities and United Nations country teams in thematic and country-related issues was considered essential. She also suggested that further measures should be taken to increase the visibility of special procedures on the ground. The President encouraged the special procedures to integrate technical cooperation aspects as they fulfilled their mandates, and observed that other United Nations entities could play a valuable role by supporting the implementation of special procedures recommendations. Follow-up to the recommendations made by special procedures and at the universal periodic review required strengthening; cooperation with regional mechanisms was a way to exchange information and ensure follow-up to special procedures recommendations. The President referred to the second cycle of the review and encouraged mandate holders to consider the calendar of scheduled reviews when planning country visits.

24. It was noted that interaction and coordination with inter-governmental bodies based at Headquarters, such as the General Assembly and the Security Council, could be improved, with participants highlighting recent examples of human rights issues being taken up by those bodies. As the third pillar of the United Nations, alongside peace and security, and development, human rights should be mainstreamed in these bodies. The prevention and early warning role of special procedures was discussed, as were ways to ensure that information on human rights concerns, particularly those on the ground, was available in a timely manner and duly considered. Special procedures should continue to address sensitive human rights issues in order to move debate forward on those areas. The

President underlined her desire to strengthen interaction with the Coordination Committee, her support for its role and willingness to defend the independence of mandate holders.

25. The participants expressed appreciation for the opportunities given to special procedures to engage with the Human Rights Council, for example, during special sessions and panel discussions, but pointed out that the quality of interactive dialogues could be improved perhaps by revisiting the practice of clustering the interactive dialogues of several special procedures, building on lessons learned in relation to the time management initiatives introduced in the context of universal periodic review and Council panel discussions. Mandate holders discussed ways of improving their interaction with the Council, such as through informal meetings with States and side events, where more time would be available for interaction. The joint initiatives of special procedures were useful to maximize impact, ensure coherence and increase awareness of human rights issues. It was noted that joint statements, including to the Council, joint reports and visits posed challenges, but were nonetheless valuable. The specificity of country mandates was highlighted, while cooperation between country and thematic mandates was considered to be a good way to ensure complementarity and mutual reinforcement among mandates.

VI. Thematic issues and working methods

A. Human rights mainstreaming

26. The participants exchanged views with the United Nations Resident Coordinator in Malaysia, Kamal Malhotra, the Human Rights Policy Adviser of the United Nations Development Operations Coordination Office, United Nations Development Group, and representatives of the International Labour Organization, OHCHR, the United Nations Development Programme, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund (UNICEF) and the World Health Organization, all members of the United Nations Development Group Human Rights Mainstreaming Mechanism.

27. It was pointed out that the United Nations Development Group Human Rights Mechanism was established in 2009 at the request of the Secretary-General in order to institutionalize the mainstreaming of human rights in the development work of the United Nations. Made up of 19 United Nations agencies, funds and programmes and chaired by OHCHR, with a rotating vice-chairperson (currently UNICEF), the Mechanism aims to strengthen the coordination of United Nations responses to requests from Member States for support in their efforts to fulfil international human rights commitments. Its objectives are to strengthen system-wide coherence and collaboration, and provide support for resident coordinators, regional Development Group teams, United Nations country teams and national partners to mainstream human rights. One priority in developing a coherent, system-wide approach to strengthening national human rights protection systems is to support the engagement of country teams with human rights mechanisms. Feedback from the country teams on their experience of working with special procedures highlights the contributions of mandate holders to support for the normative work of the United Nations, follow-up at the national level, public awareness-raising and strengthening of local civil society, while raising sensitive human rights issues.

28. It was noted that resident coordinators and United Nations country teams could engage with special procedures in all aspects of their mandates, including in the preparation and execution of, and follow-up to, country visits and work on thematic issues. In these contexts, the different mandates of special procedures and the country teams should be borne in mind.

29. The participants strongly agreed that there was a need to enhance human rights mainstreaming within the United Nations system, particularly through cooperation among special procedures, United Nations country teams and entities at Headquarters. Current cooperation was welcome; it was emphasized, however, that for cooperation to be successful, early consultation, coordination and exchange of information were essential. Country visits of special procedures were valuable opportunities to contribute to the promotion of human rights, raise awareness of human rights issues, strengthen advocacy and support civil society. Country teams played an important role in promoting follow-up to and implementation of the recommendations made by special procedures, with country visit reports being frequently used by the teams for programming and further discussion with States and civil society. Cooperation on thematic issues of common interest between special procedures and United Nations entities at Headquarters has also proved useful. United Nations agencies considered the joint statement on the United Nations Conference on Sustainable Development (Rio+20) by mandate holders to be a very positive contribution. Significant challenges remained, including the need to raise awareness of the role of special procedures in United Nations entities and include special procedures in the process of mainstreaming through appropriate use of their expertise. This could take the form of, inter alia, participation in seminars or webinars, devising indicators and evaluation methods, or suggesting concrete projects for technical cooperation. The engagement of United Nations country teams in human rights mainstreaming varied significantly, often owing to limited capacity and insufficient knowledge of the special procedures system. The importance of the leadership role played by resident coordinators in this context and the need to ensure that the country teams mainstream human rights were highlighted. With regard to country visits, it was essential to consider their timing, sequencing and preparation. The participants also referred to the importance of prioritizing the security of persons who met with special procedures and strengthening ways to protect them against reprisals.

30. United Nations country teams were urged to use the expertise of special procedures on thematic issues, including by exploring the possibility of organizing seminars on the special procedures system, if possible with mandate holders present in the country. Building on the positive experiences to date, special procedures and United Nations entities at Headquarters should strengthen their cooperation on thematic issues of common interest, thus benefiting from their comparative advantage. Updating and strengthening training and guidance tools for country teams with input from the special procedures in the process was recommended, as was improving information-sharing among special procedures, country teams and entities at Headquarters. The importance of taking real practical steps and ensuring knowledge management of experiences, including lessons learned and good practices, was underlined, as was the use of modern technology to build capacity.

31. The continued documentation of forms of cooperation among special procedures, United Nations country teams and entities at Headquarters was regarded as essential for drawing lessons and identifying good practices. Special procedures were considered to have important insights to contribute, and it was agreed that a note would be prepared at the session in consultation with the Coordination Committee and circulated to all resident coordinators.

B. Enhancing follow-up, coordination and information-sharing

32. The mandate holders discussed various modalities of follow-up on implementation of their recommendations; these included the circulation of questionnaires to States and other stakeholders, the provision of technical assistance and collaboration and follow-up reports based on follow-up visits, and the collection of updated information from the concerned State and others. Examples were provided of follow-up events organized by

human rights field presences to promote dissemination and bring together relevant stakeholders. Proposals aimed at creating more institutionalized and systematic follow-up included the establishment of a dedicated unit in the Special Procedures Branch to document follow-up efforts in order to create an institutional memory of best practices. It was observed that dialogue between States and mandate holders should be enhanced and that the preparation of follow-up reports was currently hampered by a lack of responsiveness from States. The point was made that follow-up was not the exclusive preserve of mandate holders and that national mechanisms for follow-up and assessment of the implementation rate of recommendations should be established. Non-governmental organizations, national human rights institutions and United Nations agencies were invited to contribute to such processes.

33. Noting that follow-up in the United Nations system was generally weak, mandate holders discussed the lack of time and resources in that area. It was noted that mandate holders could strengthen their cooperation with human rights treaty bodies and the universal periodic review, and build on each other's recommendations, observations and conclusions. Better coordination across mechanisms would facilitate engagement with United Nations country teams and enhance their ability to follow up on recommendations. Several mandate holders referred to the importance of communications and the need to have a more systematic approach to this crucial area of work. Ways to make these a more powerful tool, including through follow-up, were also discussed.

34. The mandate holders were briefed on the outcome of a study on the protection impact of United Nations human rights field presences, *Influence on the Ground*,³ prepared over a two-year period, highlighting country-specific case studies and based on inputs from nearly 400 respondents, including State actors, human rights staff and civil society organizations. The study indicated that protection is best advanced through a multifaceted strategy, including monitoring through presence, advocacy, diplomacy and technical cooperation. Maintaining a dialogue with the State is crucial, as is the capacity-building of local civil society. The cooperation of human rights monitors with authorities has a significant dissuasive effect and prevents violations, particularly where the presence on the ground was considered credible and legitimate. Examples of strategic collaboration between special procedures and field presences were identified. The visits and communications of special procedures provide a "louder voice" when highlighting concerns, which is particularly valuable for smaller field presences. It is important for special procedures to visit rural areas and communities, engage with local civil society actors and thoroughly consider how mission reports may be of use for a variety of stakeholders.

35. The mandate holders welcomed the study and noted that the protection of witnesses and sources must always be a priority concern. The national staff members of United Nations human rights field presences may be at more risk than international staff. Some mandate holders observed that there was a need for capacity-building with regard to human rights mechanisms, including special procedures, among field staff. The mandate holders recognized the crucial role that field presences play in promoting follow-up, and that the special procedures and field presences had distinct independent roles. Maintaining this distinction and the independence of mandate holders was essential and would help to avoid politically delicate situations for United Nations personnel in the field. They also pointed to the complementary roles of OHCHR field presences, other parts of the United Nations on the ground and local civil society in addressing human rights issues.

³ Liam Mahoney and Roger Nash, *Influence on the Ground* (Brewster, Fieldview Solutions, 2012).

36. The attention of mandate holders was drawn to the tools to enhance information-sharing, including the upgraded Universal Human Rights Index database; the annual calendar of the human rights mechanisms, developed jointly by the Human Rights Treaty Division, the Special Procedures Branch and the Human Rights Council Branch, integrating information on activities relating to special procedures, the Human Rights Council, the treaty bodies and the universal periodic review; and the special procedures extranet. The point was made that basic documents were sometimes not translated into all languages of the United Nations, and that rules limiting the word count of documents might compromise the work of mandate holders. Suggestions for improvement were made, in particular in relation to the OHCHR website, and the development of further tools was recommended.

37. Some mandate holders reiterated serious concerns raised on previous occasions about United Nations editorial policies and practices, especially with regard to reports submitted to the General Assembly, which sometimes resulted in substantive changes to reports, especially in sensitive areas, without consultation with the relevant mandate holder. The point was also made that mandate holders who worked in more than one official language of the United Nations should have the possibility of giving input into the language versions of their reports, as problems similar to those relating to editing had arisen. Strategies to address these issues were proposed.

VII. Consultations with stakeholders

A. States

38. The Chairperson noted that mandate holders continuously sought to strengthen cooperation and dialogue with States, and that maintaining a constructive dialogue enhanced the common goal of improving human rights protection at the national level. States welcomed the opportunity for interaction and expressed support for the work and independence of human rights mandate holders. Several States recalled that it was important for special procedures to be guided by independence, non-selectivity and impartiality, and that they carry out their mandate in accordance with the Code of Conduct. Other States pointed to the crucial role of special procedures. Several States raised the issue of the funding of special procedures, while some suggested that this support should be provided solely through the regular budget of the United Nations or unearmarked contributions to OHCHR. Transparency in this area was essential to avoid any perception of lack of independence.

39. Several States enquired whether standing invitations were honoured in practice and whether information was available on the number of requests addressed to countries that had issued standing invitations yet denied access. States also raised the need to increase coordination among mandate holders prior to making visit requests. Several mandate holders pointed out that their requests for a visit frequently remain unanswered, and that this compromised their ability to coordinate and plan work, and use their limited resources effectively. It was also observed that, in recent instances, acceptance by the State of a visit had sometimes been received very late, which created significant obstacles to the conduct of the mission.

40. Several States expressed appreciation for the visits made by special procedures that they had recently hosted. Questions were raised about the consistency of working methods and methodology in the area of follow-up. The mandate holders pointed out that they wished to strengthen modalities to sustain follow-up after visits, and also raised the importance of internal coordination across Government entities, given that the Ministry of Foreign Affairs does not always adequately involve other relevant ministries and

departments. States raised questions about the utility of questionnaires. The mandate holders responded that questionnaires gave them important information on follow-up, and encouraged States to respond in order to ensure that global perspectives are given on thematic studies. States encouraged mandate holders to assist in the identification of best practices in order to assist in the development of legislation in specific thematic areas, such as freedom of expression. Some States asked about the criteria used to decide whether a communication would be sent and the verification process. In response, the mandate holders indicated that they seek to verify through other sources. They also called on States to be more responsive to communications, as currently only 35 per cent received responses, with many of these being limited to narrow legal issues. It was noted that, in some cases, communications concerned life and death situations, the resolution of which depended on the reaction of the State.

41. Several States noted the recently enhanced cooperation with the African human rights system as a positive development. A representative of the Council of Europe expressed keen interest in strengthening regional collaboration, indicating that coordination and information-sharing between special procedures and the human rights mechanisms of the Council, notably the Commissioner for Human Rights, would be beneficial for the planning and conduct of country visits in Europe, as well as normative thematic work, for example with regard to business and human rights and the rights of elderly.

42. The mandate holders underlined the obligation of States to protect sources and witnesses who had interacted with them against reprisal and intimidation. Instances where States had sought access to confidential information about the identity of persons who had met with mandate holders during country visits were noted. While the mandate holders welcomed the political support of States, reflected in the increase of mandates, they also called on States to ensure that additional financial resources were made available to provide adequate support for the special procedures.

B. Regional human rights mechanisms

43. The exchange of views between the special procedures mandate holders and representatives of the special procedures of the African Commission on Human and Peoples' Rights provided an overview of the progress made in the implementation of the road map agreed upon at the dialogue held between the special procedures of the Human Rights Council and those of the African Commission on 17 and 18 January 2012 in Addis Ababa. The representatives the joint working group established to advance and monitor the implementation of the Addis Ababa road map briefed the meeting on its highlights and provided information on the action taken after the dialogue between the two mechanisms, including the appointment of focal points within the respective secretariats and an increase in regular exchanges of information, such as notes forecasting the relevant activities of both systems; regular mailing of the special procedures bulletin to the African Commission; participation in each other's sessions or annual meetings; the preparation of a comparative note between the two special procedures systems; reciprocal follow-up to the recommendations of each mechanism; and peer-to-peer learning.

44. The mandate holders from both systems stressed the importance and relevance of the road map, which provides a structured framework for further cooperation, and expressed strong support for it, particularly as they considered that, by acting together, their impact was stronger. They highlighted past instances of successful cooperation, in particular the joint visit of the special rapporteurs on the situation of human rights defenders to Togo in 2007; the joint statements of the special rapporteurs on freedom of expression; and the common activities of the mandates on torture and on internally displaced persons. Some

mandate holders highlighted the fact that the road map had triggered discussions on a number of initiatives, including the arrangement of seminars on issues of common interest.

45. Reference was made to the importance of recognizing the complementarity of the two systems. The need to systematically follow up on recommendations made by the special procedures of each system was emphasized. The special procedures of the African Commission underlined the value they could add to the work of the special procedures of the Human Rights Council, especially in terms of local knowledge and expertise. The information from the African Commission was considered to be vital for the universal periodic review, and the recommendations made by special procedures of the United Nations could be sent to the Commission for promotion and inclusion in discussions of the periodic reports submitted by States. The need to enhance cooperation in communications was also discussed, although the details and modalities for this would require further discussion, particularly as the time frame for the public disclosure of communications in the African system was shorter than that of the special procedures of the United Nations.

46. Noting the significant progress that had already been made in the implementation of the road map, the mandate holders highlighted the importance of strengthening cooperation on thematic areas of common interest, including forced disappearances, arbitrary detention, education, indigenous peoples, internally displaced persons, slavery, summary executions, discrimination against women, children's rights, and trafficking in persons. It was noted that the African Commission would celebrate its twenty-fifth anniversary at its fifty-second session, and that this was an opportunity for further collaboration between United Nations and African special procedures. Relevant country mandate holders also expressed interest in exploring further ways of cooperation with the African Commission within the framework of the road map. The mandate holders of the African Commission noted the need for further support for its secretariat in order for the partnership to be maintained.

47. The mandate holders agreed to continue to exchange information and thanked the secretariats for the documents provided, including the forecast of activities of both systems. They decided to continue to work towards the identification of joint activities to be undertaken and resolved to review the road map at the next dialogue between mandate holders of the Human Rights Council and the African Commission, to be held in 2013, subject to the availability of resources. Encouraged by the progress made in implementation of the road map, the mandate holders expressed an interest in the development of modalities to strengthen their collaboration with other regional human rights systems.

C. Civil society and non-governmental organizations

48. Opening the exchange of views with civil society organizations and non-governmental organizations, the Chairperson raised the question of how special procedures could strengthen cooperation and communication with civil society organizations. The Chairperson noted that threats and acts of reprisal against civil society organizations that cooperate with mandate holders or other parts of the United Nations system were serious concerns.

49. The representatives of civil society organizations expressed their appreciation for the work of the mandate holders and encouraged them to dedicate more time to meeting with civil society, suggesting that they should meet earlier during the annual meeting in the future. They suggested that enhanced cooperation by States was required, as low response rates to communications and negative responses by States to requests for visits, including those that had issued standing invitations, were matters of concern. They encouraged the mandate holders to include information on cooperation with States in their annual reports. To address lack of cooperation by States, the mandate holders could send joint reminders, issue press releases or made direct reference to this at Council sessions. Civil society

organizations suggested a “cooperation audit” to assess the cooperation that special procedures enjoyed with States, stressing that a standing invitation was not the end goal and that, in fact, many standing invitations have no practical effect.

50. The consolidated communications reports presented to the Human Rights Council at each session were commended, because they improved transparency and access to information. The special procedures were urged to organize the report by State rather than chronologically in order to make it more user-friendly. Civil society organizations also urged the mandate holders to maintain the practice of formulating observations on communications, preferably including these in the communications report itself. They expressed concern at the lack of information provided on action taken in response to their submissions and noted that sources often do not receive a confirmation of receipt. Civil society representatives also regretted the fact that urgent appeals sent by non-governmental organizations were not always treated with urgency. The mandate holders noted that they receive a large number of requests for individual action, but did not have the capacity to follow up on all of them. They supported certain suggestions, such as developing modalities to acknowledge receipt of communications and organizing the communications report by country. The mandate holders pointed out that they had been able to follow up on their communications and country visits through non-governmental organizations, and that their collaboration with regional organizations was also facilitated by civil society.

51. The organizations expressed gratitude for the commitment of mandate holders to confront cases of reprisal, and encouraged them to speak up, in consultation with the victims and families of victims. It was suggested that the Manual of Operations of the Special Procedures be revised to include a section on reprisals, while mandate holders stated that mechanisms for protection against reprisal were crucial as reprisal should be dealt with more systematically by the Human Rights Council, which should react automatically and immediately in this context. The contribution of the special procedures to highlighting specific and sensitive human rights issues, including sexual orientation and gender identity, was acknowledged. The organizations drew attention to the upcoming high-level debate on the rule of law to be convened by the General Assembly in the latter half of 2012, and encouraged the mandate holders to make collective and individual contributions to it. The Chairperson indicated that mandate holders would prepare a joint statement in the lead-up to the high-level debate.

52. Mandate holders made clear that non-governmental organizations had an important role to play in providing ideas on the focus of thematic reports, and asked for suggestions to give their reports more visibility. The mandate holders also requested feedback on the implementation of their recommendations at the country level. The civil society organizations encouraged the special procedures to be more present in the context of the universal periodic review.

53. The mandate holders expressed their appreciation to civil society organizations for their work. The Chairperson suggested the establishment of a coordination mechanism, comprising three members of the Coordination Committee and three representatives of civil society organizations, which would meet throughout the year, with its first meeting being convened on the margins of the twentieth session of the Human Rights Council.

D. National human rights institutions

54. The mandate holders engaged in dialogue with Chairperson of the Scottish Human Rights Commission and of the European Group of National Human Rights Institutions, Allan Miller, the Chairperson of the South African Commission and the Network of African National Human Rights Institutions, Lawrence Mushwana, and Katherina Rose of the International Secretariat of the International Coordinating Committee of National

Human Rights Institutions. Representatives of national human rights institutions pointed out that their organizations play a bridging role between State actors and non-governmental organizations, and between the international community and the situation on the ground. The special procedures and national human rights institutions were considered to be natural, complementary partners, because the constant presence of the latter allowed for support before, during and after the visits of special procedures, and with regard to communications and follow-up. Practical steps could be taken to strengthen cooperation between mandate holders and national human rights institutions. Within the International Coordinating Committee, the process of accreditation of national human rights institutions had been strengthened, with the accreditation status of institutions now being subject to review every four years. The views of non-governmental organizations were taken into account in the accreditation process, and special procedures could also play a valuable role in strengthening the independence of such institutions.

55. It was suggested that the Manual of Special Procedures should be improved by adding guidance on working with national human rights institutions; that future induction sessions for new mandate holders include additional information on interaction with such institutions; and a document on best practices in cooperation between national human rights institutions and special procedures be compiled.

56. The mandate holders stated that, during their country visits, they systematically meet with national human rights institutions, but their experience was mixed, particularly since the institutions enjoyed varying degrees of independence, regardless of their accreditation level. The representatives of national human rights institutions noted that universal periodic degree recommendations routinely called on States to establish category A institutions. The representative of the International Coordinating Committee noted that the human rights of women and trafficking had an increasingly high profile in the work of the committee, which now had access to the Commission on the Status of Women, and that the level at which gender was integrated into the work of a national human rights institution was also taken into account in the accreditation process.

57. The mandate holders requested information on how their priority issues could be included in the agenda of the annual meeting of the International Coordinating Committee. The role of national human rights institutions with regard to communications was also raised, and it was suggested that a methodology, including templates, could be developed, especially in follow-up. The mandate holders and representatives of national human rights institutions agreed to follow up on the issues raised during their interaction in greater depth.

E. Conclusion

58. **The mandate holders expressed their appreciation to the Special Procedures Branch of OHCHR for organizing the nineteenth annual meeting and for the documents provided. They suggested that the twentieth annual meeting could concentrate on working methods, including development of a more systematic approach to communications, and follow-up methodologies. The coordination of country visits, the development of outreach tools to strengthen the visibility of mandate holders, and policy issues with regard to sources of support for mandate holders were also considered areas warranting in-depth discussion.**

Annex

Special procedures mandate holders invited to attend the nineteenth annual 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.	Member of the Working Group of Experts on People of African Descent	Maya Sahli (Algeria)
3.	Vice- Chairperson of the Working Group on Arbitrary Detention	Shaheen Sardar Ali (Pakistan)
4.	Special Rapporteur on the sale of children, child prostitution and child pornography	Najat Maalla M'jid (Morocco)
5.	Special Rapporteur in the field of cultural rights	Farida Shaheed (Pakistan)
6.	Independent Expert on the promotion of a democratic and equitable international order	Alfred de Zayas (United States of America)
7.	Special Rapporteur on the right to education	Kishore Singh (India)
8.	Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances	Olivier de Frouville (France)
9.	Special Rapporteur on extrajudicial, summary or arbitrary executions	Christof Heyns (South Africa)
10.	Special Rapporteur on extreme poverty and human rights	María Magdalena Sepúlveda (Chile)
11.	Special Rapporteur on the right to food	Olivier De Schutter (Belgium)*
12.	Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	Cephas Lumina (Zambia)
13.	Special Rapporteur on the rights to freedom of peaceful assembly and of association	Maina Kiai (Kenya)*
14.	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	Frank William La Rue Lewy (Guatemala)*
15.	Special Rapporteur on freedom of religion or belief	Heiner Bielefeldt (Germany)

* Did not attend.

16.	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Anand Grover (India)
17.	Special Rapporteur on the situation of human rights defenders	Margaret Sekaggya (Uganda)
18.	Special Rapporteur on the independence of judges and lawyers	Gabriela Knaul (Brazil)
19.	Special Rapporteur on the rights of indigenous peoples	James Anaya (United States of America)
20.	Special Rapporteur on the human rights of internally displaced persons	Chaloka Beyani (Zambia)
21.	Member 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	Elzbieta Karska (Poland)
22.	Special Rapporteur on the human rights of migrants	Francois Crepeau (Canada)
23.	Independent Expert on minority issues	Rita Izsak (Hungary)
24.	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	Pablo de Greiff (Colombia)
25.	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Mutuma Ruteere (Kenya)
26.	Special Rapporteur on contemporary forms of slavery	Gulnara Shahinian (Armenia)
27.	Independent Expert on human rights and international solidarity	Virginia Dandan (Philippines)
28.	Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism	Ben Emmerson (United Kingdom of Great Britain and Northern Ireland)
29.	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Juan Mendez (Argentina)
30.	Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	Calin Georgescu (Romania)
31.	Special Rapporteur on trafficking in persons, especially women and children	Joy Ngozi Ezeilo (Nigeria)
32.	Member of the Working Group on the issue of human rights and transnational corporations and other business enterprises	Puvan Selvanathan (Malaysia)
33.	Special Rapporteur on the human right to safe drinking water and sanitation	Catarina de Albuquerque (Portugal)
34.	Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice	Kamala Chandrakirana (Indonesia)

35. Special Rapporteur on violence against women, its causes and consequences Rashida Manjoo (South Africa)*

II. Country mandates

36. Special Rapporteur on the situation of human rights in Cambodia Surya Prasad Subedi (Nepal)
37. Independent Expert on the situation of human rights in Côte d'Ivoire Doudou Diène (Senegal)
38. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea Marzuki Darusman (Indonesia)
39. Independent Expert on the situation of human rights in Haiti Michel Forst (France)
40. Special Rapporteur on the situation of human rights in the Islamic Republic of Iran Ahmed Shaheed (Maldives)*
41. Special Rapporteur on the situation of human rights in Myanmar Tomás Ojea Quintana (Argentina)
42. Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 Richard Falk (United States of America)*
43. Independent Expert on the situation of human rights in Somalia Shamsul Bari (Bangladesh)
44. Special Rapporteur on the situation of human rights in the Sudan Mashood Baderin (Nigeria)*