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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 eleventh 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 21 to 25 June 2004.

**REPORT OF THE ELEVENTH 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, 21-25 June 2004)

Rapporteur: Gabriela Pizarro-Rodriguez

Summary

The eleventh 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 21 to 25 June 2004. Twenty-six mandate-holders participated and discussed a variety of issues, including measures that could be taken to enhance the effectiveness of the special procedures system as well as ways and means of integrating their work into the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) through its field presences, technical cooperation activities and the work of its National Institutions Team, and into the wider United Nations system in accordance with the Secretary-General's reform agenda. In a joint meeting with the persons chairing the human rights treaty bodies, mandate-holders discussed the challenges that the current international climate and the fight against terrorism pose for the protection and promotion of human rights.

The participants held meetings with the Acting High Commissioner for Human Rights, with the Chairperson and the Expanded Bureau of the sixtieth session of the Commission, with interested non-governmental organizations as well as with OHCHR.

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 United Nations country teams (UNCTs) and expressed the need for more support and follow-up to their work at the country level by UNCTs and resident coordinators.

Also, it was felt that more needed to be done by all partners to disseminate information about the work of special rapporteurs; 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 joint statements at the end of the meeting on this issue, the situation in the occupied Palestinian territories as well as the current attempts to institutionalize discrimination against and exclusion of migrants. The text of these statements are annexed to the present 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 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 eleventh annual meeting of special procedures was held in Geneva from 21 to 25 June 2004. 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 eleventh annual meeting appears in annex II.
4. Following past practice, representatives of the Bureau of the sixtieth session of the Commission were invited to participate in the meeting. Pursuant to a recommendation made at the seventh annual meeting, participants also held a joint meeting with participants at the sixteenth meeting of persons chairing the human rights treaty bodies.

I. ORGANIZATION OF WORK

A. Opening of the meeting

5. The meeting was opened by Ms. Hina Jilani, the Chairperson of the tenth meeting. In her introductory statement, Ms. Jilani highlighted the joint initiatives undertaken by the mandate-holders, as well as other issues of common interest that had been raised during the past year. In connection with the recent efforts made to strengthen the work of the special procedures, Ms. Jilani made particular reference to the need for an appropriate assessment and evaluation of the effectiveness and efficiency of the special procedures system.

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

6. The Acting High Commissioner welcomed the participants and called the meeting an important forum for mandate-holders to share ideas and review their respective experiences with a view to improving the special procedures system. The meeting was also an opportunity for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to share with the mandate-holders information on the activities it had carried out to support their work and enhance its effectiveness.

7. He read a message on behalf of the High Commissioner, Louise Arbour, in which she expressed her regret at not being able to welcome them in person since she would be taking office only on 1 July 2004. She conveyed to the participants her desire to meet all of them individually soon after her arrival in Geneva and expressed her support for their activities on behalf of the promotion and protection of human rights.

8. The Acting High Commissioner described the mandate-holders as the first-line protection actors in today's United Nations and paid special tribute to the mandate-holders whose tenures were ending. He also welcomed those who were attending the meeting for the first time.

9. The Acting High Commissioner noted that it had been a significant year for the special procedures of the Commission on Human Rights with growing international recognition of the vital role they played in protecting and promoting human rights, and at the same time an unprecedented level of criticism with several issues being raised by Member States, including during the last session of the Commission.

10. The Acting High Commissioner referred to the need to find ways of more effectively protecting human rights, notably through the establishment and effective operation of national protection systems anchored in the rule of law, and 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.

11. He also referred to the actions taken by the Secretariat and the Special Procedures Branch of the Office to support the special procedures mechanisms and their interaction with other relevant human rights mechanisms and United Nations bodies, including at the country level. Such efforts included an increase in the human resources assisting mandate-holders, the restructuring of the Special Procedures Branch, the consolidation of the thematic database and the development of a better information support service, thus facilitating interaction with partners.

12. Finally, the Acting 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.

13. The mandate-holders paid tribute to the Acting High Commissioner who had managed to perform and carry out the mandate following the tragic death of the late High Commissioner, Sergio Vieira de Mello. Participants also praised the initiative taken by the Acting High Commissioner to investigate human rights violations in Iraq, Liberia and the Sudan.

C. Election of officers

14. Theo van Boven was elected Chairperson and Gabriela Rodriguez-Pizarro was elected Rapporteur of the eleventh annual meeting.

D. Adoption of the agenda

15. The meeting adopted the following agenda:

1. Organization of work:

(a) Introductory statement by the Chairperson of the tenth 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 the Expanded Bureau of the Commission on Human Rights.
 4. Thematic discussion: mainstreaming child rights.
 5. Consultations with non-governmental organizations.
 6. Exchange of experiences and information among special procedures mandate-holders.
 7. Consultations with the Board of Trustee of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.
 8. Cooperation with the human rights treaty bodies.
 9. National human rights institutions.
 10. Support services:
 - (a) Public information and communications;
 - (b) Security.
 16. Adoption of the report on the eleventh annual meeting.

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

17. Participants decided to take up items 2 and 6 together.
18. The mandate-holders discussed, on the basis of their experiences and of an exchange of information among themselves, the special procedures system in the context of the United Nations reform programme and the integration of their work into the wider United Nations system. Participants also addressed several substantive issues that had impact on their work and on the general human rights situation in the world.
19. On the status of implementation of Action 4 of the Secretary-General's reform programme on special procedures (see A/57/387), the participants were briefed on the progress made in recent months in further strengthening the special procedures system, in terms of servicing the various mandates, ensuring a continuous and coordinated information flow, delivering products – reports, thematic studies, communications - and identifying avenues for improved follow-up to recommendations.

20. In particular, participants were briefed on the new special procedures database and the strengthening of the Quick Response Desk, which had been upgraded to cover the processing of communications from all special procedures mandate-holders. The participants were also informed about the strengthening of the Special Procedures Branch, created the previous year; the development of individual web sites for each special procedures mandate, which would facilitate the dissemination of information on the activities and outputs of special procedures; the systematization of exchange of information and coordination among staff servicing the various special procedures mandates and between them and staff servicing the treaty bodies, in particular when processing communications and during the preparation of fact-finding missions; the exchange of experiences and collection of good practices for follow-up to recommendations of special procedures mandate-holders; the exchange of information on the activities of special procedures, in particular through systematic debriefings by special procedures support staff for all OHCHR staff after fact-finding missions; and the development of user-friendly electronic channels of communication between individuals and non-governmental organizations (NGOs), on the one hand, and special procedures on the other.

21. Participants underlined the need for greater consistency in their methods of work, while emphasizing the necessity of maintaining the specificities of each mandate and highlighting that, as independent mechanisms, they were the “owners” of their methods of work. The collection of good practices was helpful in this regard and had shown that while developing in parallel ways, the working methods of special procedures had many common elements and characteristics. The analytical compilation of methods of work of special procedures prepared by the Secretariat should be developed as a useful tool for new mandate-holders, to guide them in devising and defining their own methods of work.

22. The participants highlighted that induction sessions for new mandate-holders, to brief them on the functioning of the special procedures system and its integration in the rest of the human rights programme of the United Nations, as well as to familiarize them with the rules and procedures applicable to their respective mandates and the organizational charter and operations of the Office of the High Commissioner for Human Rights, which have been organized by the OHCHR for the past three years will be crucial this year as 16 new mandate-holders will be appointed. They suggested that induction sessions be organized to the extent possible at the same time, and that resources be made available to try to organize on this occasion meetings between outgoing mandate-holders and their successors.

23. It was also indicated that the methods of work of the various Working Groups could be examined in the light of the methods of work of individual experts (Special Rapporteurs, Special Representatives and Independent Experts), in order to enhance coordination among these two types of special procedures and facilitate exchange of information. In this context, the recent decision of the Working Group on Enforced or Involuntary Disappearances to join other special procedures in the sending of urgent appeals and letters of allegation, in the framework of its established admissibility criteria, was welcomed by participants.

24. The participants welcomed the strengthening of the Quick Response Desk and the upgrading of the urgent action database, which improved coordination among the various mandates when sending communications and was extremely helpful in identifying trends through the automatic collection of specific data on communications sent. They acknowledged with

appreciation that the majority (more than 60 per cent) of communications were now sent jointly by two or more mandate-holders and recognized that in most cases, this brought added value and strength to the communications. However, coordination, while rationalizing and simplifying processing and exchange of communications between special procedures and Governments, should not prevent special procedures mandate-holders from acting individually when they felt it was necessary in the context of their own mandates.

25. The issue of the duplication of work among special procedures was addressed by many participants. While some felt that it was more appropriate to address certain situations by way of joint communications, as was currently being done by most special procedures, others considered that it was rarely possible to foresee how a given situation would evolve, possibly requiring the involvement of other mandates. Some also believed that sending several communications could sometimes underline the gravity of a situation. Duplication of work was also raised in relation to the reports on communications, in particular when such reports reflected the content of joint communications; a number of allegations were therefore reprinted in different reports.

26. The meeting also addressed more conceptually the question of communications to Governments on alleged violations of human rights and of press releases and briefings. Participants exchanged their respective experiences in this regard and discussed their ability to address issues of common concern or of concern to more than one mandate either directly with Governments through communications, or through press releases and briefings. Questions relating to their status vis-à-vis the United Nations when doing so and to the clearing of their communications before they were issued were raised.

27. As independent experts of the Commission on Human Rights, the participants reiterated the position, expressed at their tenth meeting, that the sending of communications to Governments, the issuing of press releases on situations of concern and the holding of press briefings at the end of fact-finding missions were central to their work, as the ability to speak freely on the basis of their assessment of a human rights situation within their respective mandates was essential to their independence. There should be no interference of any kind, nor any clearance procedures.

28. With specific regard to country visits, many participants underlined the advantages of holding a press conference in the country concerned at the end of the visit, but stressed the need for confidentiality during the drafting of the report on the visit. Moreover, as a number of participants pointed to difficulties with respect to cooperation with other United Nations agencies present in the country concerned, it was suggested that the terms of reference for fact-finding missions should be sent in advance to the United Nations country team (UNCT). More cooperation among mandates and with treaty bodies for the preparation of country visits was also encouraged.

29. At their tenth meeting, the mandate-holders had raised the issue of the appointment of new mandate-holders and more generally of the independence of Commission on Human Rights experts. During their discussions at the eleventh meeting, including with the Expanded Bureau of the Commission (see section III below), participants reiterated their concern that the procedures for appointing new mandate-holders had become less transparent and more

politicized recently. They emphasized the basic criteria of independence and expertise for the appointment of experts and underlined the need to pay attention to geographic and gender balance when appointing experts.

30. In follow-up to a discussion at the tenth meeting on the possibility of developing a joint annual yearbook reflecting their activities, which the Commission had requested in resolution 2004/76, the participants expressed their interest in the development of a joint annual compilation of their recommendations by country, so as to highlight the activities of the special procedures as a body of human rights experts. This annual report would be posted on the OHCHR web site prior to each session of the Commission.

31. Another participant suggested the possibility of publishing a document reflecting the status of the human rights situation in the light of the respective experiences of mandate-holders. The preparation of the document would be coordinated by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

32. The participants also discussed the possibility of the Secretariat's preparing, and regularly updating, country assessments, using a format similar to the one developed for country profiles under the plan of action for Action 2 of the Secretary-General's reform programme on strengthening human rights-related United Nations actions at the country level. These would serve as background information reports on each country's human rights situation. Such country assessments should reflect the indivisibility and interdependence of all human rights, civil, cultural, economic, political and social, and include all countries, even those where a UNCT was not present. As a matter of priority and as test cases, country profiles could be prepared prior to the missions to be undertaken by mandate-holders between the eleventh and the twelfth annual meetings.

33. Concerning the integration of the special procedures in the work of the United Nations at the country level, participants were briefed on the steps taken to implement Action 2, as well as on cooperation between special procedures and OHCHR field presences.

34. The implementation of Action 2, which had become a major priority of the Office, focused on building capacities of UNCTs as an entry point to strengthen the national human rights protection system. Promoting two-way interactions between the UNCTs and the United Nations human rights mechanisms, including the special procedures system, was one of the main objectives under the inter-agency plan of action developed and adopted in September 2003, on the basis of which a detailed workplan and implementation modality had been developed at the inter-agency level. Among the actions taken by the Office were: (a) delivering "country profiles" to UNCTs which were in the process of developing their common country assessments (CCA) and United Nations Development Assistance Framework (UNDAF) documents,¹ which contained user-friendly summaries of main recommendations by treaty bodies and special procedures; (b) developing an information note on special procedures for the UNCTs and providing regular updates; and (c) integrating training modules on special

¹ Known as CCA/UNDAF roll-out countries, as listed by the United Nations Development Group (UNDG).

procedures into the in-country training workshops to assist UNCTs to integrate human rights into their work. The Office had also established an in-house coordination mechanism to ensure cross-fertilization of efforts among all substantive branches for the implementation of Action 2. The meeting was also told of an encouraging example of how a UNCT had taken steps to follow up on recommendations by special procedures: a United Nations Development Programme (UNDP) programme on human rights in Uzbekistan was developed as a follow-up to the visit of Special Rapporteur on torture).

35. With regard to the role of OHCHR field presences in the context of the implementation of Action 2, enhancing national human rights protection systems had been the main substantive focus of activities of the field presences that OHCHR had in some 40 countries. Among them were a growing number of human rights components of United Nations peace missions (now 13), stand-alone offices (Burundi, Cambodia, Colombia, Democratic Republic of the Congo, etc.) and offices of regional representatives and human rights advisers (Guyana, Nepal, Sri Lanka, etc.). All OHCHR field presences had a mandate to provide capacity-building through advisory services and technical cooperation focusing on the areas that broadly defined the concept of national protection systems, such as the administration of justice, human rights education, national institutions, etc. During the course of the year, country profiles would also be developed to cover all the countries with field presences. They would be supplemented by a matrix showing who is doing what in the area of human rights at the country level. Country profiles and matrixes were not an end in themselves, but a starting point for making operational the recommendations of special procedures and treaty bodies.

36. In the discussion that followed, the Chairperson noted the importance of country profiles for the human rights work at country level and requested that the finalized country profiles be systematically made available to mandate-holders. Other participants highlighted the need to focus on all human rights, including economic, social and cultural rights. They also regretted that country profiles were not available for developed countries, stressing the importance of the universality of human rights.

37. Some participants also pointed out the need for more thorough briefing of UNCTs prior to the visits of mandate-holders, based on their terms of reference for fact-finding missions and their methods of work, in order to promote better understanding of the independent nature of the special procedures mechanisms and of how UNCTs could facilitate such visits.

38. During their exchanges under items 2 and 6, the participants also addressed a number of substantive issues of great concern to all their mandates. In particular, they discussed limitations being placed on the applicability of human rights norms and standards on the grounds of national security and counter-terrorism measures, and the worrying tendency of certain States to draw artificial legal barriers between humanitarian and human rights law in order to restrict the application of the latter in conflict situations (see also paragraphs 64 and 65).

39. While the creation of a mandate that would comprehensively address the issue of human rights and terrorism was welcomed, there was general agreement that anti-terrorism measures had such far-reaching consequences that they triggered the scope of application of all special procedures mandates of the Commission on Human Rights, including those related to economic, social and cultural rights. In this respect, the importance of continuing cooperation between

special procedures and the treaty bodies on this issue was underlined, as was taking advantage not only of existing international legal provisions, but also other supporting documents such as general comment No. 29 of the Human Rights Committee (see also paragraphs 64 and 65).

40. Participants expressed particular concern, among a number of recent developments in the so-called war on terror, at the misuse of otherwise legitimate anti-terrorist measures in order to legitimize certain forms of discrimination or to amalgamate the fight for self-determination with terrorism. Some participants also felt that, in addition to the non-derogable nature of certain rights, Governments' attention should also be drawn to the principle of proportionality in their conception and implementation of anti-terrorist measures. In the fight against terrorism, the situation of certain vulnerable groups, in particular migrants, asylum-seekers, refugees and those facing incommunicado detention, was becoming more and more critical.

41. In concluding the items, participants reiterated their concern about violations of human rights in the context of counter-terrorism measures and stressed the need to continue to monitor developments in that area. They also expressed their concern about the situation in the occupied Palestinian territories, as well as about the current attempts to institutionalize discrimination against and exclusion of migrants. They adopted three joint statements on these situations, which are reproduced in annex I.

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

42. Under item 3, participants held a meeting with the Expanded Bureau of the sixtieth session of the Commission on Human Rights. The Chairperson of the Commission, Michael Smith, opened the meeting. He referred to special procedures as an important component of the Commission's work and, on behalf of the Expanded Bureau, paid tribute to all mandate-holders for the energy, commitment and sacrifice.

43. He outlined the achievements of the last session of the Commission, which had held a special sitting on the situation in the Middle East with a particular focus on the issue of targeted assassinations; established new thematic mandates on trafficking in people, impunity and counter-terrorism; and new country mandates on Belarus, Chad, the Democratic People's Republic of Korea, the Sudan and Uzbekistan. The Chairperson noted that a number of mandates had ended and he thanked those mandate-holders who were finishing their terms.

44. The Chairperson, together with other representatives of the Expanded Bureau, raised a number of issues that he hoped could be discussed during the meeting. They included the importance of mandate-holders' maintaining their credibility, not only individually but collectively, and the importance of mandate-holders' confining their observations to their mandates and of ensuring that the information contained in their respective reports was well-grounded in fact, not opinion.

45. 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, less time should be spent on other aspects of the Commission's work, in particular the high-level segment. More regular dialogue could be conducted with regional groups between sessions of the Commission to enhance cooperation.

46. A number of mandate-holders 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.

47. The mandate-holders reiterated that their independence and integrity should not be put into question, in view of the fact that they had been nominated by the Bureau of the Commission. They expressed reservations about disclosing their sources of information when sending allegations to Governments. Finally, the mandate-holders encouraged the Expanded Bureau to speed up the process of nomination of mandate-holders, bearing in mind geographical distribution and gender balance, to avoid gaps in the fulfilment of mandates, and suggested that the establishment of new mandates should be followed by the allocation of adequate financial resources.

IV. THEMATIC DISCUSSION: MAINSTREAMING CHILD RIGHTS

48. The purposes of the discussion on this item were to increase the awareness among the mandate-holders of child rights and to encourage them to apply greater attention to child rights concerns in their work (e.g. communications, country visits).

49. In addition to the Chairperson of the Committee on the Rights of the Child, Jaap Doek, representatives from the World Organization against Torture, Save the Children and UNICEF made presentations. Welcoming the interest expressed by the mandate-holders and noting some positive examples, in general the speakers in their presentations expressed the concern that only ad hoc or inconsistent attention was given to children's rights within the activities of the special rapporteurs.

50. Greater efforts should be made on both sides to improve information flow between the mandate-holders and the Committee on the Rights of the Child, as well as other United Nations agencies and NGOs, by, for example, providing concise, detailed and targeted information to the mandate-holders on relevant issues; providing information to the Secretariat early in the planning stages of visits, including on priority issues and the places and persons to be visited; harmonizing the working methods of mandate-holders in the area of child rights; and establishing a systematic communication mechanism/focal point on child rights between partners and the mandate-holders.

51. Participants stressed the important role of NGOs and United Nations agencies in the follow-up to recommendations made after country visits. Many mandate-holders described examples of child rights issues being raised in the course of their work, or specific areas to which greater attention needed to be paid (e.g. cultural rights of children, traditional practices, child soldiers, unaccompanied minors, migrant children, the death penalty, discrimination against transgender children, the psychological impact of housing demolitions on children, children in administrative detention). Other participants highlighted the need to also analyse the impact of cultural behaviour on children.

52. Ms. Jahangir briefed the participants about her experience concerning children and her mandate and Mr. Pinheiro, in his capacity as the independent expert appointed by the Secretary-General to lead the study on violence against children, highlighted recent developments in relation to the study. He invited all the mandate-holders to consider playing a role in the study. Mr. Pinheiro described the consultative process he was undertaking in the preparation of the report and the major themes it would address.

V. CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

53. Participants met with representatives of several NGOs to exchange views, in particular on the interaction between the special procedures mandate-holders and the Commission.

54. The meeting was attended by most Geneva-based NGOs and offered the opportunity to raise issues of mutual concern and discuss trends in the human rights situation, as well as concrete ways for NGOs to support the work of mandate-holders. During the meeting, the Chairman also introduced the newly appointed OHCHR NGO Liaison Officer.

55. Several themes came up in the discussions. NGOs were generally concerned about counter-terrorism legislation, especially in connection with the jurisdiction of military tribunals, migrants, refugees and asylum-seekers, and about the consequences of extreme poverty on the protection of human rights. NGO representatives deplored the politicization of the debates at the Commission and personal attacks by some Member States against mandate-holders, questioning their credibility and methods of work. The lack of cooperation and support from Governments and the scarcity of resources allocated to the mandate-holders were also raised.

56. Mandate-holders expressed their appreciation for the work done by NGOs in connection with their mandates and reiterated their view 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 example, NGOs could contribute more to the follow-up of field visits, by ensuring that recommendations were considered and implemented. Also, better coordination between international, regional and national NGOs on country missions could have beneficial results. The importance of relying on regional mechanisms both for reporting and follow-up purposes was also highlighted.

57. Mandate-holders felt that more time should be devoted to the exchange with NGOs and called for a more structured agenda that would allow a more focused two-way discussion and limit the number of parallel statements on both sides.

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

58. As the participants decided to discuss items 2 and 6 together, the summary of the discussion under item 6 is reflected in section II above.

VII. COOPERATION WITH THE HUMAN RIGHTS TREATY BODIES

59. The sixth joint meeting was co-chaired by Theo van Boven as Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and Prasad Kariyawasam as Chairperson of the meeting of chairpersons of the human rights treaty bodies.

60. For the first time, the joint meeting met with the Chairperson of the Board of the Voluntary Fund for Technical Cooperation in the Field of Human Rights, Thomas Hammarberg, who said that assistance provided by the Fund could be used to encourage States to ratify treaties, to take into consideration mandate-holders' findings, to meet their reporting obligations and to implement special procedures' recommendations at the national level. That was in line with the recommendations of the global review of the OHCHR technical cooperation programme, which had also suggested that there should be better coordination between the different fields of activity carried out by the Office, in particular technical cooperation, treaty bodies and special mechanisms.

61. Technical assistance was not limited to those areas, however. The Board considered that better communication between the treaty bodies and special procedures, country visits and the recommendations emanating therefrom, and deepening the involvement of civil society (including NGOs and national human rights institutions) and specialized agencies in the reporting process and the national implementation of the treaties were also priority concerns.

62. He welcomed the practice of treaty bodies and mandate-holders in their concluding observations and reports of advising States to consider seeking technical assistance; the impact of such recommendations should be assessed. It was important for members of the treaty bodies and the special procedures mandate-holders to have the opportunity to meet field presences; that would allow them to become more sensitive to the latter's concerns and to formulate recommendations in a way that was more easily understood and more readily implemented.

63. The participants agreed to continue their discussions in order to deepen their cooperation. Special mention was made of the work to be done by the Board of the Fund and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families to encourage ratifications of that instrument.

64. The joint meeting also took up the thematic issue of the impact of counter-terrorism measures on human rights. The issue was introduced by the Secretariat which drew attention to the study requested of the High Commission by the General Assembly in resolution 58/187 on the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work. It was also noted that the Commission at its sixtieth session adopted resolution 2004/87 in which it decided to designate, for a period of one year, an independent expert to assist the High Commissioner to examine the

question of the protection of human rights and fundamental freedoms while countering terrorism, to make recommendations thereon and to assist States in that regard. The Secretariat also mentioned the work currently being undertaken to update the Digest of Jurisprudence of the United Nations and Regional Organization on the Protection of Human Rights while Countering Terrorism, published in 2003.

65. Several participants pointed out that counter-terrorism measures had far-reaching consequences, impacting on the work of most of the mandates both of the treaty bodies and the special procedures, including economic, social and cultural rights. The study requested by the Assembly should therefore identify those areas where collaborative reporting could be undertaken and should propose comprehensive solutions (at country and at regional level) that would include both the work of the treaty bodies and the special procedures mandate-holders.

66. The panoply of national and international human rights norms and standards should not be disregarded when addressing this issue. In particular, general comments No. 29 and No. 31 of the Human Rights Committee offered straightforward guidelines with regard to the principles of proportionality and non-derogable rights. The non-derogable nature of the prohibition of torture, and the principle of non-refoulement to a State where there are substantial grounds for believing that a person would be in danger of being subjected to torture were also highlighted.

67. The impact of counter-terrorism measures on vulnerable groups (such as children or migrants) required further consideration, in particular with regard to the enjoyment of their economic, social and cultural rights. Concern was also expressed with regard to the legitimization of discrimination vis-à-vis certain groups, in particular within the penal justice system. The use of anti-terrorism measures to suppress democracy movements or to justify human rights violations was condemned, as was the emerging practice of equating struggles for self-determination with terrorism.

68. It was recommended that the treaty bodies and special procedures cooperate on this issue. Treaty bodies should continue to address the theme in their concluding observations, and general comments, as well as in consideration of relevant individual communications. Treaty bodies and special procedures mechanisms should also deepen their collaboration with the Counter-Terrorism Committee.

VIII. NATIONAL HUMAN RIGHTS INSTITUTIONS

69. A member of staff of OHCHR briefed the participants on the work of national institutions (NIs) and highlighted the role that mandate-holders played or could play to advocate for the establishment or strengthening of independent and credible NIs during their country visits, expressing support for NIs when relevant and calling to task NIs when they were not fulfilling their mandates. With their expertise, mandate-holders could also provide advice to NIs in specific areas and take appropriate action when NIs were under threat.

70. Mandate-holders acknowledged the important role played by NIs in some countries but also called for vigilance in ensuring that the international community worked with credible institutions which operated in a truly independent capacity for the promotion and protection of human rights.

71. It was noted that the strategic partnership between mandate-holders and the National Institutions Unit of the Office could be reinforced by seeking advice and assistance from national institutions in preparing country missions and in the follow-up to the mandate-holders' recommendations; encouraging NIs to publicize and monitor implementation of the recommendations; encouraging and assisting NIs in raising awareness about the role/functions and activities of mandate-holders at the country level; requesting, as appropriate, assistance from national institutions in verifying the accuracy of information received. In this regard, mandate-holders requested that the Special Procedures Branch share information about the activities of mandate-holders, especially in relation to their planned missions. In addition, the Unit was asked to facilitate the distribution of the mandate-holders' reports to the relevant national institutions.

IX. SUPPORT SERVICES

A. Public information and communications

72. A OHCHR staff member made a brief presentation on the development of the OHCHR communication strategy, including steps taken to assist mandate-holders in their relations with the media such as the issuing of press releases announcing country visits or on specific issues or concerns; regular updates on the work of the mandate-holders during the biweekly press briefings in Geneva; and through information conveyed to the Spokesperson of the Secretary-General at Headquarters and the United Nations information centres in different regions of the world. The Media Unit also arranged press briefings for the special procedures, mainly during the annual sessions of the Commission.

73. Mandate-holders noted the importance of disseminating information about their work. Some highlighted the fact that there was a substantial amount of information available on the OHCHR web site, but it was necessary to disseminate it in different forms in order 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.

B. Security

74. 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 performed in conditions of safety. The participants were brief about the electronic training package on security matters and told that the Security Unit 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, including staff accompanying mandate-holders in the field.

75. Participants welcomed recent developments and acknowledged with great appreciation the assistance received, particularly while on mission. However, there were some concerns regarding the electronic training which was perceived as not adequate for the type of missions conducted by mandate-holders.

X. ADOPTION OF THE REPORT ON THE ELEVENTH ANNUAL MEETING

76. On the basis of its discussions, the meeting formulated the following for inclusion in the report on the eleventh annual meeting.

Organization of work

77. It was agreed that the twelfth meeting would be held during the second half of June 2005 and that the agenda would be prepared by the Secretariat in close consultation with the Chairperson and the Rapporteur.

Decisions on enhancing the effectiveness of the special procedures system and exchange of experiences and information among special procedures mandate-holders

78. The meeting decided:

(a) To enhance coordination in the preparation of fact-finding missions and the publication of statements relating to situations of grave human rights concern. While acknowledging the improved and strengthened coordination in the processing of joint communications and the issuing of joint press releases, the meeting emphasized the importance of greater coordination, interaction and joint action among special procedures;

(b) To request the Secretariat to prepare country assessments, in coordination with special procedures and other human rights mechanisms, as a means of improving coordination in the preparation of fact-finding missions;

(c) To include on the agenda for the annual meeting of the special procedures a new item on a thematic issue. In this context, the meeting proposed that the agenda of the twelfth meeting should include the item "Human rights and security". A future meeting should also include the item "human rights and extreme poverty";

(d) To request the Secretariat to develop a listserv to facilitate communication and exchange of information between all special procedures mandate-holders;

(e) To request the Secretariat to circulate to mandate-holders the e-mail addresses of all mandate-holders;

(f) To strongly encourage the organization of induction sessions for new mandate-holders, including the sharing of the analytical compilation of special procedures' working methods;

(g) To encourage new mandate-holders to coordinate with their predecessors;

(h) To request the Secretariat to prepare an electronic compilation of the country-specific recommendations prior to each session of the Commission on Human Rights;

(i) To prepare a joint report on the human rights situation in the world, in light of the respective experiences of the mandate-holders. Participants requested the current Chairperson to develop a framework for such a report;

(j) To improve the structure of the meeting with non-governmental organizations by identifying in advance common themes for discussion. The meeting strongly encouraged consultation with non-governmental organizations and the Chairperson in the identification of these common themes;

(k) To encourage the Chairperson of the Commission on Human Rights to preserve the independent status of special procedures and to reflect regional and gender balance in the appointment of new mandate-holders. The meeting further encouraged the Chairperson of the Commission on Human Rights to appoint special procedures early so as to avoid gaps in the work under the mandate;

(l) To request the Secretariat to reflect on the identification of effective avenues for enhanced follow-up of special procedures' recommendations;

(m) To encourage strongly that the agenda for future sessions include provision for a discussion with United Nations agencies, funds and programmes;

(n) To include on the agenda of future sessions provision for coordination and possible exchange of information with the Counter Terrorism Committee of the Security Council and the Special Representative of the Secretary-General on the prevention of genocide;

(o) To open up to the public parts of future annual meetings of mandate-holders which are of general interest;

79. The participants adopted the present report at the last meeting, held on 25 June 2004.

Annex I

JOINT STATEMENTS BY PARTICIPANTS AT THE ELEVENTH ANNUAL MEETING OF 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

A. Protection of human rights and fundamental freedoms in the context of anti-terrorism measures

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 eleventh annual session in Geneva from 21 to 25 June 2004, reiterate the concerns expressed in their statement of June 2003 regarding the serious incidence that certain measures taken in the name of the fight against terrorism may have on the enjoyment of human rights and fundamental freedoms.

They once again strongly voice their unequivocal condemnation of terrorism in all its forms. At the same time, they reaffirm their individual and collective determination to monitor, each within the framework of his or her mandate, those policies, legislation, measures and practices developed by States in the name of the fight against terrorism, with a view to ascertaining that they are consistent with international human rights standards.

Bearing in mind a number of recent developments that have seriously alarmed the international community with regard to the status, conditions of detention and treatment of prisoners in specific places of detention, they express their unanimous desire that the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Leila Zerrougui, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, and the Special Rapporteur on the question of torture, Theo van Boven, visit, together and at the earliest possible date, those persons arrested, detained or tried on grounds of alleged terrorism or other violations, in Iraq, Afghanistan, the Guantánamo Bay military base and elsewhere, with a view to ascertaining, each within the confines of their mandate, that international human rights standards are properly upheld with regard to these persons, and also to make themselves available to the authorities concerned for consultation and advice on all issues within their areas of competence. They further express the wish that they present the outcome of their approaches and visits to the Commission on Human Rights at its sixty-first session.

B. Violations of human rights and fundamental freedoms in the occupied Palestinian territories

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 eleventh annual session in Geneva from 21 to 25 June 2004, express our strong concern regarding continuous violations of human rights and

fundamental freedoms in the occupied Palestinian territories, despite grave concerns repeatedly expressed by the international community, including through Security Council resolution 1544 (2004) of 19 May 2004. Such expressions of grave concern have been dealt with in numerous missions and statements by special procedures. This concern has been most recently expressed in numerous statements regarding the human rights violations taking place during the military incursion by the Israeli Defence Force in the Rafah refugee camp in the Gaza Strip.

We deplore the practices of the Israeli authorities, including targeted killings, excessive use of force during military incursions, arbitrary and long periods of incommunicado detention, and torture and other forms of inhuman and degrading ill-treatment. Furthermore, we deeply regret the policy of demolition of Palestinian houses and destruction of civilian property, the massive confiscation and destruction of land and restrictions on the freedom of movement, which violates, inter alia, the human rights to food, housing, water, health, education and work.

We also denounce the practice of “suicide bombings” carried out against the Israeli population.

Recalling previous recommendations of United Nations human rights mechanisms, we would urge the Security Council to authorize an international protection force in the occupied Palestinian territories to ensure that human rights violations cease.

We will continue to closely monitor the human rights situation in the occupied Palestinian territories and to report on violations, through joint action when necessary. We urge Israel to comply with its obligations under international law and to fully cooperate with the United Nations protection and monitoring mechanisms, including during country visits by special procedures of the Commission on Human Rights.

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 eleventh annual session in Geneva from 21 to 25 June 2004, express our strong concern regarding the continued deterioration in the situation and the denial of the human rights of migrants. We recognize the sovereign right of States to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay. Such actions by States must, however, be consistent with their obligations under international humanitarian law and human rights law. In this regard, we wish in particular to express our concern about the current attempts to institutionalize discrimination and exclusion of migrants as well as the increasing tendency to restrict the human rights of migrants, including the treatment that migrants, especially women and unaccompanied minors, deemed to be irregular, receive.

C. Situation of migrants

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 eleventh annual session in Geneva from 21 to 25 June 2004, express their strong concern regarding the continued deterioration in the situation and the denial of human rights of migrants. We recognize the sovereign right of States to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay. Such actions by States must, however, be consistent with their obligations under international humanitarian law and human rights law. In this regard, we wish in particular to express our concern about the current attempts to institutionalize discrimination against and exclusion of migrants as well as the increasing tendency to restrict the human rights of migrants, including the treatment that migrants, especially women and unaccompanied minors, deemed to be irregular receive.

Annex II

LIST OF SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND THE MANDATE-HOLDERS INVITED TO ATTEND THE ELEVENTH MEETING

I. THEMATIC MANDATES

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| 1. | Working Group on Enforced or Involuntary Disappearances | Chairperson-Rapporteur
Mr. D. García-Sayán
(represented by Mr. S. Toope*) |
| 2. | Working Group on Arbitrary Detention | Chairperson-Rapporteur
Ms. L. Zerrougui* |
| 3. | Special Rapporteur on extrajudicial, summary or arbitrary executions | Ms. A. Jahangir*
(until end July 2004) |
| 4. | Special Rapporteur on the independence of judges and lawyers | Mr. L. Despouy* |
| 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*
(until end July 2004) |
| 8. | Special Rapporteur on the question of the use of mercenaries | Mr. E. Bernales-Ballesteros
(until end July 2004) |
| 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. Y. Ertürk* |

* 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*
(until end July 2004) |
| 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
(until end July 2004) |
| 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
(until end July 2004) |
| 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. | Independent expert on the situation of human rights in Afghanistan | Mr. C. Bassiouni |
| 2. | Special Representative of the High Commissioner on the situation on human rights in Cuba | Ms. C. Chanet* |

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| 3. | Special Rapporteur on the situation of human rights in Iraq | Mr. A. Mavrommatis*
(until end July 2004) |
| 4. | Special Rapporteur on the situation of human rights in Myanmar | Mr. P.S. Pinheiro* |
| 5. | Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 | Mr. J. Dugard |
| 6. | Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo | Ms. I.A. Motoc*
(until end July 2004) |
| 7. | Independent expert on Burundi | To be appointed |
| 8. | Special Representative of the Secretary-General for human rights in Cambodia | Mr. P. Leuprecht* |
| 9. | Independent expert on the situation of human rights in Somalia | Mr. G. Alnajjar* |
| 10. | Independent expert on the situation of human rights in Haiti | Mr. L. Joinet* |
| 11. | Independent expert on technical cooperation and advisory services in Liberia | Ms. C. Abaka* |
