

# **Note on the activities of the Coordination Committee of Special Procedures in 2007/2008**

## **I. Background**

### **1. Discussions on the role of the Coordination Committee at the 12<sup>th</sup> Annual Meeting of Special Procedures**

During the twelfth meeting of special procedures mandate holders in 2005 it was agreed to establish a Coordination Committee (CC). As noted on pp. 17 of the report on the twelfth annual meeting (E/CN.4/2006/4), mandate holders decided that the Coordination Committee should have the principal role of contributing to the ability of the individual experts to carry out their mandates in the most effective way and to promote the standing of the Special Procedures system within the broader framework of the United Nations and its human rights programme.

Mandate holders agreed that the Committee would play a facilitative role, and thus its proposals would be of a recommendatory nature. The Committee would have no role in relation to the substantive issues being dealt with by each special procedure. Its overall role would be limited in order to avoid an excessive workload for its members and to ensure the independence and autonomy of mandate holders.

The Coordination Committee would not be a policy making body, nor would it set priorities or have a role in relation to substantive issues, except to express the collective concerns of the experts. It would not deal with issues of resources available to individual Special Procedures.

It was agreed that the Committee's main function was to seek to assist coordination among mandate holders and to act as a bridge between them and the OHCHR, the broader UN human rights framework, and civil society. Consequently, it should play a role in:

- Enhancing the effectiveness and independence of mandate holders and facilitating their work;
- Being available to mandate holders to share experience concerning methods of work;
- Ensuring that the concerns of the Special Procedures system are taken into account in the reform process, and reporting on the developments and progress in this regard;
- Proactively identifying issues of concern to groups of mandates and facilitating joint action on cross-cutting issues or issues of shared concern;
- Structuring the exchange of information and in particular keeping mandate holders informed of the activities carried out by colleagues; and
- Proposing a draft agenda for the Annual Meeting of the Special Procedures and presenting a report to the Meeting.

### **2. Discussions on the role of the Coordination Committee at the 13<sup>th</sup> and 14<sup>th</sup> Annual Meetings of Special Procedures**

The mandate of the Coordination Committee was reviewed by mandate holders at the 13<sup>th</sup> meeting of special procedures in 2006. As noted on pp. 5 of the report on the meeting (A/HRC/4/43), the majority of participants expressed support for a stronger and more proactive role of the CC which would facilitate the interaction between special procedures and the Human Rights Council (HRC) and increase synergies between mandate-holders. It would also ensure that mandate-holders speak with one voice, which was particularly important at a time where fundamental reforms, which could have an impact on the role of special procedures, were being discussed. Some participants stressed that while it was agreeable that there should be a mechanism of coordination this should not lead to conformity.

In terms of the functions to be performed by the CC, several proposals were made, including:

- The participation of the CC in consultations regarding the review of mandates;
- Bringing into the discussion with the HRC the concerns of mandate-holders;
- Including the issue of cooperation with special procedures;
- Advocating for more resources for special procedures in the context of the reform;
- Identifying innovative ways to raise awareness about special procedures and their work;
- Taking action in a proactive manner to ensure that the “rationalization” of mandates does not result in an erosion of the effectiveness of the system.

At the 14<sup>th</sup> annual meeting, mandate holders discussed and outlined a number of challenges to be addressed by the CC, including: issues arising from the institution building process, including implementation of the Code of Conduct; the finalization of the special procedures manual; the analysis of protection gaps; the facilitation of an increasing number of joint activities; and the definition of the role and functions of the Coordination Committee in the new framework.

## **II. Members and Working Methods**

The following special procedures mandate holders were elected as CC members on 18 June 2007: Gay McDougall (Chair and Chairperson of the fourteenth meeting), Vernor Muñoz Villalobos (Rapporteur of the fourteenth meeting), Miloon Kothari, Yakin Ertürk, Okechukwu Ibeanu and Vitit Muntarbhorn (ex-officio member and former Chair).

The Coordination Committee held meetings and telephone conferences. The telephone conferences took place on 26 July 2007, 29 August 2007, 06 November 2007, 17 December 2007, 25 February 2008 and 12 May 2008. As of the end of May, a meeting had been scheduled for 22 June 2008.

## **III. Activities undertaken by the Coordination Committee since June 2007**

## 1. Overview

The Coordination Committee discussed or took action in relation to the following issues, among others:

- Human Rights Council review of mandates;
- Human Rights Council selection procedure of mandate holders;
- Coordination Committee meetings with members of the regional groups of the HRC and NGOs;
- Special Procedures Annual Meeting;
- Revised draft Manual;
- SP Internal Advisory Procedure;
- Participation of mandate holders in the sessions of the Human Rights Council;
- Coordination of a press release on the human rights day;
- CC press release regarding the human rights situation in Pakistan, the house arrest of Ms. Asma Jahangir and the detention order against Ms. Hina Jilani;

## 2. Review of special procedures mandates by the Human Rights Council

The Coordination Committee played an active role during the process of the review of mandates conducted by the Human Rights Council. The aim was to ensure that the process of review of mandates would result in a more effective and strengthened system of special procedures.

At the 6<sup>th</sup> session and the resumed 6<sup>th</sup> session of the Human Rights Council in September and December 2007, the CC held meetings with the High Commissioner for Human Rights, the President of the Human Rights Council, the coordinators and members of regional groups and other groups of the HRC and NGOs. The issues generally mentioned by the CC in these meetings are the following:

- The review of mandates should: - lead to increased level of human rights promotion and protection and address protection gaps; - take into account the interrelatedness of all human rights and ensure balance between different categories of rights (economic, social, ...); - maintain independence of mandate holders as an essential feature of the special procedures system and; - provide an opportunity to special procedures mandate holders to directly and effectively interact with the HRC;
- The need to have predictability regarding the process of review of mandates that would facilitate the presence of mandate-holders during the respective assessments;
- The need to focus on the protection of human beings as the most important outcome of the review process;
- Importance of taking into account cooperation received by Governments when assessing the impact and efficiency of the work of mandate-holders;
- The need to use the same criteria regarding the process of review of thematic and country mandates;
- Independence and impartiality are not compatible with the appointment of individuals currently holding decision-making positions within the executive or legislative branches of their Governments;

- CC would like to engage with, and contribute to the Universal Periodic Review mechanism;
- The selection procedure should be a transparent process, and respect regional balance.

During the 7<sup>th</sup> session of the HRC in March 2008, the Chair of the CC held meetings with the High Commissioner for Human Rights, the President of the Human Rights Council, members of the Consultative Group (CG) and NGOs. During those meetings the CC generally stressed the following points:

- The CC would like to constructively engage with the CG, given that resolution 5/1 provides that “The consultative group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate”;
- The CG has not proactively or consistently reached out to either mandate holders or other stakeholders so far;
- The need for greater transparency and consultation in the process of selection of mandate holders;
- The need for justification of recommendations by the CG;
- The CC supports the nomination of some mandates, such as SRSG on Human Rights Defenders, by the SG;
- The need to achieve a gender balance when selecting candidates for special procedures mandate holders. The CC supports an increase in the number of women candidates on the Public List;
- The need to verify the information contained in the CVs submitted by candidates. Outgoing mandate holders, if consulted, could provide advice on short-listed candidates;
- Mandates whose mandate holders have completed their first terms of three years should not be subject to a reappointment process, in accordance to resolution 5/1 which states that “[a] mandate-holder’s tenure in a given function, whether a thematic or country mandate, will be no longer than six years (two terms of three years for thematic mandate-holders).

### **3. Selection procedure of mandate holders**

#### Technical Criteria:

The CC submitted a letter to the President of the HRC with CC members’ views on the technical requirements for eligible candidates for mandate-holders

#### Consultative Group

With the aim to constructively engage with the CG, the CC asked outgoing mandate holders to provide information regarding which skills they consider a new mandate holder must have to carry out the respective mandate. The information received was shared with members of the CG.

### **4. Working Methods**

#### Draft Manual:

During the 14th Annual Meeting of Special Procedures, participants agreed to ask a number of mandate-holders, through the Coordination Committee, to revise the Manual, taking into account the comments received by stakeholders as well as the Code of Conduct adopted by the Human Rights Council.

A draft Manual was prepared by members of the Task Force and the Coordination Committee and sent to all mandate holders asking for their comments. A final draft was prepared incorporating all comments received for discussion at the 15<sup>th</sup> Annual Meeting with a view to its adoption by all mandate holders.

#### Internal Advisory Procedure:

Mandate-holders held in-depth discussions on the Code of Conduct during the 14<sup>th</sup> Annual Meeting and took a decision to authorize the CC to draft and present to its 15<sup>th</sup> Meeting an appropriate procedure by which the Code of Conduct and other relevant documents, including the Manual of the United Nations Human Rights Special Procedures may best be implemented to enhance the effectiveness and independence both of the Special Procedures system as a whole and also of individual mandate-holders. In the meantime the CC was authorized to give appropriate consideration to any matter concerning the working methods of mandate-holder which may be brought to its attention. The CC has followed up on these discussions and has set up an internal interim procedure for the review of procedures and methods of work until a permanent procedure is adopted at the 15th Annual Meeting. The CC Chair was seized by member States in two cases, which were later dealt bilaterally by mandate holders.

#### **IV. Some proposals on the future role and activities of the Coordination Committee**

The role and functions of the CC will be discussed at the 15<sup>th</sup> Annual Meeting in June 2008, taking into account the CC experience during the past three years. The CC submitted some proposals in its last report to the 14<sup>th</sup> annual meeting with a view to consolidate the committee's role in creating greater synergies within the system of special procedures:

- Identifying cross-cutting issues or issues of concern to groups/clusters of mandates, and bringing these to the attention of the Human Rights Council and Member states, to facilitate action and follow up;
- Identifying and proposing thematic or country-related issues for special sessions and thematic debates of the Council;
- Collecting the views of mandate holders for input into special sessions or thematic debates and ensuring the involvement of mandate holders in such events;
- Ensuring enhanced coordination of country visits, e.g. by facilitating regular and periodic advance joint planning of visits;
- Ensuring enhanced coordination of public statements, e.g. by facilitating regular and periodic joint planning;

- Ensuring follow-up of SP's recommendations, e.g. by facilitating exchange of information of current follow-up practices adopted by mandate holders;
- Ensuring that working methods are reviewed on a regular basis, taking into account the views of Member states, non-governmental organizations, OHCHR and other stakeholders;
- Annual exchanges of views of the Coordination Committee and the HRC on major issues of concern and those requiring follow up by the HRC or the special procedures;

The CC would encourage mandate holders to continue discussing these and other potential suggestions for strengthening the role of the Coordination Committee, while duly taking into account, the capacity of members of the CC and support available from the Office of the High Commissioner.

#### **V. Acknowledgements**

The CC wishes to thank all mandate holders for their valuable contributions to its work, as well as for their encouragement and confidence over the past year. The CC also gratefully acknowledges the professional and efficient support provided by the Information Coordination and Management Team of the Special Procedures Division of the Office of the High Commissioner.

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